



REFERENCE: DB/follow-up/Dominican Republic/66

26 April 2017

Excellency,

In my capacity as Rapporteur for Follow-up on Concluding Observations of the Committee on the Elimination of Discrimination against Women (CEDAW), I have the honour to refer to the examination of the combined sixth and seventh periodic report of the Dominican Republic at the Committee's fifty-fifth session, held in July 2013. At the end of that session, the Committee's concluding observations were transmitted to your Permanent Mission (CEDAW/C/DOM/CO/6-7). You may recall that in the concluding observations, the Committee requested the Dominican Republic to provide, within two years, written information on the steps undertaken to implement the recommendations contained in paragraphs 25 and 35 of the concluding observations.

The Committee welcomes the follow-up report received with 14-month delay in September 2016 (CEDAW/C/DOM/CO/6-7/Add.1) under the CEDAW follow-up procedure. At its sixty-sixth session, held in March 2017 in Geneva, the Committee examined this follow-up report and adopted the following assessment.

Regarding the recommendation made in **paragraph 25** of the concluding observations, recommending that the State party “develop, as a matter of priority, a national plan of action to prevent and combat violence against women and adopt a comprehensive law on violence against women that provides for risk assessments for victims, early warning mechanisms and awareness-raising about the various forms of violence against women, bearing in mind special needs in terms of accessibility of information for marginalized women and women with disabilities”: The State party noted that a draft Bill has been submitted in coordination with relevant actors within the Justice System, with the aim of developing a national plan of action for the prevention of violence against women.

The Committee notes as positive the submission of a draft Bill to combat violence against women. However, it regrets that the Bill has not yet been adopted, while no steps have been taken to implement a national plan of action to prevent and combat violence against women. It further regrets that no additional action has been taken to provide risk assessments for victims or early warning mechanisms and awareness-raising about the various forms of violence against women. The Committee considers that the State party has taken some steps to implement the recommendation. It considers that the recommendation **has been partially implemented**.

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In relation to the recommendation that the State party “strengthen the judicial system in order to apply the law on violence against women and to provide measures to protect potential victims, including restraining orders against perpetrators”: The State party referred to various joint projects developed between the Division of Gender and Family within the Ministry of Women’s Affairs, the National College of Judges and the Gender Equality Commission, including a project to strengthen the implementation of a Policy on Gender within the Judiciary (2015-2019) aimed at identifying the main training gaps in relation to applying a gender perspective to cases involving violence against women, sexual violence and femicide. The State party further noted that the Senate has established a Centre for Women Victims of Domestic Abuse, a Centre for Women Survivors of violence, as well as a Protocol for follow up regarding women who are in shelters through the Office of the Public Prosecutor. The State party however noted that due to financial constraints it has not been able to introduce other plans that it had foreseen to address the concerns raised by the Committee in relation to strengthening the judiciary or to protect potential victims, including the issuance of restraining orders against perpetrators.

The Committee notes the efforts made to strengthen capacities of members of the judiciary in adopting a gender perspective when applying the law in cases involving violence against women, sexual violence and femicide. However it considers that the State party did not take concrete steps to protect potential victims, including the issuance of restraining orders against perpetrators. The Committee considers that the State party has taken some steps to implement the recommendation. It considers that the recommendation **has been partially implemented**

With regards to the recommendation that the State party “ensure that women and girls, including those with disabilities, who are victims of violence have adequate access to medical, psychosocial and legal assistance and to victim and witness protection programmes”: The State party indicated that a strategy for Strengthening the Response of the National Health System to Violence (2016-2020) has been adopted, which focuses on gender based violence against children, women and the elderly and highlights violence as a public health issue that particularly affects women, children and the elderly, including women with disabilities, and LGBTI women. The State party further noted that the Senate has developed a law on access to justice for victims of domestic violence and a proposal to provide legal aid to women who do not have the financial means to cover legal costs, including victims and witnesses of violence. The State party further indicated that two interview centres have been established in San Cristóbal and Santiago to improve access to justice for female victims of violence and witnesses of crimes. It is expected that more will be opened in the near future. The State party noted that currently the centres are used mainly for interviewing children and adolescents, and women in exceptional circumstances, given the limited capacity of the two centres and the high demand they are experiencing. The State party also highlighted a number of measures taken to raise awareness about the risks faced by women with disabilities to violence: In 2015 the National Council on Disabilities organised an awareness raising workshop on the rights of persons with disabilities among staff from the Department of Family Affairs, Childhood and Gender, the Division of Gender and Family and the National College of the Judiciary. It further noted that in December 2015 an inter-institutional agreement was signed between all the relevant judicial bodies in conjunction with the National Council on Disabilities to develop a National Plan on Disability.

The Committee welcomes the development of a strategy to strengthen the response of the National Health System to Violence (2016-2020), the development of a law on access to justice for victims of domestic violence and the proposal to provide legal aid to women victims. It however regrets that these proposals have not yet been adopted. Noting as positive the establishment of two interview centres in San Cristóbal and Santiago as a means of improving access to justice for female victims of violence and witnesses of crimes, and the plans to establish more of such centres in the future, the Committee regrets that the centres are currently only being used for women in exceptional circumstances. It further notes that concrete information has not been provided on measures taken to ensure access to medical and psychosocial assistance for victims, and regrets the lack of information on witness protection programmes. The Committee

considers that the State party took some steps to implement the recommendation. It considers that the recommendation **has been partially implemented**.

The Committee recommends that, in relation to paragraph 25 of the concluding observations, the State party provide, **in its next periodic report**, information on further actions taken to:

1. Expedite adoption of the draft Bill to combat violence against women along with a national plan of action to prevent and combat violence against women, which provides for risk assessments for victims, early warning mechanisms and awareness-raising about the various forms of violence against women, bearing in mind special needs in terms of the accessibility of information for marginalized women and women with disabilities.
2. Strengthen capacities of actors of the judicial system to address gaps identified in adopting a gender perspective when applying the law in cases involving violence against women, sexual violence and femicide and develop concrete measures to protect potential victims, including the use of restraining orders against perpetrators.
3. Enhance efforts to ensure that women and girls, including those with disabilities, who are victims of violence have adequate access to medical and psychosocial assistance, as well as to victim and witness protection programmes. In addition, expedite adoption of the law on access to justice for victims of domestic violence and establish additional Interview Centres throughout the country, allowing for the extension of their use to all cases of violence against women.

With regards to the recommendation made in **paragraph 35** of the concluding observations “to adopt measures to encourage women to opt for non-traditional occupational areas such as technical professions“ : The State party noted that the Technological Institute of the Americas (ITLA) has signed an agreement with the Research Centre for Feminist Action in 2010, which aims to encourage women to elect technical careers and organized awareness raising workshops on the gender digital divide, while a widely disseminated awareness raising campaign has resulted in an increase of approximately 15 per cent in female candidates participating in ITLA courses. The State party further referred to a number of other projects including ongoing school visits to encourage girls to apply for technological careers as well as funding for combined courses on digital training and English language run by the Women’s Digital Federation. In addition, it mentioned that joint measures have been taken by the Ministry of Labour and the National Institute for Professional Technical Training to provide professional and/or technical training for women who wish to opt for non-traditional careers. It noted that between 2009 and 2014 some 12,520 women were trained in non-traditional careers, including general mechanics, car mechanics, electrics and construction. Various events were also carried out at the Autonomous University of Santo Domingo on the International Women’s Day to promote non-traditional careers for women.

The Committee welcomes the various measures that have been taken by the State party to encourage women to opt for non-traditional occupational areas, such as technical professions, including through awareness raising workshops, initiatives to promote enrolment in technological careers and incentives to follow courses on digital training. The Committee considers that the State party took significant steps towards the implementation of the recommendation. It considers that the recommendation **has been implemented**.

Regarding the recommendation “to provide for effective remedies for victims of sexual harassment in the workplace, including through the adoption of the necessary legislation”: The State party noted that Article 47 (9) of Labour Law No. 16-92 of the Labour code prohibits sexual harassment in the workplace, while amendments to the Labour Code have introduced a variety of measures to protect female customs workers from sexual abuse in the workplace. It referred to a second set of “Guidelines on Labour Rights for equal opportunities and non-discrimination” that

has been disseminated through the Ministry of Labour since 2014, and accompanied by various implementing mechanisms, including labour inspections, a complaints service and legal aid. It further noted that between 2014 and 2015, 49 workshops were carried out for local labour inspectors on the prohibition of sexual harassment in the workplace. The State party also mentioned that the Ministry of Tourism has introduced a specific mechanism to combat sexual harassment in the workplace, including the establishment of an Anti-abuse Unit which provides psychological assistance to victims.

The Committee notes as positive the various measures that have been taken by the State party to provide prevent sexual harassment in the workplace, including the adoption of the necessary legislation and the introduction of complaint mechanisms. However, it notes that the State party did not provide any information on remedies available for victims of sexual harassment and on their effectiveness. The Committee considers that the State party took some steps towards the implementation of the recommendation. It considers that the recommendation **has been partially implemented.**

With regards to the recommendation that the State party “prohibit and prosecute compulsory pregnancy testing and HIV/AIDS testing as a condition of employment and establish a mechanism for monitoring the working conditions of women living with HIV/AIDS”: The State party mentioned that through amendments to the Labour Code in 2012 compulsory pregnancy testing and HIV/AIDS testing as a condition of employment have been abolished. The State party noted that cases involving persons who were dismissed before 2012 on the basis on being HIV positive have been referred to the Labour Board, where appropriate measures are taken to reinstate such persons to their former employment. It further referred to a sentence handed down by the Supreme Court of Justice in 2015 (Sentence No. 113) for the ‘mobbing’ of persons with HIV/AIDS in the workplace, and noted that the case is now considered to be an important precedent for the future. The State party mentioned that Law 135-11 is an important legislative tool that provides for the prevention of HIV/AIDS and includes sanctions that apply when the rights of persons with HIV/AIDS are violated in the workplace. The State party also referred to a number of programmes that have been established through the Ministry of Labour to prevent discrimination against persons living with HIV/AIDS and ensure equal opportunities.

The Committee notes as positive the amendments to the Labour Code abolishing compulsory pregnancy testing and HIV/AIDS testing as a condition of employment and referral of past cases to the Labour Board, as well as a sentence of the Court of Justice on mobbing of persons with HIV/AIDS in the workplace and programmes to prevent related forms of discrimination. However, the Committee notes that no information was provided by the State party in relation to the establishment of a specific mechanism to monitor the working conditions of women with HIV/AIDS in the workplace. The Committee considers that the State party took some steps towards the implementation of the recommendation. It considers that the recommendation **has been partially implemented.**

Regarding the recommendation “to expand and allocate adequate resources to childcare facilities throughout the State party and introduce flexible working hours for women and men in both the public and private sectors”: The State party noted that there are 125 kindergartens operating throughout the country, during the normal working hours of both the public and private sector, while extended hours have been introduced (from 08:00 to 17:00) in schools where children are provided with breakfast and afternoon snacks. It further indicated that a significant budget has been allocated to implement the National Plan of Action for the Protection of Early Childhood Development. It mentioned that through the Plan, 101 new kindergartens will be built along with 600 community centres to provide for 146,071 children between 0-5 years. It indicated that in 2016 the aim was to build at least 216 additional childcare facilities to provide for 90,000 children. In addition, the State party mentioned plans to build 1000 community centres, beginning with 120 in 2013, and to introduce child care training over the next 3 years for parents as soon as a child is born.

The Committee welcomes the plans, as well as the corresponding budgetary allocations, to expand the availability of child care facilities throughout the country, the introduction of extended hours in schools and the provision of breakfast and afternoon snacks to children in some of these institutions. While the Committee appreciates the political will demonstrated by the State party to increase child care facilities nationwide, the Committee notes that information on specific measures that have been taken to introduce flexible working hours for women and men in both the public and private sectors was not provided. The Committee considers that some steps have been taken by the State party to implement the recommendations. The Committee considers that the recommendation **has been partially implemented**.

In relation to the recommendation that the State party “raise awareness among men and women about their equal family responsibilities and encourage men to participate equally in child rearing and household responsibilities”: The State party indicated that as part of a ten year education plan, a process is in place to raise awareness of the shared responsibilities in child-rearing and household responsibilities. It also noted that the Institute for Professional Technical Training includes a module on gender equality. It further referred to a number of policies that have been developed through the Ministry of Labour, in accordance with Decree 974-2 of September 2001, to increase awareness of gender inequality, including a project to be overseen by the Division for Equal Opportunities and Non-Discrimination, to raise awareness about the importance of co-responsibility within the family in relation to child rearing and other household duties.

The Committee welcomes the various measures introduced to raise awareness among men and women about their equal family responsibilities and to encourage men to participate equally in child rearing and household responsibilities. The Committee considers that even though the State party took significant steps towards the implementation of the recommendation, it would still be necessary to include other measures beyond the Ministry of Labour in order to effectively raise awareness, including actions within the educational system and the media. It considers that the recommendation **has been partially implemented**.

The Committee recommends that, in relation to paragraph 35 of the concluding observations, the State party provide, **in its next periodic report**, information on further actions taken to:

1. Ensure that appropriate remedies are in place for victims of sexual harassment in the workplace and take measures to de-stigmatize victims and raise awareness about the criminal nature of acts of sexual harassment so as to support the lodging of formal complaints;
2. Establish a specific mechanism to monitor the working conditions of women with HIV/AIDS in the workplace;
3. Take concrete measures to introduce flexible working hours for women and men in both the public and private sectors.
4. Continue expanding awareness raising activities about equal family responsibilities of men and women beyond the Ministry of Labour, including through actions targeting the educational sector and the media.



Please accept, Excellency, the assurances of my highest consideration.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Hilary Gbedemah'.

Hilary Gbedemah  
Rapporteur on follow-up  
Committee on the Elimination of Discrimination against Women