



# **Parallel Report to the United Nations Committee on Economic, Social and Cultural Rights (CESCR)**

**On occasion of the Committee's consideration of the Dominican Republic's 3rd Periodic Report**



**CLADEM**

**República Dominicana**

Geneva, Switzerland  
September 2010





**Dominican Republic**

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## Introduction

This report, prepared by Cladem- Dominican Republic, was elaborated with the purpose of providing an overview to the Committee on the levels of enjoyment of ESC rights in the country and, among other issues, their differentiated impact for men and women. This is done in the interest of making proposals through a constructive dialogue with the Committee so that they can be assumed by the State under its commitments to the Covenant on Economic, Social and Cultural Rights. This document is a follow-up of the one related to critical issues submitted to the Committee's Working Group last year.<sup>1</sup>

## Executive Summary

The Dominican Republic has been one of the fastest growing economies in recent years in Latin America and the Caribbean; however this fact has not improved the quality of life of the population. The demands of several community organizations have been focused on the reduction of prices of staple food items, water supply, removal of blackouts, the completion and delivery and settlement of works such as the construction and maintenance of roads, streets, housing, water, sewer, and salary increase.

The Dominican political system is characterized by the existence of a wide disbelief associated with high levels of corruption, misappropriation of public funds and impunity as the norm. To this situation we must add the occurrence of

<sup>1</sup> See: <http://www.cladem.org/monitoreo/informes-alternativos/Rep-Dominicana/DESC/INFORME-ALTERNATIVO-Rep-Dominicana.pdf>.

events related to violence and executions performed by the Police related to youngsters coming from low-income sectors. The mechanism created for gender equality- among a number of limitations that are part of the characteristics of public institutions such as the lack of technical training- has not contributed to the implementation of the National Plan for Gender Equity-PLANEG 2007-2017. The second version of this plan was designed as a tool to promote gender mainstreaming in the State.

There have been statements coming from the Public Sector announcing the transformation of the Ministry of Women in a Ministry of the Family. Such a decision would be a serious setback and would denote a lack of coherence on behalf of the State in relation to the achievement of the objectives of the institutional initiatives and the principles and laws that have been recently formulated.

The Dominican State has failed to actively and decisively promote productive employment, although employment inclusion is fundamental to strengthen the relationship between economic growth and poverty reduction. The female workers are only 32.8% of the population (Central Bank, 2010). Of these, a large majority are discriminated against, in relation to access to employment and working conditions.

In the case of female workers we must consider the provisions of the Law 87-01 related to the protection of maternity, breast-feeding allowance and the establishment of childcare facilities. Even after the formulation of these provisions, as noted previously, the latter privilege is far from being granted. The poverty level suffered by the majority of Dominicans is a major obstacle to achieve adequate housing in accordance with the provisions of the Covenant.

To such conditions we must add the vulnerability due to tropical storms that affect the country. The Dominican Republic is located in a hurricane prone zone that is also being affected as a result of the climate change. The main water-bearing sources of the country are being threatened by the agreements signed by the State for their diverse use, and in this way the right to consumption of water in optimal conditions is being violated.

In relation to the Right to Health, article 38 of the New Constitution prevents the inclusion in the Penal Code of exceptions for the decriminalization of abortion in cases of danger to the life of the woman or when the pregnancy is product of rape or incest. This normative change does not relate to the high index of maternal mortality that exists in the country due to unwanted pregnancies especially regarding teenagers. With regards to education, the reality is far from “a total development of the human personality and its sense of dignity”. One of the reasons for this situation is the violation of the General Law of Education that assigns 4% of the GIP to the Education sector. The highest amount ever granted has been of 2%.





# 1. General Overview

The Dominican Republic has been one of the fastest growing economies in recent years in Latin America and the Caribbean; however this fact has not improved the quality of life of the population. The demands of several community organizations have been focused on the reduction of prices of staple food items, water supply, removal of blackouts, the completion and delivery and settlement of works such as roads, streets, housing, water, sewer, and regarding salary increase.

The Dominican political system is characterized by a wide disbelief associated with high levels of corruption, misappropriation of public funds and impunity as a norm. To this situation we must add events related to violence and executions performed by the Police related to youngsters coming from low-income sectors.

The administration of the State in its different levels has great deficiencies. The Dominican State suffers from clientship and centralism. Although the Dominican population shows high levels of acceptance of democracy as a government form, the country also is located among those which display high levels of perception of corruption in the public administration.<sup>2</sup>

The administrative deficiencies, corruption and impunity create an incapacity to be able to surpass the highest levels of poverty and inequality. 44.5% of the population is below the poverty line<sup>3</sup> and the country occupies the 79th place (among 177 countries) in relation to the Human Development Index (ODH/ PNUD, 2008)<sup>4</sup>. According to CEPAL, the Dominican Republic has not shown significant variations that really reflect poverty reduction between 2007 and 2008, unlike countries such as Brazil, Peru and Uruguay. Indigence registered an increase of 1.4 and 2.5 points during that period.<sup>5</sup>

Although poverty has a female face almost all over the world, and especially in Latin America, the country is among those of the region with the highest gender disparity, with a rate of poverty among women equivalent to 1,15 times higher than the one related to men.<sup>6</sup>

2 Proyecto de Opinión Pública de América Latina, LAPOP, 2009.

3 Comisión Económica y Social de América Latina -CEPAL-. Panorama Social de América Latina y el Caribe, 2009.

4 Oficina de Desarrollo Humano (ODH)/ Programa de Naciones Unidas para el Desarrollo (PNUD). Informe de Desarrollo Humano República Dominicana: Desarrollo humano, una cuestión de poder. 2008.

5 Comisión Económica y Social de América Latina -CEPAL-. Panorama Social de América Latina y el Caribe, 2009.

6 Ídem

The design of gender cross-sectional policies with the purpose of alleviating the social inequalities that affect women has been relatively weak in the country. The Gender national mechanism for the promotion of equality - Ministry of Women- has not achieved enough levels of position in relation to other instances of the State regarding the design of such policies. Their interventions have been characterized by the execution of programs and projects supported mainly by international cooperation and by intergovernmental bodies.

The low budget received by the Ministry, among other limitations that characterize public institutions, such as the absence of proper technical qualifications, has not allowed the implementation of the National Plan of Gender Equity - PLANEG 2007-2017, designed in its second version like a measure to achieve a cross sectionalism of gender in the structure of the State. The study done by the Program of United Nations for the Development - PNUD - RD <sup>7</sup> elaborated the National Strategy of Development 2010-2038,<sup>8</sup> document that frames the strategic lines of intervention from the State towards a “better country” considering *the institutional characteristic of the State, the social cohesion with equality of opportunities and*

*low levels of poverty; towards an articulating, innovating and sustainable economy, and a viable handling of the environment.*

Unquestionably the country took a great step in the elaboration of the document; however there is an absence, in relation to indicators to obtain and generate questions based on a gender and human rights approach, regarding the possibilities to build up a society based on equal opportunities and social cohesion under a framework of a State with the presence of strong institutions.

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7 Oficina de Desarrollo Humano (ODH). Programa de Naciones Unidas para el Desarrollo (PNUD). Política Social: Capacidades y Derechos. Santo Domingo: PNUD. 2010.

8 With poor participation of civil society organizations.





## 2. Implementation of the convention.

### 2.1. Art. 3 Equality among Women and Men regarding the fulfillment of Economic, Social and Cultural Rights.

The number of female heads of households has been increasing. The data that was collected at the beginning of the millennium refers to a percentage of 34.2%, an amount shared along with Nicaragua<sup>9</sup>, which presently reaches 37.7% in urban areas according to ENDESA<sup>10</sup>.

The main province in relation to female heads of households is the National District with a percentage of 43.5%.

Currently, the comparative figures in the region, place the Dominican Republic with the highest rate according to the last reference, found in 2007, which reveals that the percentage of households represented by Dominican women was higher than the average for Latin America.<sup>11</sup>

During the last decade there have been advances in all the areas that have been mentioned although the impact of the adopted measures has been somehow limited by the little knowledge regarding gender issues found in sectors which are in charge of the formulation and execution of public policies. Nevertheless, we can mention some achievements:

-The new Dominican Constitution establishes in article 5, that it is based on the respect of the human dignity and based on the indissoluble unity of the Nation, a common motherland for all Dominican men and women. Specifically, article 39 of the Constitution refers to the right to equality, establishing that all the people are born free and equal before the law, they receive the same protection and treatment offered by all the institutions, authorities and other individuals, enjoying the same rights, liberties and opportunities, without discrimination based on gender, color, age, discapacity, nationality, family bonds, language, religion, political or philosophical opinion, social or personal condition. Consequently, paragraphs 3, 4 and 5, of the same article, compel the State to promote legal and administrative conditions so that the equality can become real and effective through the adoption of measures to prevent and to fight discrimination, marginality, vulnerability and exclusion; it prohibits any act that has the objective to reduce or annul

9 CEPAL, Anuario Estadístico de América Latina y El Caribe. 2003.

10 CESDEM. Encuesta Demográfica y de Salud (ENDESA). 2007.

11 Oficina Nacional de Estadística (ONE) *La jefatura de hogar en la República Dominicana*, 2007.

recognition, fulfillment of the exercise in conditions of equality of the fundamental rights of women and men, promoting the measures that are necessary to guarantee the eradication of the inequalities and the discrimination of gender; and it will promote and guarantee the participation of women and men as candidates for positions under popular election related to the direction and decision making processes in the public sphere, the administration of justice and the organisms exercising the control of the State.

- The Electoral Law 13-2000, that establishes a quota for women approving 33% for women holding posts in Municipalities and in parliament and the alternate candidacies for members such as *síndicos and vice-síndicos*<sup>12</sup>.
- The Municipal Law 176-07 that includes gender equity as one of its principles and assigns four per cent (4%) of the Municipality budget for education, health and gender issues, thus establishing a positive action.
- The Law of Public Function 41-08, that regulates the working relations of the designated people to be in charge of a public function within the State, although it lacks of a gender cross-sectional approach, it has two aspects that constitute a step forward against gender discrimination: among the principles of public function it establishes the equality of access to the public function and prohibits sexual harassment, considering it a cause of dismissal, extended to users and beneficiaries of the services.
- The Law 86-99, created the Secretariat of Women (SEM), presently Ministry of Women (MM), as the responsible body in charge of establishing norms and coordinating the completion of policies, plans and programs at inter-ministerial levels and with the civil society directed to obtain gender equity and the fulfillment of the citizen rights for women. The Ministry of Women is present in the national territory through the Provincial and Municipal Offices of Women (OPM and OMM). The annual budget of the Ministry of Women is below all the other Ministries, and for the 2009, it was the 0,08% of the national budget, only surpassed by the Ministry of the Youth and the Ministry of Culture<sup>13</sup>. From the official sector there have been uprisings when it was discussed the closure of the Ministry of Women to become the Ministry of the Family; such decision would imply a backward step that will give signs of incoherence from the State in relation to the achievement of the objectives of its institutional initiatives, its principles and the promulgated legal norms.
- The existence of a National Plan of Equality and Equity, PLANEG II 2007-2017, as the national policy for the inclusion of gender in all tasks all over the country.
- The creation of the Offices for Gender Equity and Development (OEGD) within the Secretariats of State by means of the Decree 974-03 and its Regulation. At the moment only 7 Ministries have such offices<sup>14</sup>

Despite the efforts already done, in the Dominican Republic, the equality gap between men and women continues to remain regarding access to work, the school, goods and services in general and in all the national and municipal programs.

## **Recommendations:**

- 12 The alternate system was established when the candidate for a post within the capital city structure and leader of the Dominican Revolutionary Party, José Francisco Peña Gómez, that was very sick, a few days before the elections, ordered that if he died, his widow could occupy the post. of vice síndica.
- 13 Rossi, E. Presupuestos Sensibles al Género: La Experiencia de Republica Dominicana. Centro Juan Montalvo: Santo Domingo, 2010.
- 14 The Ministries which have an Office of Gender Equity and Development are: Education, Agriculture, Public Health, Environment and Culture. There are such offices within the structure of the Ministries of Labor and Foreign Affairs, but they have not made them official through a Ministerial resolution.

1. To maintain a gender institutionalism through the Secretariat of Women, keeping its present autonomy.
2. To increase the allocation of funds of the general budget of the nation to be able to implement PLANEG II
3. To create programs that can impact the institutions of the Dominican State using the Ministry of Women to enter into a process of gender cross sectionalism coordinated with the women movement and funding agencies.
4. To fortify the capacities of the Ministry of Women and the governmental bodies to incorporate a gender approach in the programs and public policies of the State

## 2.2. Art. 6 y 7. Right to Employment and working conditions

The Dominican State has not been able to actively promote productive employment, even when labor inclusion is important to strengthen the relation economic growth/poverty reduction<sup>15</sup>. In the first trimester of 2010, 14.4% of the economically active population was still unemployed<sup>16</sup>. Even though this percentage has been decreasing since the year 2005 (in 2004 reached 18.4%), the actual percentage is higher than in the year 2000.

In relation to the minimum wage, it is the Labor Ministry the entity in charge of its regulation through the National Commission of Salaries that must fix “minimum wages for all the economic activities as well as the “way they must be paid”<sup>17</sup>. The Committee has the duty to revise those wages every two years<sup>18</sup>. Nevertheless, the present minimum wages are “too low to allow female and male workers to enjoy a decent life”, and to “guarantee a minimum survival of all workers and their families”<sup>19</sup>. To this situation we must add the fact that more than half of the number of employed people (55.7%<sup>20</sup>) is involved in the informal sector so there is no guarantee of a minimum wage for them or access to other rights related to working status such as social security.

The informal work and unemployment end affecting women significantly. Even though women are more prepared than men regarding educational standards (they represent more than 60% of the University students<sup>21</sup>), they continue to be the majority of the unemployed population: 21.9% of the women who are part of the Economically Active Population—are without employment in relation to 9.7% of men<sup>22</sup>. Besides, women represent between 32.5% and 39% of the people working in the informal sector<sup>23</sup>.

15 CEPAL. *La República Dominicana en 2030: Hacia una Nación Cohesionada*. 2008.

16 Banco Central RD. Encuesta de Fuerza de Trabajo. 2001. Available in: [http://www.bancocentral.gov.do/estadisticas.asp?a=Mercado\\_de\\_Trabajo](http://www.bancocentral.gov.do/estadisticas.asp?a=Mercado_de_Trabajo)

17 Includes “agricultural, commercial, industrial activities or of any other kind that are done in the country” (art. 455, Labor Code RD, Law No. 16-92 –or CT-).

18 *Ídem*, Artículo 456, CT.

19 ODH/PNUD. 2008. *Op. Cit.*

20 According to the statistics of the Labor Ministry in 2007, 3,548,305 individuals were busy performing some activities and out of them 1,571,912 were found in the formal sector and 1,976,393 in the informal sector.

21 Secretaría de Estado de Educación Ciencia y Tecnología (2006). Informe General (estadísticas de educación superior 2004 y 2005). Santo Domingo.

22 Banco Central RD. 2010, *Op. Cit.*

23 Secretaría de Estado de Economía, planificación y Desarrollo (Actual Ministerio)/ Banco Central RD/ Banco Mundial (2007). Informalidad en el Mercado Laboral de la República Dominicana. Santo Domingo.



The female workers constitute only 32.8% of the employed population (Banco Central/Central Bank, 2010). From this percentage a big majority is discriminated in relation to access to employment and regarding working conditions once they have been employed. The Dominican State lacks of universal policies and measures to eradicate the most discriminatory practices as the requirement of pregnancy tests to have access to employment<sup>24</sup>, the salary gap between men and women<sup>25</sup>, sexual harassment in the working place, segregation in areas and posts considered as “typically female jobs”, among others.

According to a study done in 2010 by the Centro de Investigación para la Acción Femenina (CIPAF) for the Ministry of Women and UNFPA, “the prevention and eradication of sexual harassment in the working place do not constitute a priority for the Dominican State” even when according to the same study the global index regarding sexual harassment against women reaches a percentage of 31.7%<sup>26</sup>. In legal terms, the Labor Code only considers sexual harassment as a cause for dismissal<sup>27</sup> and does not refer to moral harassment or *mobbing*. For this reason any claim before justice must be done through the criminal area based on the Law No. 24-97<sup>28</sup>, which typifies and sanctions “family violence” and regarding this, sexual harassment<sup>29</sup> (establishing a penalty of one to five years in prison and a penalty of five to ten thousand Dominican pesos (equivalent to 135 to 270 American Dollars approximately-). In practice, the “majority of the women victims of sexual harassment do not pursue their claim before the criminal court and prefer to claim for compensation”<sup>30</sup>. Due to this situation the cases regarding sexual harassment before Criminal Courts are almost inexistent.

On the other side we must highlight the efforts of the Labour

24 This discriminatory practice is seen in sectors such as Free Trade Zones. Two studies that were published in 2004 by *Human Rights Watch* denounced that the discriminatory practice of ordering pregnancy tests to be able to be hired, was a very common practice in those areas. A more recent study elaborated by CIPAF (2007) –also on Free Trade Zones- is an evidence that all companies use different methods to cover the proof. And although this occurs 21.7% of the female workers affirmed to have to undergo such test.

25 The breach in relation to salaries of men and women represents an average of RD\$3.74 per hour. The same increases in occupational, intellectual and professional groups (RD\$58.5), or technicians of middle level (RD\$21.95) (Banco Central, 2010. *Op. Cit.*).

26 Including low level harassment, serious and more serious.

27 Termination of the contract with responsibility of the employer..

28 La Ley 24-97 fue promulgada el 26 de enero de 1997 y reforma el Código Penal.

29 Duch law defines sexual harassment as “all order, treta, restraint or offering aimed to obtain sexual favors, performed by a person that commits abuse of authority regarding his/her functions.” (art. 333-2).

30 CIPAF/FUNPADEM (2007). Roles in tension. Mothers and Workers in Free Trade Zones in the Dominican republican. Santo Domingo.-



Ministry<sup>31</sup> regarding gender discrimination as the approval of a Plan Estratégico de Género/Gender Strategic Plan (2006-2016); the performance of training sessions and sensitization regarding gender issues including its personnel and female and male employees and employers (including inspectors); the dissemination of campaigns and radial spots on non gender discrimination regarding employment among other causes. Beyond these actions, according to ILO, “the limitation of resources and trained personnel” in relation to women rights in the working place “continues to be a challenge” for the Ministry. Between April 2005 and January 2008, the Labor Ministry only trained 304 female workers which constitutes an evidence of the absence of universal and permanent efforts.<sup>32</sup>

In relation to the conciliation between work and family and personal spheres the Dominican State has not assumed or implemented expressed public policies to facilitate this conciliation. However there exist some programmes and plans that have minimal incidence. Such is the case of the Sistema Dominicano de Seguridad Social/Social security<sup>33</sup> (that includes services of children centers<sup>34</sup>, health insurance for families, etc.); and other initiatives in charge of different institutions: programmes for elderly people and the school food programme conducted by the Ministry of Education. Even so, these initiatives have a minimal impact and serious deficiencies and they do not originate from the same vision of a conciliation of family and employment<sup>35</sup>.

Lastly we must highlight the particular situation of the migrant employed population. Female and male Haitians are the largest community of workers in the country<sup>36</sup> and they represent a significant group of the working population in the country especially in sectors such as construction, agriculture, tourism and urban informal sector.<sup>37</sup> Although the Labor Law guarantees the same protection to them, their lack of documentation puts them in a situation of vulnerability and lack of protection. This situation allows the presence of irregularities in contracts, the lack of social security protection (health and working risks), and lack of fulfillment of labor rights.

## Recommendations:

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- 31 Before, the Secretariat of Labor Lawit was the epresenttaive of the Executive in terms of and the gihest administrative authority in various activities in the Republiv, keeping the normal relationships regarding the production activities” (article 420, CT).
- 32 ILO/Organización Internacional del Trabajo (2009). Informe de Verificación de la Implementación de las Recomendaciones del Libro Blanco. February 2009 – July 2009 República Dominicana. San José: Oficina Internacional del Trabajo; Organización Internacional del Trabajo (2008). *Informe de Verificación de la Implementación de las Recomendaciones del Libro Blanco. Agosto 2007- Enero 2008. República Dominicana*. San José: ILO Office.
- 33 Since the promulgation of Law No. 87-01 (9 de mayo de 2001), that creates the National System of Social Security) the State formalizes a public policy.
- 34 That Law establishes that the State will develop services of children centers to provide attention to the children of the workers, from 45 days old to five years old, offering physical, educational, affective attention through proper nourishment, maternal services, pre-school education, psycho-social and recreational activities. In March 2008, only 61 centers were in operation to provide services to 5,671 children.
- 35 See: CIPAF (2009) *Ambos a dos: Proveer y cuidar: El desafío pendiente en una sociedad en evolución Informe Nacional sobre Trabajo, Familia y Vida Personal*, OIT. Santo Domingo (inédita).
- 36 Although the absence of clear statistics on the presence of people of Haitian origin it is estimated the amount of “ 500.000 and 1 million Haitians and Dominicans of Haitian ascendance” living in the country. See: Consejo de Derechos Humanos, *Informe del Relator Especial sobre las formas contemporáneas de racismo, discriminación racial, xenofobia y formas conexas de intolerancia, Doudou Diène, y de la experta independiente sobre cuestiones de las minorías, Gay McDougall*, A/HRC/7/19/Add.5; A/HRC/7/23/Add.3, 18 de marzo de 2008, párr. 9 -Haciendo referencia a la información brindada por el gobierno dominicano en su Informe al Consejo, en 2007-.
- 37 Moseley-Williams, R. et. al., *Empoderamiento de inmigrantes haitianos/as y sus descendientes en República Dominicana*. Federación Luterana Mundial (FLM), Santo Domingo, 2005, p. 19.

1. To promote the creation of policies of gender justice in the public and private sectors to emphasize the need of the labor insertion of women.
2. To promote information campaigns and a greater monitoring and supervision role from the Ministry of Labor (Direction of Inspections) to guarantee the eradication of the existing discriminatory gender practices.
3. To guarantee a true cross sectional implementation of the gender approach in the area of public policies through the effective and coordinated implementation of the National Plan of Gender Justice (PLANEG II) - Ministry of Women and the Strategic Plan of Gender - Ministry of Labor
4. To promote a reconciling of the areas of work/family through:
  - a. Substantial increase of the social public expenditure to be able to improve the coverage and quality of the infantile crèches, the centers of initial education and the programs of attention to people of the third age and with discapacities (without excluding female and male informal workers, that constitute the majority of the labor force).
  - b. An increase of the public expenditure in education to extend the school hours, so that they can be compatible with working days
  - c. Ratification of the Agreement 156 of the ILO on Workers with Family Responsibilities (1981), that establishes proper mechanisms for the special protection and nondiscrimination of female and male workers with family responsibilities.
  - d. Legislative measures that can guarantee the common responsibility between men and women with respect to the education and development of their sons and daughters, such as: extension of the paternity license (at the moment the Labour Code establishes two days), the relaxation of the schedules and the number of extraordinary hours for workers with family responsibility; the dissemination of permanent and massive campaigns throughout the schools, mass media and community organizations stimulating the equitable division of the domestic work, etc.
5. To develop an inter-institutional global program for the prevention and attention of sexual and moral harassment in the working place (in which all the implied organizations can participate: Ministry of Labor, Ministry of Women, Ministry of Public Health, etc.) that allows, among others: to insert this issue in the high-priority agenda of public policies; to formulate a First draft of a Law on Moral Harassment; to permanently sensitize and train all government and judicial officials (judges, labor inspectors, etc.); investigation and permanent statistical research, etc.
6. To promote, through the labor Ministry the strengthening of labor inspections, in the areas that employ migrant workers (agriculture, construction, tourism, etc.) to strongly fight the violations of the labor rights of migrants.

## 2.3. Art. 9. Social Security

From 2001, with the Law the 87-01 the Dominican State has started the implementation of the Dominican System of Social Security (by means of which the social security acquires a universal and obligatory character) that includes the gradual implementation of a Family Health Insurance, Labor Risks Insurance and a System of Pensions. Its reach, nevertheless, is still limited and of an incomplete execution. Among other things, this is due to many terms not being respected from its beginning, a situation that has been delaying all the process.





In 2008, 60% of the population getting salaries, the self employed, the ones in the informal sector and almost half of the poor population were not covered by the insurance programmes<sup>38</sup>. This data is a matter of serious concern as more than 50% of the working population is located in the informal sector. Between the years 2000 and 2007, out of 10 new employments, 7 were created in the informal sector and many of them were placed in domestic service, beauty salons, public transport, food sale, grocery shops (bodegas), in other words work under precarious conditions.

It seems to be impossible to achieve the goals fixed in the financial calendar for 2011.

In the case of female workers the regulations of the Law 87-01 are of relevance regarding maternity protection, breast feeding subsidies and the creation of child centers. However as we mentioned before, they are far from being accomplished.

For female and male migrant workers the Law 87-01 constitutes a real legal discrimination as only considers as beneficiaries of the system “all Dominican citizens and legal residents in the national territory” (art. 5), excluding female and male migrant workers whose origin is mainly from Haiti. This people remain deprived of social security protection.

Beyond any achievements, the difficulties in the implementation of the Dominican system of social security keep thousands of female and male workers in a situation of lack of protection, especially those under the subsidized regime which constitutes a source of exclusion, especially of those who are self employed, those who are in the informal sector, a situation that goes against social cohesion and the equity that was expected to be achieved through this legal instrument.<sup>39</sup>

## Recommendations:

- I. To ensure the universal implementation of the Dominican System of Social Security, in particular:
  - a) The subsidies of Health Family Insurance (especially the sickness subsidies and the services of children centers)
  - b) The subsidized regime and the collection regime related to the Health Family Insurance, with all prerogatives.
  - c) To create a “Watch” formed by all sectors that take part of the labor sector to monitor and call for attention in relation to issues regarding the Health

38 CELADE. Observatorio Demográfico. América Latina y el Caribe. No. 3. 2007, p. 154.

39 ODH/PNUD, 2010. Op. Cit.



Family Insurance and maternity services.

- d) To amend the Law 87-01 regarding Social Security in order to not to exclude employees in irregular situation.

## 2.4. Art. 11. Right to adequate housing

**The poverty condition of a huge number of sectors of the Dominican population constitutes an obstacle to have access to adequate housing as established by the Pact.**

To those conditions we must add the vulnerability that exists due to the exposure to tropical hurricanes that affect the country due to its location, as well as due to climate change.

The country lacks of updated information regarding the quality of housing. The last available data comes from the 2002 Housing and Population census/ el Censo de Población y Vivienda del 2002<sup>40</sup>. According to it out of 2.2 millions of occupied houses, 88.8% had acceptable material, 1.3% material to be recovered and 9.9% not possible to be recovered, which means that there were 215.4 thousands houses unable to be recovered.

According to the National Institute of Housing - INVI- the residential deficit is of 800.000 houses, out of which 300.000 correspond to quantitative deficit and 500.000 to qualitative deficit; nevertheless, it does not indicate the methodology used to make this estimation, according to the last appreciation of the ODH/PNUD.

It also indicates that in the period from 1996 to the 2006 25.106 new houses were constructed and 318.008 houses were improved<sup>41</sup>. According to the report of the ODH/PNUD<sup>42</sup> the need for new houses reached 398,9 thousands in 2002 to 474,5 thousands in 2015, that is to say, the deficit of the 2002 would increase to a rate of 6 thousand per year, accumulating 75 thousand additional houses. The State lacks of policies and budget to cover this demand of the population as a fundamental human right. According to various organizations of the civil society this is due to... the lack of a public policy sufficiently coordinated and connected to the needs of the country that can be able to cover

40 Oficina Nacional de Estadísticas (ONE). Censo de Población y Vivienda. 2002

41 ODH/PNUD 2010, Vol. III (*Op. Cit*).

42 *Ídem*

*the residential deficit (quantitative and qualitative) and establish as priority the development of houses taking into account the degree of vulnerability and the possession of land.*<sup>43</sup>

According to the report of the Consulting International Mission on Forced Evacuations of the United Nations - UNAGFE-, all over Dominican Republic there exist practices of forced evacuations, nevertheless these concentrate essentially in the National District and the Province of Santo Domingo.<sup>44</sup>

*According to the report on women and suitable housing, “frequently, forced evacuations have a much greater repercussion on women because they contribute to the maintenance of the home and they are committed on the matter in greater degree than men, and also due to the perception that a woman has of home” hogar”, the function that she carries out there, her fear to lose it and her fear to live in insecurity. Women exposed to gender violence in those evacuations in the districts of urban shanty areas; because they tend to be the main head, or due to their role of administrators of the household often they are the only ones to be in the house at the moment at which the evacuation takes place, or because they are chosen deliberately by the community”.*<sup>45</sup> The report also observes the consequences that the fact of having to constantly live under threat on an evacuation and other connected forms of violence, the same that are shown in physical and psychological evidence and reach so extreme levels that many testimonies offered in this sense indicate that they can be compared to cruel and degrading treatments<sup>46</sup>.

## 2.4.1 Right to Water.

The main sources of water are being affected by agreements signed by the State for a diversified use, which represent a violation of the right to consume water in optimal conditions.

In the document on critical issues sent to the Committee, Cladem informed on the threat of mining operations and the construction of a cement factory next to the National Park of the Haities. Finally, the State delegated the evaluation of the possible damages to the Program of Human Development of the United Nations Unit in the country, the one that advised on the non construction of the *cementera* and the mining operations due to the imminent ecological damages they would cause. Up to date the plan has not been put into execution but organizations of the civil society continue monitoring around the zone.

Presently, organizations of the civil society defend the right to non- polluted water regarding the case of the installation in the community of Hato Viejo, Cotui, located in the province of Juan Sanchez Ramirez, done by the Canadian mining company, Barrick Gold<sup>47</sup>. The State signed a contract that stipulates that the State will only receive the ridiculous amount of two Dollars for each 100 dollars of the benefits obtained by the mining company and that according to experts would cause serious damages to the water of all the country and even now it is causing so much destruction to the environment and fauna<sup>48</sup>, as well to the people

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43 Ver: <http://www.centrojuanmontalvo.org.do/spip/spip.php?article744> (Foro Ciudadano).

44 UN (ONU) Los Derechos Económicos Sociales y Culturales. La mujer y la vivienda adecuada, Study of the Special Rapporteur on Adequate Housing., Miloon Kotari, Commission of Human Rights, 61<sup>o</sup> period of Sessions, E/CN.4/2005/43 February 25th , p. 18.

45 Quoted by Cladem República Dominicana. Diagnóstico “DESC de las mujeres con Énfasis en el Derecho a la Vivienda Adecuada en la Región”. August 2007

46 Idem

47 See: <http://levar.typepad.com/dominicana/2010/04/osiris-de-le%C3%B3n-explica-desventajas-contrato-barrick-gold.html>

48 See: <http://www.elnacional.com.do/nacional/2010/8/7/56824/Mueren-miles-peces-en-presa-de-Hatillo>





who are employed in the factory<sup>49</sup>. In comparable operations Barrick Gold uses up to 1.000-1.500 liters of water per second. The consumed water of natural quality is transformed into polluted water of bad quality. Although mining methods of treatment and recirculation exist, the total balance continues being negative in relation to the condition of the river basin. On the other hand the contaminated liquids usually are stored in dams without guarantees of water tightness, and with high probability of rupture and spills. We must remember that we are an insular ecosystem and therefore our situation is very unstable.<sup>50</sup>

## Recommendations:

1. To commit to not to agree on new contracts and to revise those that have been signed by private companies, local or foreign ones, with operations that can affect the right of the population to consume water in optimal conditions.

## 2.5. Art. 12 Right to Health.

49,8% of the Dominican population, are women and 26% of the female population, are women in reproductive age, between 15 and 49 years. Nevertheless, the index of maternal mortality is entered between 159 and 180/100.000, the identified main causes are toxemia (45,8%) and complications of abortion (19,4%), among others<sup>51</sup>. Alarming data for a country where 98% of deliveries occur in hospitals and with medical assistance, except for two locations in the border zone, Pedernales and Elías Pina, where it reaches 86 and 84 per cent respectively.<sup>52</sup>

The same data of ENDESA 2007, implies a decrease of more than half a child per woman in the last five years, reaching to a fertility rate of 2,4 children in the total of the country and registering a reduction of similar magnitude in the urban and rural areas, whose respective rates for the triennium 2004-2007 are of 2,3 and 2,8 children.

Another increasing problem is the pregnancy in teenagers that

49 See: <http://www.hoy.com.do/el-pais/2010/6/25/331416/Barrick-Gold-confirma-intoxicacion-de-40-empleados>

50 See: <http://www.elnacional.com.do/opiniones/2010/4/16/45637/Ecologicas>

51 Cáceres. Mortalidad materna en la República Dominicana, el caso del Distrito Nacional. IEPD/PROFA MILIA. Santo Domingo, 1997

52 CESDEM. Encuesta Demográfica y en Salud, ENDESA, 2007.

has increased during the last years. The pregnancy in the women of 15 to 19 years of age continues being an important problem. According to ENDESA 2007, 20,6% (5,580) of the female teenagers have had a baby born alive one or are already pregnant with the first baby. Although the proportion of those who have procreated (they are already mothers) has lowered from 19% in 2002 to 16% in 2007<sup>53</sup>. The percentage of those experiencing their first pregnancy stays equal in 4%.

Even though we lack of statistics regarding abortion in the case of teenagers, in the year 2008, in the Nuestra Señora de la Altagracia and San Lorenzo de Los Mina Hospitals in the city of Santo Domingo, 80% of induced abortions involved teenagers between 12 and 18 years old.<sup>54</sup> During the same year La Altagracia Maternity Center registered 6,300 abortions, including the cases of women bleeding at their arrival to the hospital. In these cases the medical doctors complete the procedure, performing a curettage. The Maternity of San Lorenzo de Los Mina performed 5,000 curettages in 2007, with similar numbers for the year 2008.<sup>55</sup>

In the General Law of Health, no. 42-01, of March of 2001, (G.O. 10075), in the Dominican Republic, women are considered along with minors, elderly people and those with discapacities as “high-priority group” and on the matter, article 30 of this law says that, “... for the objectives of health and conditions of life, high-priority groups are considered as those who are in and below the poverty line, within which, priority is given to women, with greater emphasis to pregnant women, boys and girls up to the age of 14 years old, the elderly and the people with discapacities. The condition of high-priority group, therefore, implies the duty of assigning a bigger budget for this group. Nevertheless, the norm does not contemplate Sexual and Reproductive Rights, including terms with a family approach where women are basically mothers, a situation that makes difficult the recognition of citizenship for Dominicans and their essential human rights. On September 17th 2009, the National Congress, meeting at the National Assembly, approved article 30 (presently article 38) in the New Constitution that establishes the fundamental right to life from the conception to death. The approval of this article was done with the intention to prohibit the approval in the Penal Code of the legalization of abortion in cases of danger of the life of women, when the pregnancy is product of rape or incest, constituting a measure where the Dominican State, violates international instruments such as the CEDAW, the IPESCR and the IPCPR not responding to the serious situation of maternal mortality.

Presently, the new Constitution of the Dominican Republic has been promulgated on January 26th 2010, (G.O. 10561), and the country must adapt all laws and regulations to it, a process in which the movements of Dominican women will have to participate in a critical and vigilant manner.

In the Proposal for a National Strategy of Development 2010 - 2030: Indicators and Goals, Ministry of Economy, Planning and Development, National Council for the Reform of the State,<sup>56</sup> it is remarkable the little reference to gender issues in the formulated data as well as in relation to their projections. In the vital data of the Proposal, there is no breakdown by sex in relation to life expectancy when being born, or in relation to infantile mortality for children below 5 years old, or in relation to the poverty indicators, and so a very important part of the situation is not clear.

In relation to maternal mortality, the Proposal, keeps the data of ENDESA for the year 2007, of 159 per 100.000 born alive, expressing that in the world, 44% of a total of 147 countries displayed an inferior level in relation to ours. The Proposal, follows the tendency demonstrated in the years 2002/2007, a maternal mortality of 119 in 2015; this implies that the Dominican Republic will not be able to fulfill the commitment of the Objectives of Millennium Development Goals- to reduce maternal mortality to 57 by 100.000 born alive for that year. The aim is to advance in the reduction of the rate of maternal mortality and reach to a level of 31 by 100.000 born alive in 2030. For this the rate related to annual maternal mortality - 6.7%- will have to be reduced, a situation that requires a concerted effort.

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53 Ídem.

54 Ortiz, Altagracia. Newspaper/ Periódico Hoy.com.do | 20-04-2009.

55 Ídem

56 See: [http://www.end.gov.do/download/Propuesta\\_Indicadores\\_Metas\\_cuantitativas.pdf](http://www.end.gov.do/download/Propuesta_Indicadores_Metas_cuantitativas.pdf)



In the case of Gender Violence against women, the System of Public Health promulgated in the year 2002 the NATIONAL NORMS FOR AN INTEGRAL ATTENTION IN HEALTH regarding Family Violence and Violence against Women, that were reformed in the period 2004 to 2008, and have not yet been applied.

Regarding this order, the 2007 Analysis of the Situation and National Answers to HIV and AIDS in the Dominican Republic, constitutes the most recent data registered in the Web Site of ONUSIDA<sup>57</sup>. The document, the National Strategic Plan (PEN) for the Prevention and the Control of HIV and AIDS, 2007-2015, an Analysis of the Situation and National Answers to HIV and AIDS in the Dominican Republic -2007, Presidential Advisory on AIDS (COPRESIDA), does not have a gender perspective. In December last year organizations of the Civil Society and the Ministry of Health presented before the National Congress a draft for a law on VIH/SIDA to amend the present one. The laws usually follow the same direction of general principles of gender and human rights, nevertheless the special intersections between this disease and circumstances considering women and children, like gender violence are not recognized for their effective implementation. The Collective Woman and Health, institution with more than 20 years of dedication to the task of promoting sexual rights and reproductive rights of the Dominican people, drafted a Study Guide<sup>58</sup> in five provinces along the border with Haiti with the aim of identifying the knowledge, attitudes and practices of the operating people of justice, specifically officials of the Attorney general Department and those who offered health services to women living with HIV/AIDS and got the following information :

1. Limited knowledge of the legal instruments on violence and HIV/AIDS.
2. Limited use of the laws against the violence and regarding HIV/AIDS even though they work directly with these situations.
3. Poor information regarding HIV/AIDS and Violence that is reflected in a high level of ignorance of the magnitude and causal factors.
4. No use of standardized procedures, norms and protocols.
5. Poor links between the justice instances and health officials, which is translated in flows and channels of ineffective or non-existent referrals and counter referrals.
6. Existence of prejudices and stereotypes regarding gender violence and HIV/AIDS.

57 See: <http://copresida.gob.do/sitioweb/copresida.php?reg=4>

58 Colectiva Mujer y Salud. Estudio de Línea Basal. Santo Domingo, 2008.



7. An integral vision of violence against women and HIV as social problems which do not exist.
8. The Justice and Health Services need to be reorganized in order to satisfy the needs of women, mainly with regard to the time schedule in which the same are provided, particularly in the area of health.
9. Limited knowledge of HIV/AIDS among the population, generalized absence of use of condoms and low coverage of HIV tests, particularly among men.

The information above once again gives an account of the concentration of the policies and programs of the State in central and urban areas, and how they marginalize those that show low indicators of development and how it affects those areas which are far from the capital city. Besides the need to monitor the implementation of laws, there must be constant training of the personnel in charge.

## Recommendations:

1. To legalize abortion in the Penal Code in the cases where the life or the health of a woman is in danger or when the pregnancy has been the result of rape or incest, welcoming the suggestions of the Committee of the CEDAW and the Council of Human rights.<sup>59</sup>
2. To increase the budget of the programs of reduction of maternal mortality and the pregnancies in teenagers and to improve the effectiveness of the programs developed for such aims so that the State can approach to reach the proposed goals regarding the MDG, being assured that the gender perspective is included in all the plans, policies and programs related to the protection and the access to maternal health.
3. To increase the budget of the HIV/AIDS programs as well as the effectiveness of the attention to pregnant women who are living with the disease, among others measures, recognizing the intersections between the virus and the gender violence based, applying proper protocols concerning access to justice and medical attention.
4. To effectively implement the National Norms of Attention regarding Domestic Violence in the Health Sector.
5. To provide safe, free and confidential quality abortion services to women whose life is in danger and when their pregnancy is a consequence of rape or incest.
6. To implement measures so that the information systems, reflect in suitable ways the situation at national and local level regarding women's health such as rates of maternal mortality, neonatal mortality and its causes, in order to take effective decisions and actions.
7. To eliminate the barriers that can limit the access to services of maternal health for women for example the existence of costs established by fees, the distant location of health centers and the lack of suitable and reasonable public transport.
8. To establish mechanisms of qualifications for professionals in the area of health on the protection of the rights of women regarding the services that area provided as well as mechanisms of accountability for civil servants who do not fulfill their duties of medical attention of women who require it.
9. To guarantee that the public policies and programs aimed to improve the maternal health of the teenagers can approach the particular needs of this group, respecting their rights to privacy

and confidentiality, recognizing the rights and duties of the parents in attention to their age and maturity, according to the evolution of their faculties

## 2.6. Art. 13 y 14 Right to Education

The new Dominican Constitution, proclaimed on January 26th 2010, affirms that the Dominican State “guarantees free public education compulsory in the initial, basic and middle levels<sup>60</sup>”, that is to say, until the last year of secondary education. The General Law of Education no. 66-97 of 1997, already established the gratuity in all the levels, nevertheless, it limited it to the compulsory nature of the basic level (that is to say until eighth grade). From the implementation of the “Decennial Plan of Education”<sup>61</sup> and the approval of the Law of Education in the Nineties, the Dominican State has timidly advanced in its obligation to guarantee the right to the education, especially in aspects like the cover of the basic education (until eighth grade)<sup>62</sup> and the levels of literacy.<sup>63</sup> Nevertheless, the Dominican education continues being one of most deficient of Latin America and the world, reason why the country is still far from reaching to a universal educative system of quality. According to the World-wide Economic Forum (WEF<sup>64</sup>), for the period 2009-2010, the Dominican Republic is in the place 132 of 133 as far as the quality of primary education and in place 129 in relation to the educational system<sup>65</sup>.

The reality is that the Dominican education is far from being characterized by “a direction towards the total development of the human personality and its dignity” or aimed “to fortify the respect by the fundamental human rights and liberties” according to the principles established by the Pact of Economic, Social and Cultural Rights. As the PNUD affirms in its last report on Social Policy in the country, it “does not provide the students of all the tools to build up their capacities that may allow to extend liberties and empowerment regarding a total fulfillment of citizenship”.<sup>66</sup> This alarming situation is not surprising when the public cost invested in education is analyzed, as well as the main indicators such as quality and coverage of education. The State at least does not invest 4% of the GIP (or 16% of the public cost) that demands as minimum the Law of Education (Art. 167). In 2008, the State invested in education 1,82% of the GIP and although in 2010, the budgeted amount reaches the 2,4% of the GIP, the executed amount to at the end of the year is smaller. The same Decennial Plan (2008-2010) admits the shameful truth of this reality and indicates that in the country “the cost in education has been less than half of the regional cost and less than the third part of the cost in education among the insular countries of the Caribbean”. The main deficiencies are reflected in quality and efficiency, that as a consequence leads to “a situation where the students do not learn what they would have to learn”, but also contribute to the existence of issues such as registration for education (*matrícula*). As an example, we emphasized some key problems related to the quality of the education, that are worrisome: in the school year 2007-2008 of the 5 hours demanded as time for teaching, the schools of basic education used an average of 2 hours and 40 minutes. The national test results between 2002 and 2006 divided equally 57,6 in basic education and 55,5 in average education,

60 Article 63.3 *Constitución de la República Dominicana*, proclaimed on January 26th 2010 (G.O. No 10561).

61 Initiative of the civil society, the government and international organizations in the area of education, where an improvement of the Dominican system was proposed “quality, efficiency and equity” to: “(a) Make the coverage wider and improve the permanency in basic education, strengthening actions in the most disadvantaged areas (b) transform the curricula to make a quality education possible (c) improve the economic, social and professional situation of teachers (d) improve the levels of competitiveness and efficiency of the State National Secretariat on Education (e) to achieve the level of participation of the society in the management of the educational process and (f) to strengthen the economic resources that the State and the society invest in Education” (EDUCA, 2006). The first Draft was approved in 1992 and was in place until 2002. The present version is the Decennial Plan of Education 2008-2018.

62 CEPAL, 2008. Op. Cit.

63 ODH/PNUD (2010). Op. Cit.

64 Which Published an index of global competitiveness regarding 133 countries.

65 WORLD ECONOMIC FORUM. *The Global Competitiveness Report 2009-2010*: Geneva, 2009.

66 ODH/PNUD (2010). Op. Cit.

when the allowed minimum average must more be of 70 points or so. Also the high levels of desertion, overage and repetition stand out (7,3% in 2005). On the other hand, only 56% of the educational personnel hold a degree<sup>67</sup>.

With respect to the coverage, the progressive increase of the rate of registration emphasizes a step forward, especially concerning primary and basic education (of 7 to 13 years approximately) with 88,8% registered; also it is important to emphasize that the breach of gender in these lines has been reduced enormously and that regarding middle education<sup>68</sup> female teenagers surpass their male counterpart.<sup>69</sup>

However, at initial level (pre-school) and in middle education, the coverage still leaves much to be happy with since at the moment it reaches 33,1 and 50,9%, respectively<sup>70</sup> (MINERD, 2009). Around 50% of the teenagers in school age do not go to a training center. To this, we must add that these percentages of coverage fall in the case of the poorest sectors and the countryside, especially in basic education. Evidently, this reality generates a “cycle of perpetuation of poverty”, where the low education of the original people of poor homes generates a link of connection for “a new generation of poverty”<sup>71</sup>.

The exclusion of the educational system as a result of the poverty situation affects particularly undocumented children, boys and girls and teenagers (Dominican - of Haitian ancestry or not and Haitians). According to the 2002 Census, in this year only a 26% of the Haitian population between 5 and 24 years old attended school (data that is particularly relevant when compared with the 75,6% of the Dominican respective population)<sup>72</sup>. In agreement with the PNUD, for the boys and girls born in the country of Haitian immigrants, the personal identity card absence “constitutes a crucial factor of obstruction in the access to the education due to the difficulties that they confront to obtain the Dominican birth certificate”. From the year 2001, to resist this situation and at the request of the civil society, the Ministry of Education has accepted not to demand birth certificates to the students; but this practice has not been categorical and in addition it is limited to the basic level of education.<sup>73</sup> In spite of the sanction established by the Inter-American Court of Human rights on the matter, the country has not duly fulfilled with the imposed measures, and still has to offer free education to all the Haitian minors or of Haitian ancestry who live in the Dominican territory. Thousands of Dominican young people of Haitian ancestry without birth certificates are without possibility of access to the middle education (secondary) and the university for this reason.

With respect to the indirect costs of education, parents are generally the ones who must assume the expenses for transport, uniforms, etc. Despite this, the Dominican State has assumed different initiatives to partly eliminate the impact of these costs on the population. Among these we want to emphasize the “Incentive to Asistencia Escolar/School Attendance (ILAE)”, a component of the Solidarity Programme (a program of social assistance created in 2004) that aims to promote the school attendance and to prevent desertion, through the allocation of a monthly economic aid to families with sons and daughters between 6 and 16 years old, registered between the first and the eighth grade of the system of public basic education. The incentives for the beneficiary families vary in relation to the amount of minors in each home (RD\$300 for homes with one or two minors, RD\$450 for those with three minors and RD\$600 for those with four or more). Other similar programs have been created by the Ministry of Youth and the Office of the

67 ODH/PNUD (2010). Op. Cit.

68 It covers 4 years of Secondary education and it is now on its second period with the option “Modalidad Técnico-profesional”.

69 Regarding Primary and Basic/Initial education the rate of registration is of 93.1% for boys and 84.5% for girls. Regarding middle education the female teenagers surpass their male counterparts in more than ten points: 56.1% in front of 45.8% (MINERD, 2009).

70 Secretaría de Estado de Educación Ciencia y Tecnología (2006). Informe General (estadísticas de educación superior 2004 y 2005). Santo Domingo.

71 Educa/Programa de Promoción de la Reforma Educativa en el Caribe –Preal- (2006.) Informe de Progreso Educativo República Dominicana, Santo Domingo.

72 ODH/PNUD. 2010. Op. Cit.

73 Ídem.

First Lady, nevertheless, as the Office of Human Development reports, like the case of the majority of the programs of social assistance, they are carried out “without connection with others, with precise data, without clear definition of the beneficiaries at the discretion of the bureaucracy, as well as with no follow up of the expected impact”.

The school breakfast is implemented at national level through the hiring of private companies in charge of the supplying orders. It represents the only meal consumed in the morning by thousands of children of limited resources between 6 and 12 years old<sup>74</sup>. Such measure allows that minors who attend the centers of public education have a nourishing base that can improve the conditions to receive their instruction. Nevertheless, there have been scandals related to the poisoning of hundreds of children of limited resources<sup>75</sup>.

Finally, we must point out that the Dominican educative system is also characterized by a noticeable sexism that can be appreciated in the school texts, as well as the existing hierarchies within the system and its centralist organizational structure. With the aim of promoting a non sexist education a gender unit was created within the Ministry of Education and although it was operating for several years a recent institutional process of reform has diluted the unit, and doing so they have weakened any aspiration to eliminate sexism in education.

Other violations of the right to education involve complaints of sexual harassment and maltreatment perpetrated by teachers against teenagers, with incidents of pregnancies: “Sexual harassment against children in the schools is a world-wide problem... in Latin America sexual harassment a generalized phenomenon in the Dominican Republic, Honduras, Guatemala, Mexico, Nicaragua and Panama, among other countries<sup>76</sup>.. The NGO Plan International recently presented an investigation which shows the harassment suffered by minors perpetrated by female teachers and male teachers: This violence that is exercised against boys and girls, although breaks clearly the national laws and international standards on children, boys and girls and teenagers, it is framed within the term behavioral *punishments* and is validated

like normal events before the eyes of a system that still takes this as reference of support in relation to teaching methods regarding boys and girls<sup>77</sup>.

## Recommendations:

1. To assign to the Ministry of Education 4% of PIB as the General Law on Education No. 66-97, 9 of April 1997 establishes.
2. To take effective measures in order to avoid intoxication due to consumption of food in public schools.
3. To develop campaigns and offer training to female and male teachers to eradicate violence

74 <http://www.elnacional.com.do/nacional/2010/8/23/58321/ONU-inicia-monitoreo-del-desayuno-escolar-en-RD>

75 <http://www.elnacional.com.do/nacional/2010/5/18/48867/En-Cotui-se-intoxicaron-13-estudiantes-al-ingerir-desayuno-escolar>  
<http://www.elnacional.com.do/nacional/2010/4/27/46832/Se-intoxicaron-300-ninos-con-desayuno-escolar>  
<http://www.perspectivaciudadana.com/contenido.php?itemid=32293>

76 Amnesty International. Escuelas Seguras, el Derecho de Cada Niña.2008.

77 Vargas, Tahira. Violencia en la Escuela. Estudio Cualitativo 2008-2009. Plan International RD.2010. Available in <http://www.planrd.org/biblioteca/category/4-aprender-sin-miedo.html>

against girls, boys and teenagers in public schools.

4. To strengthen with an appropriate budget the present gender mechanisms which exist in the Ministry of Education.
5. To strengthen the development of programmes and policies for a non sexist education or discriminatory at a national level.
6. To fulfill all the measures ordered by the Interamerican Court of Human Rights, especially to offer free education to all minors who are Haitians or descendants of Haitians that live in the Dominican territory.