



Convention on the Elimination of All Forms of Discrimination against Women

Distr.: General
2 November 2012

Original: English

Committee on the Elimination of Discrimination against Women

Fifty-fifth session

8-26 July 2013

List of issues and questions with regard to the consideration of periodic reports

Dominican Republic

The pre-session working group examined the combined sixth and seventh periodic report of the Dominican Republic (CEDAW/C/DOM/6-7).

Constitutional, legislative and institutional framework

1. In its report, the State party indicated that the Constitution refers to equality and equity of women and men and provides for a balanced participation of women and men as candidates (see para. 56). Please indicate whether the State party envisages defining the terms “equity” and “equality” and the notion of a balanced participation of women and men in the laws and action plans and programmes, in the light of the previous recommendations of the Committee indicating that the terms “equity” and “equality” are not synonymous and that the Convention is directed at eliminating discrimination against women and ensuring equality between women and men (see A/59/38, para. 289).

National machinery for the advancement of women

2. The national gender equality and equity plan 2007-2017 is mentioned in paragraph 67 of the report of the State party. Please describe the results achieved so far through its implementation, indicate whether the State party has established a monitoring mechanism for its implementation, and explain how the plan is in conformity with the Convention. Please also indicate the measures taken to allocate adequate human and financial resources to the national machinery and to provide it with technical capacity-building activities. In paragraph 66 of the report, the State party indicated that the Ministry of Women has signed working agreements with 22 municipalities and is conducting a gender auditing programme in 11 municipal governments. Please indicate the measures taken to ensure that the scope of action of the Ministry of Women covers the entire territory.



Stereotypes and harmful practices

3. Paragraph 110 of the report refers to various actions taken by the State party to eliminate gender stereotypes. Please describe the results achieved so far through these actions. Please also indicate whether the State party envisages elaborating a comprehensive policy to change social and cultural patterns that lead to stereotyping, reproducing or reinforcing the traditional roles of women and men within the family and society in general. Please also indicate the measures envisaged to eliminate multiple forms of discrimination faced by disadvantaged groups of women, such as women of Haitian descent, rural women, women with disabilities and discrimination faced by women on the basis of their religion or the colour of their skin.

Violence against women

4. Please provide detailed information on the current situation, trends and legal provisions with respect to violence against women and girls, including rape, marital rape and domestic violence, and provide data on the number of cases of violence against women reported to the police and brought to court, and the number of prosecutions, convictions and sentences imposed in this regard.

5. Paragraph 77 of the report refers to the delay in revising the Penal Code. Please indicate the actions taken or envisaged to accelerate the revision of the Penal Code and provide a clear time frame for its adoption. Please also indicate the actions taken to ensure that the provisions of the Penal Code are in line with the Convention and indicate whether discriminatory provisions have been withdrawn from the draft Penal Code, as recommended by the Committee in its previous concluding observations (see A/59/38, para. 284), including the amendments eliminating the definition of violence against women, reducing the penalties for perpetrators of domestic violence, penalizing abortion and withdrawing criminal charges or suspending sentences in cases of rape if the perpetrator marries the minor victim.

6. In paragraph 239 of the report, the State party mentions actions taken after the evaluation of the National Model for the Prevention and Mitigation of Violence against Women and Domestic Violence. Please provide information on the status of implementation of these recommendations.¹

Trafficking and exploitation of prostitution

7. In the light of the Committee's previous concluding observations (see A/59/38, para. 297), please provide information on the steps taken to address the root causes of and discourage the demand for prostitution and on the actions taken to prevent and eradicate child prostitution and sexual tourism. In the light of the Committee's previous concluding observations (see A/59/38, para. 297), please also indicate the measures taken to provide educational and economic alternatives to prostitution, and introduce exit programmes as well as rehabilitation and reintegration measures for women exploited in prostitution.

8. In paragraphs 115 to 119 of the report, the State party provided information on actions taken to combat trafficking. Please provide updated information on these

¹ In its report, the State party places violence against women under article 17. However, it should be noted that this article does not cover violence against women.

actions and their impact, including the campaign against trafficking launched in 2007 (see para. 119) and the hotline set up to exchange information with possible victims of trafficking (see para. 122). Please indicate the steps taken to ensure the effective implementation of the National Action Plan against Trafficking of Persons and Smuggling of Migrants and to take effective measures for the rehabilitation of victims of trafficking and exploitation. Please provide information on the number of women and girls who are victims of trafficking for purposes of sexual and economic exploitation, the number of prosecutions and the sentences imposed on traffickers.

Participation in decision-making and representation at the international level

9. The report refers to Act 12-2000 establishing a 33 per cent quota for women candidates at the provincial and municipal councils (see para. 100). Please indicate the measures envisaged by the State party to ensure the effective representation of women in provincial councils. Please provide information on the actions envisaged to achieve equal representation of women and men in other areas of the political and public life, in particular in decision-making positions in the executive, the Senate and the National Assembly and in the civil service at national and local levels (including through the adoption of temporary special measures, in accordance with article 4, paragraph 1, of the Convention and the Committee's general recommendation No. 25 (2004) and as recommended in the Committee's previous concluding observations (see A/59/38, para. 299)).

Nationality and citizenship

10. In its previous concluding observations (see A/59/38, para. 300), the Committee expressed its concern regarding discriminatory provisions on the definition of nationality, which directly affect one of the most vulnerable groups in the country, namely Dominican women and girls of Haitian descent, and regarding restrictions in the transfer of nationality from a Dominican woman to her foreign husband. Please indicate whether these provisions still apply since the amendment of the provisions on nationality in the new Constitution (see para. 140). Please also provide information on the definition of individuals "in transit" who are reportedly not entitled to Dominican nationality and indicate how this affects Haitian migrants, including migrant women.

Education

11. Please provide information on the drop-out rate of girls owing to teenage pregnancy and on the steps taken to encourage young women to return to school after pregnancy. Please also indicate the steps taken to eliminate stereotypical attitudes about the roles and the responsibilities of women and men in textbook curricula and teacher training. Please provide information on the measures taken or envisaged to encourage women to take a wider range of subjects in secondary and post-secondary schools, to include non-traditional subjects. Please indicate the measures taken to ensure the effective access to education of girls of Haitian descent and refugee girls.

Employment

12. The report refers in paragraph 176 to the National Gender Equality and Equity Plan 2007-2017, the National Strategic Plan for the Elimination of the Worst Forms

of Child Labour in the Dominican Republic 2006-2016, the Road Map to Eliminate Worst Forms of Child Labour 2010-2012, the campaign “Give girls a chance — end child labour”, and the Gender Action Plan to Create Jobs in the province of Santiago. Please provide information on the impact of these plans.

13. In the light of the Committee’s previous concluding observations (see A/59/38, para. 307), please indicate the measures taken to prohibit dismissal on the ground of pregnancy, and to ensure effective implementation of the law on social security, the labour legislation and the legislation on sexual harassment and other forms of violence against women, in particular in free-trade zones. Please provide information on the steps taken to prohibit the requirement of pregnancy testing as a condition for obtaining or maintaining employment. Please also provide information on the measures taken to address the wage gap between women and men and the occupational segregation of women in the public and the private sectors.

14. Please provide information on the steps taken to provide domestic workers, who are mainly women, with the same protection as provided to other workers. Please also provide information on whether inspection mechanisms have been established to monitor the working conditions of domestic workers.

Health

15. Please provide detailed information on the measures taken to address the high incidence of early pregnancies, in particular in rural areas, and provide detailed information on the availability and the accessibility of comprehensive education on sexual and reproductive health and rights and family planning services, in the light of the Committee’s previous concluding observations (see A/59/38, para. 309).

16. In paragraph 62 of the report, the State party acknowledges that article 37 of the Constitution, providing that the right to life is inviolable from conception to death, represents a limitation to the full exercise of women’s sexual and reproductive rights. Please provide information on the rate of abortion and the number of deaths due to unsafe abortion. Please indicate whether the State party considers amending the Constitution and legalizing abortion when pregnancy is harmful to the mother’s life and/or health, as well as in cases of incest and rape, in the light of the Committee’s previous concluding observations (see A/59/38, para. 309).

17. Please indicate the measures envisaged to further decrease the maternal mortality rate and improve women’s access to quality health care. Please also indicate the measures taken to prevent breast and cervical cancer. Please provide information on the impact of the implementation of articles 50(3) of Law 135-11 on compulsory HIV/AIDS testing for pregnant women, and articles 78 and 79 sanctioning the intentional transmission of HIV/AIDS.

Rural women

18. While mentioning the existence of the Support Programme for Rural Women (see para. 221) and the land reform on rural women (see para. 230), the State party acknowledges the persisting lack of access for rural women to water, land, health, education and employment (see paras. 223-227). Please indicate the measures envisaged to ensure the effective access of rural women to health, education, land, water, food, housing, credit and income-generation projects.

Marriage and family relations

19. Paragraph 73 of the report refers to the ongoing reform of the Civil Code. Please indicate the actions taken or envisaged to accelerate the adoption of the new Civil Code and provide a clear time frame for its adoption. Paragraph 75 of the report refers to the adoption of legal provisions related to de facto unions. Please elaborate on the content of these provisions and indicate whether they have been adopted or are part of the current legal reform. Paragraph 74 of the report describes the conditions for divorce and remarriage of a woman. Please indicate whether the State party intends to withdraw such conditions.

Amendment to article 20, paragraph 1

20. Please indicate any progress made with respect to the acceptance of the amendment to article 20, paragraph 1, of the Convention.
