



## Alternative Report to the Committee on Economic, Social and Cultural Rights (CESCR)

On the occasion of the Dominican Republic presenting its  
Periodic Report No. 4 to the Committee



Geneva, Switzerland  
September 2016

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## INTRODUCTION

This report has been prepared by the Latin-America and Caribbean Committee for the Defense of the Rights of Women-Dominican Republic (CLADEM-RD, for its Spanish acronym) and the Women Health Collective, and aims to present the Committee with a view on the implementation of the Covenant on Economic, Social and Cultural Rights in the Dominican Republic, as well as the impact of inequality between men and women, so that it can open a dialogue with the Dominican State in a constructive way to improve the overall situation.

**This report has the support and endorsement of the following organizations of the Dominican civil society:**

- Research Center for Feminist Action (CIPAF, for its Spanish acronym)
- National Human Rights Commission (CNDH, for its Spanish acronym)
- Magaly Pineda Feminist Forum
- Center for Gender Studies INTEC (CEG-INTEC, for its Spanish acronym)
- Solidarity Alliance to Combat HIV and AIDS (ASOLSIDA, for its Spanish acronym)
- Association of Dominico-Haitian Women (MUDHA, for its Spanish acronym)
- National Confederation of Rural Women (CONAMUCA, for its Spanish acronym)
- Social Movement of Dominican-Haitian Workers (MOSCHTA, for its Spanish acronym)
- Core for Women Support (NAM, for its Spanish acronym)
- Caribbean Migrants Observatory (OBMICA, for its Spanish acronym)
- Democratic Union of Women (UDEMU, for its Spanish acronym)
- Solidarity Center for Women Development (CEMUJER, for its Spanish acronym)

## GENERAL FRAMEWORK

The Dominican Republic is a country with many injustices and inequalities for most of the population, and although the Central Bank reports that the country's economy grew 7.3% of its gross domestic product (GDP) in 2015<sup>1</sup>, that

<sup>1</sup> Central Bank of the Dominican Republic, December 2015 Report.

growth is not redistributed appropriately and therefore it does not favor human development of the majority and, in particular, the quality of life. According to the Ministry of Economy, Planning and Development, since 2012, both moderate poverty and extreme poverty have been reduced from the general poverty of 41.2% in 2013 to 35.8% in 2014 and extreme poverty from 10.0 % to 7.9% in the same period. This represents a reduction of 5.4 percentage points and 2.1 percentage points respectively.

The Dominican political system is characterized by a wide disbelief associated with high levels of corruption, misappropriation of public assets and impunity as the norm. To which high levels of violence is added, as well as extrajudicial executions by the National Police.

Administrative deficiencies, corruption and impunity are factors that occur daily in Dominican society, the index for Corruption Perceptions in the public sector for the country by 2015 is 33%<sup>2</sup>, having increased the number of people who consider the government is corrupt.

In 2016, the central government ended the first quarter with a fiscal deficit equivalent to 0.9% of GDP, for a 580% increase over the same period of 2015. The deficit in the first quarter represents 40% of the total approved in the budget for 2016<sup>3</sup>. This increase in the budget and public spending, is presumed to corresponds to the spending of the State's funds on the re-election campaign of the ruling party.

The Human Development Index or HDI of the Dominican Republic, which the United Nations uses to measure the progress of a country, was of 0,715 points in 2014, which was ranked at 102nd of the table of 187 countries. Likewise, the country is the 73rd economy in terms of GDP. Its public debt in 2014 was 16,575 million euros, a 34.38% of GDP and its per capita debt is €1,677 euros per habitant<sup>4</sup>.

The information and statistical data from different State bodies also reveal the gender bias of our development process; for example, the reports of the Cabinet of Social Policy reveal that 65% of households in poverty are headed by women, which is reinforced with data from United Nations Development Program (UNDP) 2015, which state that "*human development in the Dominican Republic is reduced by 44% by gender inequalities*"<sup>5</sup>.

Similarly, although women are older and have a higher level of education than men (67% of university students are women), the rate of female labor force participation is 44.5% compared to the male's 67.9%<sup>6</sup>. In addition, it has been seen that throughout our lives women carry the main burden of time, work and cost of caring for children, which has major implications when one considers that 88% of births are of single mothers<sup>7</sup>, and that women are victims of emotional, affective and labor abuse with health damage that sometimes lead to death<sup>8</sup>.

2 Index on Perceptions of Corruption in the public sector - World Transparency Organization - <http://www.datosmacro.com/estado/indice-percepcion-corrupcion/republica-dominicana>

3 Newspaper "Acento", April 14th, 2016. <http://acento.com.do/2016/economia/8340441-tres-meses-deficit-fiscal-29-7-mil-millones-pesos-denuncia-prm/>

4 Macro Data - Dominican Republic Public Debt 2014- <http://www.datosmacro.com/deuda/republica-dominicana>

5 UNDP, HDI, 2015. [http://www.bancentral.gov.do/publicaciones\\_economicas/consulta/1/0/Informe-de-la-Economia-Dominicana](http://www.bancentral.gov.do/publicaciones_economicas/consulta/1/0/Informe-de-la-Economia-Dominicana)

6 Central Bank of the Dominican Republic, 2013 Report.

7 National Statistics Office, ONE 2015 <http://www.one.gov.do/Estadisticas/5/censos>

8 Center for Gender Studies INTEC- "*Social debts of the country with women*" March 2, 2016

The Zika Virus has spread in all parts of the country, and until June 30th, 2016, authorities have reported about 140 patients with Guillain-Barre Syndrome in the Dominican Republic, which before had Zika symptoms, 15 of which died. The Ministry of Public Health reported that there are three cases of babies born with microcephaly that may be related to Zika. In this situation the only prevention policy of the State has been urging women not to become pregnant, without implementing a public policy of sex education and access to contraception<sup>9</sup>.

### ART. 3. EQUALITY BETWEEN MEN AND WOMEN IN THE ENJOYMENT OF ESCR



The Dominican Republic currently has a Ministry of Women with ministerial rank and autonomous character. However, despite the transversal public policy which it is called to execute according to the law that creates it, it has not achieved the desired impact. In part, this is due to poor allocation of resources for this institution, being, along with the Ministry of Youth, the ministry with less funds allocated.

The *Latinobarómetro* 2012 revealed that 76.7% of men and 87.9% of women agreed that women should work regardless if the man's income is not enough<sup>10</sup>. The same survey<sup>11</sup> also noted that 95.1% of men and 97.9% of women agreed that under no circumstances can a man beat his wife. The data shows changes in social attitudes and other ethical sense of violence against women. When compared with ENDESA<sup>12</sup> 2007, in which the same questions were formulated, differences in the results are large.

The Unified System of Beneficiaries (SIUBEN, for its Spanish acronym) for government assistance programs has established that 65% of households in poverty are headed by women, indicating the living conditions of families with single mothers. Also, the UNDP's Gender Inequality Index (GII) 2015 indicates that 54 of every 100 women are unemployed, compared to 32 out of 100 men. Among working women, almost half (47%) is in informal activities, reflecting a situation of insecurity and low pay<sup>13</sup> and, moreover, women are less likely to receive a pension in old age than men<sup>14</sup>.

9 Newspaper "El Caribe" August 2nd, 2016 <http://www.elcaribe.com.do/2016/08/02/salud-reitera-posponer-embarazo-por-zika>

10 Rosario Espinal and Jana Morgan (2012) *Political Culture of Democracy in the Dominican Republic and the Americas. Towards Equal Opportunities*. USAID, Temple University, University of Tennessee and Vanderbilt University. P. 236 et seq. Full report available at: <http://www.vanderbilt.edu/lapop/dr/DomRepublic-2012-Report.pdf>

11 Political Culture of Democracy in Dominican Republic. Opt. Cit.

12 Idem.

13 National Bureau of Statistics, 2015.

14 Centro Bono Report on Human Rights, 2015.

Despite perceptions, Dominican society preserves within its distinctive features cultural practices and customs that discriminate against women, promoted by different social instances, within these some State institutions, in which schemes and rules are imposed that affect women directly. The media also reinforces discriminatory messages by promoting female sexual objectification and by promoting an alleged virile male superiority through images and radio messages. While the Constitution guarantees freedom of expression, the State has not taken sufficient measures to prevent actions that violate the right to equality.

As for the political participation of women in the Dominican Republic, although since 1997 there has been in effect a law on female quota, on the lists of candidates of the political parties is reflected their resistance to allow participation, and is even skewed the representation, by transferring it by familiarity or favors. Proof of this is the current distribution of elective positions: only 7.7% of 155 municipalities are headed by women; of 32 Senate seats, there are only 4 female senators and just 40 female representatives from 190 seats in the Chamber of Representatives, equivalent to 12% and 20%, respectively. In this context, 12 provinces have no female representation in Congress. At the government level, of 21 ministries only 4 are headed by women<sup>15</sup>.

From 2005 to 2015, 2,074 women have been killed, most aged 15 to 30 years. This serious situation makes us the country with the third highest rate of femicide in the region and the highest prevalence of such crimes against women committed in the home between 40 countries in the Americas. Violence against women is widespread, official figures estimating that 1 in 5 women over 15 years of age has been the victim of physical violence and 1 in 10 has suffered sexual violence. This type of violence is normalized in Dominican society, is an event of daily occurrence at school, in the community and in the employment context, where 31.7% of women are victims of sexual harassment, both in the public and private sector.

## Recommendations:

1. Assign and gradually disburse more funds for execution to be implemented in cross-gender public policies at all levels and State areas.
2. Disburse sufficient funds for maintenance and operation of the Ministry of Women.
3. Establish and regulate through the Political Parties Law the gender parity at a political level, especially for candidates for congressional and municipal positions, as well as the composition of ministerial government.
4. Approve the draft of the Organic Law for the Prevention, Care, Punishment and Eradication of Violence against Women.

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15 Gender Equality Index. United Nations Development Programme, 2015 Dominican Republic.



## ARTS. 6 - 9. RIGHT TO EMPLOYMENT AND WORKING CONDITIONS

The International Labor Organization (ILO) report on Growth, Employment and Social Cohesion (2013) states that over 20 years of strong economic growth, the Dominican labor market has been transformed into a more modern market, but a more informal one. The unemployment rate is around 5 percent and is within the lowest rank among the countries of Latin America. Underemployment in working hours' accounts for around 16 percent of total employment, and about a third of the underemployed are looking for extra hours. By adding the number of underemployed who sought more work at the official rate of unemployment you get the rate of "underutilized labor", which is about 20 percent.

The gender gap in labor participation, meanwhile, remains very high. The Central Bank says that 54% of women are responsible for making financial decisions in the household, especially between 25 and 46 years. Similarly, 65% contribute to the family budget<sup>16</sup>. However, these work at home caring for the family do not receive the recognition from society or the state. When they are employed, they continue to receive an average salary equivalent to 78.7% of the income received by men<sup>17</sup> that perform the same job, and in addition to that in terms of privileges they do not receive the same ones.

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With regard to unemployment, the National Labor Force Survey reports that in 2013 there were 434.097 unemployed women, almost double compared to men, who were 276.138. In 2014, the situation worsened: the figure increased to 457.409 unemployed women, while the number of unemployed men decreased to 256.294. The year 2014 ended with an unemployment rate of 23.1% for women and only 8.7% for men<sup>20</sup>, where girls and women in rural areas are the most affected, even if women have more schooling and higher grades.

16 Central Bank of the Dominican Republic, 1st. Survey of Economic and Financial Culture of the Dominican Republic (2014) [http://www.bancentral.gov.do/publicaciones\\_economicas/otros/Encuesta20141119.pdf](http://www.bancentral.gov.do/publicaciones_economicas/otros/Encuesta20141119.pdf).

17 National Labor Force Survey (ENFT, for its Spanish acronym). Gender parity ratio in the average salary per year, from 2008 to 2014. <http://www.ilo.org/surveydata/index.php/catalog/1071>.

18 National Bureau of Statistics, 2015.

19 Centro Bono Report on Human Rights, 2015.

20 <http://listindiario.com/economia/2016/03/09/410903/print>.

Regarding the work of persons with disabilities, the National Statistics Office (NSO) reported that in the country more than one million people live with disabilities<sup>21</sup>; 56% of which is made up of women, 26% have more than 65 years, and only 17.2% of women are economically active. Furthermore, the female employment rate is 50% of the male among people with disabilities<sup>22</sup>, although Law 5-13 establishes a quota of 5% and 2% of jobs in the private and the public sector, respectively, for people with disabilities.



## Labor and child labor exploitation

The National Multi-Purpose Household Survey (ENHOGAR, for its Spanish acronym)<sup>23</sup> 2010, latest available data indicates that adolescents in hazardous work, between 14 and 17, total 113,000. The general overall of children and adolescents aged 5 to 17 in child labor sum 304,000, equivalent to a rate of 12%.

When asking children and adolescents about finding employment or work, 1.0% reported that sought work in the seven days prior to the survey. That proportion amounts to 25 thousand children and teenagers who could become untimely workers.

The analysis of the efficiency of the schools in the urban area serving the poorest communities and hosting about 20% of urban school enrollment, shows that the probability of dropping out is similar to the rural sector, with rates over 11%, which helps explain the problem.

## Domestic work

The proportion of participation of men and women in this occupational category is significantly higher in women: 91% versus 9%. Dominican domestic workers do not reach high levels of education since the schedules for dependent care in employee's household collide with the first study period, even for night school.

According to the study *"Social Security and Domestic Work in the Dominican Republic"*, the Technological Institute of Santo Domingo's Center for Gender Studies (CEG-INTEC, for its Spanish acronym)<sup>24</sup> (2013), most workers in lower income households working in regular days (all day, all

21 Centro Bono Report on Human Rights.

22 Feminist Forum, 2014-2020 Agenda. [https://issuu.com/04615/docs/agenda\\_feminista](https://issuu.com/04615/docs/agenda_feminista)

23 National Multi - Purpose Household Survey (ENHOGAR, for its Spanish acronym), 2010 <http://www.one.gob.do/Estadisticas/295/enhogar-2009-2010>

24 Center for Gender Studies Technological Institute of Santo Domingo (CEG), *"Social Security and Domestic Work in the Dominican Republic"* 2013 - *"Social Security and Domestic Work in the Dominican Republic."* [Http://goo.gl/NYVH31](http://goo.gl/NYVH31)

week), under the “no sleep” modality<sup>25</sup> generally perform all domestic household activities and for much longer hours than legally accepted for all other occupational categories. They work 10 to 12 hours a day.

Regarding the right to paid vacations, the survey by the Council of Ministers for Women of Central America and the Dominican Republic for the Central American Integration System COMWCA / CAIS (2010) shows that 31% of workers do not enjoy that right, registering a higher percentage in younger workers (38% vs. 20%). Maternity leave runs the same fate: the employers understand that the law prohibits the dismissal of a domestic worker in a state of pregnancy, although they do not consider that maternity leave has to be paid. The same goes for the unemployment benefits and social security.

Of all men who are engaged in domestic work, 39% receive less than RD\$5,000 in monthly wages (USD110.00), while women located in the same salary range represent 63%<sup>26</sup>. COMWCA / CAIS also reports that 94% of the total sample of domestic workers do not have a public or private medical insurance.

The study “Haitian migrant women in domestic work in the Dominican Republic” (2011) describes the specific socio-demographic profile of this population working in the provinces of Dajabon, Santo Domingo and Santiago. As for the wages they receive, Haitian migrants earn much lower wages. The Social Security Act excludes from its application foreigners without legal residence in the country. For this reason, the vast majority of Haitian domestic workers can’t access the benefits of social security<sup>27</sup>.

## Social Security

While affiliation to health insurance has increased for women in recent years, both in the tax regime and - to a greater extent - in the subsidiary regime, the operationalization of the tax-subsidiary regime is pending, which is aimed at professionals, technicians and self - employed workers with an income around or above the national minimum wage, areas where female employment is increasing. In fact, although statistics show that in 2011 66.3% of employed women worked a salaried job (against 43% of men), this form of employment is decreasing in the country, while there is an increase in employment of women in the informal and low - productivity sector, with poor working conditions and lack of social protection.

## Workplace harassment

According to an investigation by the Ministry of Women on sexual and moral harassment at work (2010)<sup>28</sup>, the total of employed respondents stated that 9.1% is or has been the victim of sexual harassment at work. When asked indirectly on experiences of sexual harassment, set out explicitly, 22.6% admitted having suffered situations of this kind.

25 Do not live in the house of the employer.

26 National Labor Force Survey 2011.

27 CEG-INTEC, 2013.

28 Ministry of Women- *From Anecdote to Evidence: Research on Sexual Harassment and Harassment at Work 2010- Moral* <http://goo.gl/2793m5>

The research results contradict the fairly widespread perception that sexual harassment is more common in the public sector. Several key informants expressed that in most cases the HR departments of private companies do not usually intervene to punish stalkers.

The most-commonly declared harassment behaviors are compliments and sexual comments (7.2%), invitations to go out (7.0%) and insinuating glances and gestures (7.2%). Sexually suggestive jokes about women are comparatively little reported (5.6%) probably because they are not considered manifestations of sexual harassment. They also highlight abuses such as excessive physical closeness (declared by 5.7%), asking questions about sexual life (6.1% of respondents), and innuendos or sexual offerings (around 5%).

## **Recommendations:**

1. Submit and approve the draft for the General Law on Equality and Non-discrimination, which states, inter alia, as a discriminatory practice in a work environment where differences are set in the compensation or benefits and working conditions for equal jobs and positions, as well as mobbing, and to develop the appropriate mechanisms for redress of rights.
2. Establish by law the affiliation of domestic workers to social security, incorporating incentives for employers. Social security benefits must be defined with the same conditions as for other workers: health insurance, disability pensions, old age and survivor's insurance and occupational hazards.
3. Adopt the Protocol relating to the ILO Forced Labor Convention, which updates Convention 29 on Forced Labor.
4. Implement the ILO Convention No.183 on Maternity Protection and No. 189 on Domestic Labor.

## **ART. 11. ADEQUATE STANDARD OF LIVING**

### **Living place**

In the Dominican Republic, the average public investment over the last decade in the line of Housing and Urban Development is just 0.4% of GDP, standing out in recent years an important low in budgets from 2009 to 2013.

By 2010 the IX National Census of Population and Housing recorded an overall increase of nearly 30% in the number of homes in relation to the previous census of 2002, from 2,381,872 homes to 3,077,353 (a growth rate of 2.91). Homes located in urban regions increased 52.5% (a rate of 5.08), while those located in rural areas decreased by 10% (a rate of -1.67). That is, in 2010 the urban areas of the country totaled 784,302 homes, while rural dropped to 88,821.

Looking at the disaggregated data by housing type, a particularly remarkable case is that in 2010, compared to 2002, the census recorded a growth of 100% in the number of apartments. In the case of urban areas they have more than doubled (116%), while in rural areas have dropped by more than a quarter (25.9%). On the other hand, independent houses registered a much more

moderate growth, in almost 22% (43.3% in urban areas and -9.2% in rural areas). This phenomenon of vertical growth of a magnitude never seen in Dominican Republic which could be linked to the private sector's participation in housing solutions.

However, housing remains a factor of social distancing. The State has reduced investment and private housing solutions have become unaffordable for the impoverished classes. Private industry has concentrated on the sumptuary housing (mostly apartments), which by its dynamics, exacerbates the difference and exclusion<sup>29</sup>.

## Access to potable water



In Article 15 of the Constitution of the Dominican Republic (2010), water is recognized as a strategic national asset for public use, inalienable, imprescriptible, indefeasible and essential for life. The same constitutional text establishes as a priority the human consumption of water over any other use. While Article 61 of the Constitution describes and protects the right to health, ordering the state to guarantee universal access to water.

The violation to the enjoyment of this right (availability, quality and accessibility) and sanitation in the Dominican Republic today is very serious and affects not only the general public but also economic activities that depend directly on water supply such as agriculture, livestock and production of electricity.

The index of scarcity (supply/demand) for 2010 was 47%, which qualifies the national water pressure as high. 2025 is projected at 53%<sup>30</sup>. Today the situation is even more serious because of recurrent droughts caused by climate change.

29 Alternative City Observatory on housing <http://www.ciudadalternativa.org.do/>

30 National Institute of Hydraulic Resources (INDRHI, for its Spanish acronym) 2012 Report.

In 2010, according to the Population and Housing Census the households that had no access to water through the aqueduct was 28%. The deficit on regular supply of drinking water in the country affects almost a third of households, showing an unwarrantable insecurity in the provision of a basic service by the state. This scenario is compounded because the water for human consumption is often contaminated by domestic sewage and dumping of solid waste and chemicals resulting from economic activities.

Due to the limited population that has access to safe drinking water, Dominican society remains exposed to diseases and epifitias transmitted through intake of the transparent liquid. Cholera deaths recorded in several poor communities during the years 2011 and 2012 show that this risk can easily become a national tragedy.

Although the government has said that 80% of the Dominican population has access to potable water<sup>31</sup>, the Water and Sewerage Corporation of Santo Domingo (CAASD, for its Spanish acronym) in its 2010-2015 Strategic Plan recognizes that *“the vertical and horizontal growth of the city of Santo Domingo joined a disproportionate increase in the population resulting from migration from rural to urban areas and the existence of obsolete facilities for service due to old age, have outstripped the installed capacity of our systems of water supply and sanitation and decreased our ability to respond to the demand of the population, causing supply difficulties.”* Indeed, the proportion of households that consume bottled water increased from 8.8% in 1991 to 81% in 2015<sup>32</sup>.

In this scenario, the lack of sanitary service in homes is also added, a situation that is worse in rural areas. According to the 2010 Census, the urban households that had no sanitary service accounted for 3.4%, while in rural areas amounted to 13.6%. These families do not have access to basic sanitary conditions for decent housing and must meet their physiological needs outdoors, often near riverbanks.

Regarding environmental issues, the damage is so enormous that the Academy of Sciences of the Dominican Republic, in a report from March this year, in conjunction with the Environmental Commission of the Autonomous University of Santo Domingo has denounced the risk of desertification to the mountains of Constanza, known as the mother of all waters and is headed to *“disappearance and withering of surface water sources, which supply the vital liquid for human consumption, domestic, agricultural and livestock activities.”*<sup>33</sup>

## Recommendations:

1. Approve the Law of Potable Water to respect and protect the right to water.
2. Approve the bill that declares Loma Miranda as a National Park to protect the wooded area of the country.

31 Ministry of Economy, Planning and Development - Third annual progress report on the implementation of the national development strategy by 2030 and fulfillment of the objectives and goals of the multiannual plan of the public sector Report 2014.

32 Centro Bono Policy and Social Observatory Bulletin - <http://bono.org.do/wp-content/uploads/2014/03/Boletin-Observatorio-politicas-sociales-No25.pdf>

33 Study of the Autonomous University of Santo Domingo and the Academy of Science- <http://hoy.com.do/uasd-y-academia-de-ciencias-afirman-urge-rescatar-montanas-de-constanza/>

## ART. 12. RIGHT TO HEALTH



Investment in health in the Dominican Republic failed to exceed 2% of gross domestic product (GDP) in 2015 and 2016, despite increases to the budget of the Ministry of Public Health (an additional RD\$5,000 million compared to 2016). The Dominican Medical College indicated that the ideal health budget should be 5% of GDP for this year.

In the budget breakdown for the health sector for 2015, it calls for attention that only 1.4% was assigned for the prevention of sexually transmitted infections (STIs) including HIV/AIDS; and only 0.25%<sup>34</sup> was allocated to the area of maternal and neonatal health. Resources tagged for remodeling and improvement of hospitals do not translate into improved quality of services.

Of the 139 hospitals in the country, 20 are in the process of remodeling, which continue to provide services in deplorable conditions, with limited human resources and without specialized equipment necessary for proper and timely attention to users.

### Maternal mortality

In the Dominican Republic, even though 98.5% of births are attended in health facilities and 98.6%<sup>35</sup> by qualified personnel, maternal mortality is around 108.7<sup>36</sup> per 100,000 live births, being above the region's average and in breach of the Millennium Development Goals 5 on improving maternal health which was committed to reducing by 75% the maternal mortality rate between 1990 and 2015.

Data show that 19%<sup>37</sup> of these deaths occur in adolescents. The 3 main causes of maternal mortality are all preventable and avoidable, these being toxemia (22.5%), bleeding (15%) and abortions (13%)<sup>38</sup>.

34 Project of Bill of General State Budget 2015.

35 ENDESA 2013

36 ENDESA 2013

37 Observatory of Maternal Mortality in DR (<http://saludysociedadcivil.org.do/index.php/actualidad/noticias/item/192-casi-20-de-muertes-maternas-en-la-republica-dominicana-se-producen-en-adolescentes/192-casi-20-de-muertes-maternas-en-la-republica-dominicana-se-producen-en-adolescentes>)

38 System of Social Indicators Dominican Republic Ministry of Economy, Planning and Development 2014- <http://economia.gob.do/mepyd/despacho/unidad-asesora-de-analisis-economico-y-social/sisdom/sisdom-2014/>



In particular, we highlight the negative impacts generated in the life, health and integrity of women, the total criminalization of abortion in the country. Unsafe abortions are the third leading cause of maternal death, and has not yet been consolidated any legal change that aims to reverse this situation.

Although a Criminal Code was adopted and promulgated by the President of the Republic decriminalizing abortion on three grounds, consistent with international standards, when the life of the woman is in danger, by rape or incest or for fetus malformations incompatible with life. The Constitutional Court declared it unconstitutional by decision TC/0599/15 maintaining in force an outdated Criminal Code of 1884.



It still exists in the country a resistance by the State to the acceptance of sexual and reproductive rights as human rights, making it difficult for women and adolescents to have access to quality and timely sexual and reproductive health services, as evidenced in the gap in coverage of modern contraceptive methods for women aged 20-24, which is 21% and in smaller proportion (11%) in the married or cohabiting women.

Likewise, we exceeded the c-section rate recommended by the World Health Organization, which is 15%, becoming the country with the highest rate of c-sections in the world with 56% of all births registered.

## Teen pregnancy

The country has one of the highest teen pregnancy rates in Latin America and the Caribbean, being within the 3 countries with highest numbers, with a fertility rate of 90 per 1,000 adolescents between 15 and 19 years. Another alarming fact is that 1 in 5 teenagers between 15 and 19 years old has had children or have been pregnant as reflected by ENDESA, 2013. Likewise, the most likely age for the first pregnancy is 17 years.

This situation produces school dropout and as indicated by ENDESA 2013, 20% of teenagers who dropped out of school do so because of a pregnancy, often adolescent girls are stigmatized within educational facilities and forced to drop out of school or attend night schedules, as the authorities of the centers have the idea that this can produce a 'contagion' effect and encourage other teens to get pregnant.



It is important to add that 27% of adolescents between 15 and 19 years of age have the highest levels of unmet need for contraception and that pregnancies occur primarily among the poorest and most rural areas.

## Children forced pregnancy and forced motherhood

Forced child pregnancy occurs in girls between 10 and 14 and is mainly caused by rape, which is usually perpetrated by a member of the family. This is an invisible phenomenon but that happens very often in the Dominican Republic.

Approximately 2% of births and 1.5% of registered abortions occur in adolescents under 15 years, 2 of every 100 adolescents under 15 years are mothers or have been pregnant, almost half (46%) of births in these adolescents are C-sections, and although the percentage of births and abortions attended in adolescents under 15 years does not represent a high percentage of the total, it is highly significant and reveals a situation of violation of rights<sup>39</sup>.

There are no protocols or institutions providing special physical and psychological attention to these girls, either before or after pregnancy, and in cases where girls are taken to an institution that is only until the end of pregnancy, and are not given follow-up of any kind, subjecting these girls who are mostly poor and their children to continue playing the cycle of poverty, among other violations of their rights.

Another aspect of this serious situation that girls are living is the impunity in cases where pregnancies are caused by sexual violence. The State re-victimizes girls and their families by not prosecuting the perpetrators or make families undergo long and multiple bureaucratic processes with authorities who are not sensitized to this problem which causes victims to get tired and abandon the process.

## HIV/AIDS

UNAIDS reports that 31,000 women over 15 were living with HIV by 2014<sup>40</sup>. Recent data by ENDESA reported that women with no schooling have higher HIV prevalence than men in the same situation, with 3.7% in women and 1.6% in men in 2007 and 5.4% in women and 3.6% for men in 2013<sup>41</sup> reflecting an increase, having more strength in women aged 15 and 24 which represent 7.1%<sup>42</sup>.

In addition, it has been found that households with HIV+ women are poorer than those with HIV+ men<sup>43</sup>. Women who face violence because of their gender status have a higher prevalence of HIV compared to those who have not experienced violence<sup>44</sup>. The unemployment in HIV-positive

39 Ministry of Public Health and Social Welfare, Forward Youth Forward (2014), "Making visible pregnancy and adolescents under 15 years." Project Youth: Empowerment in sexual and reproductive health and rights.

40 UNAIDS, 2014.

41 CESDEM (2014). *Demographic and Health, 2013* (ENDESA) Santo Domingo, Dominican Republic.

42 Ibid.

43 Cáceres Ureña, Francisco (2009) *Dominican Republic: Stigma and discrimination people living with HIV*, Profamilia, Santo Domingo, Dominican Republic.

44 Betances B. et al (2009) *Lives lived at Risk Study. Characterizing the link between violence against women and girls and HIV and AIDS*. UNFPA / UNAIDS

women is higher than men, 58.2% versus 27.6%<sup>45</sup>. Finally, risk situations associated with condom use are greater for women than for men, 38% versus 46%, referring to the use of a condom in their last sexual encounter.<sup>46</sup>

By 2014, the country qualifies the incidence of HIV in concentrated category because of its prevalence in specific population groups, among them the gay and men who have sex with men population with a prevalence of 5.02%, female sex workers (prevalence of 4.5%) and women with no formal education (prevalence of 5.4%)<sup>47</sup>.

ENDESA 2013 indicates that a significant group of women affected with HIV reported some problems in accessing health services and treating an episode of the disease, being the main reason “getting the money needed for consultation or treatment” (38%), especially in women who are uneducated and poor (66% and 55% respectively); followed by “the distance to the health center” (22% of women); “Not wanting to go alone” (16%), a cause mainly declared by adolescents aged 15-19 years; and because it is “difficult to get permission to go to the doctor”.

## Breastfeeding

The National Statistics Office (ONE, for its Spanish acronym) indicates that only 4.7% of newborns Dominicans receive breast milk exclusively, compared with the average rate of 38% for the Latin America and Caribbean region. This is due to the lack of implementation of Law 8-95 on “Promotion of breastfeeding” and a labor code that creates the right conditions to enable women to breastfeed their children in the workplace.

## Recommendations:

1. Decriminalize abortion in the Criminal Code in cases where the lives or health of women are in danger, when the pregnancy is the result of rape or incest, or in cases of fetal malformations incompatible with life, welcoming the suggestions of the CEDAW Committee and the Human Rights Council.
2. Increase the budget to programs on reduction of maternal mortality and teenage pregnancies and improve the effectiveness of the developed programs, ensuring that the gender perspectives are incorporated in all plans, policies and programs related to the protection and access to maternal health.
3. Increase budget on HIV / AIDS programs as well as the effectiveness of the care granted to pregnant women living with the disease.
4. Implement measures to ensure that information systems adequately reflect the situation on national and local levels of the health of women, such as figures of maternal morbidity and mortality, neonatal mortality and its causes, in order to make decisions and take effective actions.
5. Remove barriers that may limit women’s access to maternal health services, such as costs or fees, distance to health centers and lack of adequate and affordable public transport.

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45 Ibid.

46 Ibid.

47 Ministry of Economic Planning and Development. 2016. Report on the implementation of the Millennium Development Goals. 2015 Santo Domingo, Dominican Republic.

6. Establish mechanisms for regular training for health professionals on protecting the rights of women in health services, as well as mechanisms for accountability for the officials who fail to fulfill their duties of medical attention to the women who require it.
7. Ensure that public policies and programs aimed at improving maternal health of adolescents, address the particular needs of this group, respecting their rights to privacy and confidentiality, recognizing the rights and duties of parents and in attention to their age and maturity, according to its evolution of capacities.
8. Strengthen the National Bureau of Statistics and the records of the Ministry of Public Health to learn the extent of forced child pregnancy and motherhood.
9. Create protocols to physically and mentally protect pregnant girls, as well as providing timely services for the interruption of pregnancies for them.

## ART. 13-14. RIGHT TO EDUCATION



For three consecutive years (2013, 2014 and 2015) the Dominican government has scheduled investment of 4% of GDP in pre-college education. In 2013, the Ministry of Education reports having executed 96.05% of the planned amount, a proportion that would have risen to 96.97% in 2014. Despite the nominal increase recorded, the percentage of investment made between 2013 and 2015 remains static at 4%. The Ten-Year Education Plan for 2008-2018 establishes a gradual percentage increase in investment in the short (2009), medium (2010-2012)

and long term (2013-2018) as part of the sector financing policy in their lifetime<sup>48</sup>. However, the percentage investment made in 2013, 2014 and 2015 remains static at 4% of GDP. The ten-year plan already proposes a 5% of GDP by 2015. Increasingly a greater reliance on external credit is registered, these sources have multiplied by 5 between 2013 and 2015 and increase the risk of sub-execution in spending.

Of all the programs to be implemented in 2015, the Basic Education, Construction, expansion and rehabilitation of school buildings and Secondary Education, accounted for 63% of all investment planned for 2015. The remaining 37% is distributed among the other 7 programs, among them early education, adult education and pedagogical technical services (which agglutinate 15% of the total)<sup>49</sup>.

Most women 25 years or older in the Dominican Republic have some educational level, 91.3%

48 Alternative City Observatory right to the city 2015 <http://ciudadalternativa.org.do/wp-content/uploads/2015/12/sintesis-panoramica-presupuestaria-2013-2015.pdf>

49 Ídem.

women versus 90.2% of men in the same age. In higher education is known the difference which favors women in enrollment and graduation.

Although boys and girls have access to primary school and high school in roughly similar proportions, the representation of gender roles is present - explicitly or hidden – in the curriculum, demonstrating that gender equality is not yet a priority for education authorities. A direct consequence of this is the almost total neglect of human rights education and gender and comprehensive sexual education, resulting in the weight of stereotypes and cultural conditioning that generate and reinforce gender violence from the classroom and the school environment.

Although the numerical weight of women schooled in 2014 is 10.3 years on average versus 8.1 years for men<sup>50</sup>, unemployment negatively affects women at 23.1% versus 8.7% of men. This gap is significantly reduced in people with higher levels of education (16.1% for women and 10.4% for men with university studies). It should be noted that 11% of employed women have university level, compared with 4% of men, indicating the different requirements demanded in the educational level for admission to hiring<sup>51</sup>; however, women earn 21% less than men for equal work <sup>52</sup>.

## Technology of the information and communication



The Dominican education system reproduces prejudices and stereotypes that affect not only building relationships of equality among children, but even affect school performance and further vocational guidance. This is true when women make up the vast majority of university enrollments in disciplines such as humanities, education, health sciences, management, economics, business and social sciences, reaching a share of more than two-thirds of students enrolled.

However, the newest majors, where employment is rising and there are better wage opportunities, such as electronic engineering, computer science, computer technician and communication technologies (networks and connectivity) are still very masculinized, representing less than 43%<sup>53</sup> of women students, which reaffirms the need to promote higher education public policies with gender approach that helps to overcome obstacles, barriers and stereotypes that determine that young Dominican women do not opt massively for this type of major.

Also, differences persist in access and use of new technologies among men and women. The

50 CEG-INTEC. State of the Status of Women in the Dominican Republic, 2011. March 2012.

51 UNDP-DR, Human Development Report 2015 [http://www.do.undp.org/content/dominican\\_republic/es/home/library/human\\_development/informe-sobre-desarrollo-humano-2015.html](http://www.do.undp.org/content/dominican_republic/es/home/library/human_development/informe-sobre-desarrollo-humano-2015.html)

52 Ibid.

53 Ibid.

general population has a poor internet access, with an insignificant gender gap in access with 17.5% for men and 19.6% for women<sup>54</sup>.

## Recommendations:

1. Transparent the use and management of the 4% of GDP for education.
2. Improve school curriculum, including sexual and reproductive education and education for peace and gender equality.
3. Include in the National Strategy for Information Society a chapter on closing the digital gender gap.
4. Promote public policies to improve access of women to careers where there are better wage opportunities.

## CIVIL REGISTRATION. WOMEN AND GIRLS DESCENDANTS OF HAITIAN MIGRANTS IN THE DOMINICAN REPUBLIC. STATELESSNESS AND RISK OF STATELESSNESS



Structural discrimination against Haitian migrants and their descendants born in the Dominican Republic is historical, manifesting itself in systematic patterns of marginalization by their economic, social and cultural conditions. In the case of women and girls of Haitian origin (generations) who live in extreme poverty in isolated communities called “bateyes” non-recognition of the right to Dominican nationality and underreporting is disproportional, severely impacting ESCR.

After the Constitutional Court Ruling No. 168-13 of 23rd September 2013, which massively denationalized Dominicans

of Haitian origin born in Dominican territory, whether registered or not in the Dominican civil registry. The Inter-American Court of Human Rights (IAHR Court) indicated that the judgment of the Constitutional Court and the State policy on the Right to Nationality is racist, highlighting the obstacles for the Dominican civil registration of this population<sup>55</sup>. As a result of international pressure, the State adopted Law 169-14 to restore nationality; an imperfect law that does not

<sup>54</sup> ENHOGAR MICS 2014.

<sup>55</sup> See Inter-American Court of Human Rights. *Case expelled Dominican and Haitian People vs. Dominican Republic*. Judgment of August 28, 2014.

resolve the situation of statelessness<sup>56</sup>.

From years ago and after the Law 169-14, this population cannot access health services, education<sup>57</sup>, labor, birth registration in Dominican civil registration of children for lack of documentation<sup>58</sup>.

The most affected population is those born in the country who have no record, which is the majority (approximately 50,000)<sup>59</sup>. The Law 169-14 and its implementing decree 250-14 does not recognize them as Dominican nationals by jus solis; it established a process of applying for a “naturalization” (known as the process of children) for only 6 months for those born before April 18, 2007, who would be registered as foreigners<sup>60</sup> and in 2017 they could acquire Dominican nationality; official data indicate that 8,755 people applied<sup>61</sup>.

The requirements to apply to this process showed again gender discrimination and disproportionate impact on the Haitian mothers and her children, given the difficulties for certification of hospital birth and civil registration, because between the requirements in these rules -expressed and unwritten- were present the “pink slip” certificate of live hospital birth and the identity of the Haitian mother<sup>62</sup>, which must match the name of the mother in both documents. The Haitian mother had no identity document at childbirth, because of the distances, they did not have live birth certificate or if they gave birth with a midwife. There were errors in writing in the name of the mother in the hospital birth certificate for being “converted” to Spanish or names that do not correspond to the name of the mother. Delays in delivery of the hospitals of this certificate of live birth, and Haitian mothers did not understand Spanish to learn the process. Another obstacle is that the Haitian mothers did not have any identity documents and therefore were not able to register their children with this special procedure<sup>63</sup>.

Underreporting of Haitians and lack of documentation of their children born in the country, affects access to health in social security, payment of consultations, surgeries, access to medicines, coupled with the difficulties of access to sexual and reproductive health, and distances from the

56 The judgment of the Constitutional Court and the law 169-14 population profiles divided into five (5): 1. *Migrants* (Haitian parents) would be submitted to migrant regularization plan; 2. *A Group A*: born in the Dominican Republic to Haitian parents and recorded in the Dominican civil registry (jus soli); 3. *A group B*: born in the Dominican Republic to Haitian parents but without civil registration (jus soli); 4. *A group C*: those found in the Book of Aliens does not indicate nationality; 5. *Daughters of mixed couples* : Dominican father and a Haitian mother, for lack of documentation mother, their descendants are at risk of statelessness, despite having the right to Dominican nationality by jus sanguinis.

57 Georgetown University. *Left Behind. How statelessness in Dominican Republic Affects Children 's Access to Education*. (2014). Human Rights Institute, Fact-finding Project. Washington, DC

58 International Amnesty. *Ghost Citizen in the Dominican Republic*. (2015). Caribbean Amnesty section. <https://www.amnesty.org/en/latest/news/2015/11/ghost-citizens-in-the-dominican-republic/>

59 Collective-63 and DominicanosxDerecho. *Denationalization and Statelessness Report in Dominican Republic today. Historical and legal and statistical diagnostic analysis following the TC 168-13 and 169-14 Judgment Act*. (2016). Santo Domingo, p. 101.

60 *Group attributes failures of plan and law 169 to roadblocks*. (February 2015). Newspaper El Nacional. <http://elnacional.com.do/grupo-atribuye-a-trabas-fracaso-plan-ley-169-14/>; <http://hoy.com.do/organizaciones-sociedad-civil-califican-de-fracaso-naturalizacion/>

61 Human Rights Watch. *We are all Dominicans. Arbitrary Deprivation of the Nationality in the Dominican Republic*. 2015. See at: <https://www.hrw.org/report/2015/07/01/we-are-dominican/arbitrary-deprivation-nationality-dominican-republic>

62 It is important to note that between 1936-2009, 83.2% of births come from Haitian mothers. Collective-63 and DominicanosxDerecho. *Denationalization and Statelessness Report in Dominican Republic today. Historical and legal and statistical diagnostic analysis following the TC 168-13 and 169-14 Judgment Act*. (2016). Santo Domingo, p. 97

63 Human Rights Watch. *We are all Dominicans. Arbitrary Deprivation of the Nationality in the Dominican Republic*. 2015. See at: <https://www.hrw.org/report/2015/07/01/we-are-dominican/arbitrary-deprivation-nationality-dominican-republic>; Petrozziello Allison. *Gender and the risk of statelessness Population of Haitian descent in the bateyes of the Dominican Republic*. (2014). Santo Domingo: OBMICA, págs. 90-94-

health center and homes<sup>64</sup>. In addition, the lack of documentation affects mental health and reproductive rights of women who do not want children so they are not living the same situation as their parents; Maria Jose, Dominican of Haitian descent has expressed “I am afraid to have a child, I do not want my children to suffer what I am suffering”<sup>65</sup>.

The Committee on the Elimination of Racial Discrimination (CERD) in 2013 noted that people in higher poverty and lower levels of social strata in the Dominican Republic are cultural African descent, who are victims of racial discrimination. In hospitals, for example the Musa Hospital in San Pedro de Macoris, there has been cases that although parents present their Dominican identity and electoral card, for looking “Haitian”, the child was recorded as foreigner<sup>66</sup>; Deportations are also based on a racial phenotypic profile of “looking Haitian” aimed at this population, living in subhuman health conditions<sup>67</sup>. In January 2015 deportations were reported from the province of Elias Pina of two buses heading to San Juan de la Maguana to apply the naturalization process, where 33 children with their mothers and nuns of the Catholic Church were deported to Haiti without mediating any procedure<sup>68</sup>.

**Economic Discrimination in Access to Justice:** Due to the invalidity lawsuits on the birth certificates brought by the Central Electoral Board, authority responsible for guarding the civil registry before and after the Constitutional Court ruling of 2013, those affected living in rural areas and in poverty (bateyes) have no means to pay a lawyer and defend their access to justice; organizations have taken part of the defense with precarious funding sources. There are also obstacles of economic transportation means for the distances to monitor cases of affected people’s documentations being retained from their homes (bateyes) to the Civil Register offices and headquarters in the capital city<sup>69</sup>.

**Book of Foreigners:** Since 2007 was executed by the Central Electoral Board the provisions of the Migration Act of 2004 on the creation of a Book of Foreigners. There the child is recorded as born in Dominican territory to parents in irregular immigration status. When the hospital gives them a “pink certificate” means that the child is a foreigner and would not be registered in the Dominican civil registration, thus the person remains in legal limbo<sup>70</sup>. That is, the hospital is a “judge” determining the immigration status or nationality, when it is not competent to do so, while discriminating against this population.

The birth certificate of the Book of Foreigners does not indicate any nationality; to date it is not clear whether the birth certificates of this book will enable children access to education and

64 Petrozziello Allison. *Gender and the risk of statelessness Population of Haitian descent in the bateyes of the Dominican Republic*. (2014). Santo Domingo: OBMICA, p. 117-120.

65 Testimony of Maria José, El Seybo, from 5:20 minute. (2013). News SIN. See at: <http://www.noticiassin.com/2013/10/al-pueblo-dominicano-que-nos-perdone-por-ser-hijos-de-braceros-haitianos/>

66 Human Rights Watch. *We are all Dominicans. Arbitrary Deprivation of the Nationality in the Dominican Republic*. 2015. See at: <https://www.hrw.org/report/2015/07/01/we-are-dominican/arbitrary-deprivation-nationality-dominican-republic>

67 See Inter-American Court of Human Rights. *Case expelled Dominican and Haitian People vs. Dominican Republic*. Judgment of August 28, 2014.

68 Human Rights Watch. *We are all Dominicans. Arbitrary Deprivation of the Nationality in the Dominican Republic*. 2015. See at: <https://www.hrw.org/report/2015/07/01/we-are-dominican/arbitrary-deprivation-nationality-dominican-republic>

69 Inter-American Commission on Human Rights, OAS. *Report on the Situation of Human Rights in the Dominican Republic*. December 2015, p. 192.

70 Art. 28 of the Migration Law 285-14, Resolution of the Central Electoral Board 2-2007, articles 36-41 Migration Regulations 2011.

take national tests in the eighth grade. In this book, in addition there are people of Haitian origin taken from the Dominican civil registry administratively and arbitrarily; people of Haitian origin born in the Dominican Republic and never recorded in the Dominican civil registry before the Immigration Act of 2004, the Measure of 2007 and before the Constitutional Court ruling of 2013, which would never have the right to Dominican nationality<sup>71</sup>.

## Recommendations:

1. The Dominican State must comply with paragraphs 18, 19 and 20 of the Judgment of the Inter-American Court of Human Rights of 2014 (Dominican and Haitian People expelled vs. DR), in the sense of preventing the TC 168-13 Judgment and law 169-14 from continuing to have juridical effects; since the lack of documentation or recognition of the right to nationality present obstacles to the effective access to Economic, Social and Cultural rights. The Inter-American Court ordered to take measures of “any kind, either constitutional, legal, regulatory or administrative as well as any practice, or decision, or interpretation, that establishes or has the effect that the irregular stay of foreign parents motivate the denial of Dominican nationality to persons born in the territory of the Dominican Republic” and adopt “a procedure of inscription of birth that must be accessible and a simple mode to ensure that all persons born in their territory can be registered immediately after birth regardless of their origin or descent and the immigration situation of their parents.”
2. Welcome the preliminary observations of the Inter-American Commission on Human Rights in occasion of its visit to the country on December 6th, 2013 on occasion of the Constitutional Court, and in the final report of the visit published in February 2016 on the outright restitution of nationality without administrative boundaries, in an easily and accessible manner.
3. Amend the Immigration Law of 2004 and its regulations of 2011, which provide that in cases of irregularity in the immigration status of the mother or parents, hospitals must issue a “pink” document as proof of birth to children born in Dominican territory and in the hospital. Being this pink document the requirement for Civil Registration in the “Book of Foreigners” does not indicate nationality, thus remaining in limbo.
4. Eradicate the discriminatory practice of emission in hospitals of the pink slip due to the appearance of the birth mother or parents as “Haitian” (even when they have Dominicans documents).
5. Allowing access to education to children without documentation in schools, in primary and secondary level, with no restrictions on national state tests. Also allow access to university education.
6. Adopt educational and cultural programs on cultural and ethnic diversity, not discrimination, in schools and other cultural venues, executed by the Ministry of Education or the Ministry of Culture.

<sup>71</sup> Petrozziello Allison. *Gender and the risk of statelessness Population of Haitian descent in the bateyes of the Dominican Republic*. (2014). Santo Domingo: OBMICA, pages 95-98.

