



Human Rights of Women

Alternative report presented by the Dominican Coalition for the human rights of women (DCHRW)

Presented to the United Nations Human Rights Council for the 18th session of the Universal Periodical Review - UPR.

The coalition of the organizations from the Dominican civil society fighting for the human rights of women:

Comité de América Latina y el Caribe para la Defensa de los Derechos de las Mujeres – República Dominicana (CLADEM-RD)

Colectiva Mujer y Salud

Foro Feminista

Núcleo de Apoyo de la Mujer (NAM)

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Recommendations supported by the state during the 13th period of sessions of the Human Rights Council, during the examination of the UPR.

26. *Taking into account the determination of the Government to protect the right to life and the danger of the practice of illegal abortions, provide guarantees in legislation for the mental and physical integrity of women, especially children who have undesired pregnancies (Spain);*
27. *Seek technical assistance in the field of violence against children (Slovenia);*
28. *Increase the number of competent personnel in the Public Prosecutor's office working to combat violence against women (Netherlands).*

Context of the Country:

1. The Dominican Republic has seen one of the fastest growing economies during the last years in the region of Latin-America and the Caribbean. During the last forty years, the Dominican economy successfully grew to relatively high standards in comparison to other countries in the hemisphere. During the period of 1961-2007 de economy expanded with an annual rhythm of 5.3%, while the union of Latin-America and the Caribbean grew with a 3.8% average.¹
2. Even though the economy grew, these effects have not contributed to an equal improvement of the population's quality of life. In line with other analyzes, one of the causes can be found in the fact that the increase has not been continuous and systematic. During the periods of economic growth de demise of poverty has been very little, while the crises have struck hard.²
3. The interference of the Catholic Church in the decision making of the autonomous state organs, such as the National Congress, as well as the impediment of sexual education in public educational centers and private centers constitutes an attack on the social spheres of the State, the democracy and the rights set out by the Constitution. Additionally, it constitutes an obstacle to the free enjoyment of human rights such as the right to abortion for women and sexual education in schools.
4. In general, the institutionalization of the state is poor, characterized by bureaucratic tendencies as well as tendencies of patronage and centralism.³
5. It is in this context that the transversal public politics on gender have not been a priority to the state, hence there has not been sufficient funding assigned to address the issue by implementation.

1. Violence against women

6. Violence against women constitutes one of the principal manifestations of violations of human rights in the country. In accordance with the public prosecutor's office of the Dominican Republic, 1,580 women have been victims of femicides between January

¹ Ministerio de Economía, Planificación y Desarrollo. Consejo Nacional de la Reforma del Estado. Documento base de la propuesta de Estrategia Nacional de Desarrollo 2010-2030. Pág. 34.

² Ídem. Pág. 38.

³ Un viaje de transformación hacia un país mejor. Propuesta de Estrategia Nacional de Desarrollo 2010-2030. MEPyD y Consejo Nacional de Reforma del Estado. Marzo 2010. Santo Domingo. Pág. 48.

2005 and December 2012.⁴ In 2011 there had been a total of 233 femicides and last year (2012) a total of 194 femicides.

7. The Public Prosecutor's office of the Republic reported a total of 72,199 charges pressed in the Dominican attention centers for violence against women in 2011. Of these pressed charges, 66,177 charges constituted an act of gender violence or domestic violence, and 6,022 of these charges were related to sexual conducts.⁵ De cities with the largest numbers of pressed charges, in accordance with the report, are: Santiago (13,530), the province of Santo Domingo (9,354), Puerto Plata (7,094), and finally: the National District (7,020).
8. There exists a great disproportion in resources; even though there are three cities with a higher amount of pressed charges on gender and domestic violence, it is in the National District where they have established a series of services.⁶ A staggered centralization which does not take into account the necessities of attention. This lack of recourses in the other cities is reflected in the exploitation of employee's as a result in a lower standard of quality of attention to victims.
9. On the other side, the number of pressed charges does not resemble the failed cases in the tribunals. In the district attorney's office there exists a dynamics of listening and recording the testimonies, however the decision to send cases to a court hearing or to incite coercion remedies entails bureaucratic steps which might infringe upon sentencing.⁷ The judicial system does not have the necessary structure to provide for fast and efficient attention to the high number of allegations.⁸
10. The shelters which were created as a remedy to prevent femicides and offer security in cases where the victim does not have a safe place to stay, function with precarity of resources, which situates the women in conditions of re-victimization due to the system.
11. As an element of governmental politics, the law has been the principal axis of development for the government through the offering of services. Nevertheless, the politics of transgender throughout the governmental system has been poor and little coordinated.

Recommendations

12. Distribute mayor funds for the execution of programs dedicated to the prevention and attention of violence against women and children.
13. Decentralize the assignment of resources in the capital city and redistribute them equality at a national level, taking into account those cities where high numbers of

⁴ Departamento de Estadísticas de la Procuraduría General de la República.

<http://mujer.gob.do/Estad%C3%ADsticas.aspx>

⁵ <http://estadisticas.pgr.gob.do/documentos/avvg/20110510-informe-violencia-genero-intrafamiliar-delitos-sexuales-ene-dic-2011.ashx>

⁶ Centro de Atención Integral a Niños, Niñas, Adolescentes y Familia. Centro de Atención a Mujeres Maltratadas. Cámaras de Gessel para evaluar a víctimas y testigos, Centro Conductual para Hombres.

⁷ See the statement made by a victim of femicide before her death

https://www.youtube.com/watch?v=Pug_gLoxAh0

https://www.youtube.com/watch?feature=player_embedded&v=rGbtDzArkYg#

⁸ Magistrado Alejandro Moscoso Segarra. "15 años de jurisprudencia sobre violencia hacia la mujer 1997-2012". Centro de Documentación e Información Judicial Dominicana (CENDIJD). Editora Corripio. September 2012. Pag. 276 and 283. Between 1997 and 2012 there have been 8 femicides recognized by the Supreme Court. Of these cases, 3 were sentences were pledged and 2 pleaded intoxication of the aggressor under article 64 of the Penal Code.

numbers of charges, related to violence against women and domestic violence, are pressed.

14. Urgently call; for the creation of more shelters, distributed on a national level, dedicating mayor resources as to not put women and their children in conditions of re-victimization.
15. Dedicate mayor approaches of the phenomena of violence against women and children in the curricula of the national school of law and the national school of the public ministry.
16. Define public politics of prevention which include an equal education in all levels of the education section, in the private and public sector.

2. The Right to Education

17. The country has advanced in the integration of women in education at every level, the percentage of women that finish 8th grade is 20% higher than the percentage of men and the number of registered women at the intermediate education level is 22 % higher than that of men⁹. In 2009, of the 372,433 students in higher education, there were 64% women and 36% men, which results in the decrease of male inscription with 2% and an increase of female inscription with the same rate as the years 2005 and 2009.¹⁰ This result is transcendent to women in the sense that education forms one of the fundamental components of their empowerment and growing possibilities of their opportunities and liberties.
18. However, the Dominican education system reproduces biases and stereotypes which do not only affect the constructions of the relations of equality between children, but also school performance and even more the vocational orientation. This is manifested in the women composing the vast majority of university studies in humanities, education, health sciences, administration, economics, and social sciences, getting to a participation of more than 2/3 of the students.
19. Nevertheless, exact sciences, where there are more job opportunities with better salaries, such as electronic engineering, informatics, technology and technology of communication are still more masculine, representing women with less than 43%,¹¹ which reaffirms the necessity to promote the public politics of a higher education with an emphasis of gender which contributes to overcome obstacles, obstructions, and stereotypes that determine that Dominican youth does not massively opt for these types of careers.
20. Likewise, the Dominican Republic is between the worst countries of quality of education. The report on Competition of the worldwide economic forum situates Dominican education between the worst on a list of 144 countries. With regard to the “Quality of the educational system”, the Dominican Republic was qualified as the 136th country out of 144. With regard to the “Quality of education in math and sciences” the Dominican Republic was qualified as the 139th.¹²

⁹ Ministerio de Educación (MINERD) 2010-2011- República Dominicana “Objetivos de Desarrollo del Milenio”. Follow up report 2010. -

¹⁰ Amparo Arango Echeverri. *¿Otro techo de cristal? La brecha digital de género en la República Dominicana*. Centro de Investigación para la Acción Femenina (CIPAF). 2011

¹¹ Ídem

¹² Report on Competition of the Global Economic Forum

http://www3.weforum.org/docs/WEF_GlobalCompetitivenessReport_2012-13.pdf

21. In the case of sexual education, the law on the protection system of the rights of children and youngsters (Law 136-03) establishes the right to information on health, which includes sexual health and reproduction, as well as the responsibilities of the education authorities to coordinate and execute de programs on prevention, sexuality, and reproduction, which is formulated by the Dominican system of social security and the competent state agencies.
22. Nevertheless, the general law on education (Law 66-97) does not regulate anything with regards to the education on sexual health and reproduction in the educational system. Sexual relations at an early age and the active sexual lives oblige this theme to be one of priority in the education of adolescents. At the national level, 7 out of 10 men between 18 and 24 years and a 51% of the women in this group initiates their sexual life before turning 18.¹³
23. This early start of a sexual live, leads to a high rate of teen pregnancies. At the national level, a 20.6% of the adolescents has been pregnant.¹⁴ The vast majority of these pregnancies where unplanned and led to school drop-outs. Additionally, a pregnancy at an early age limits the adolescent to enter the labor market, leading to the reproduction of the circle of poverty in which the adolescent is living.¹⁵

Recommendations

24. Implement specific remedies in basic and secondary education to incorporate a gender perspective, which promote the overcoming of concepts, values, and principles that combat the gender stereotypes.
25. Continue the amplification of the spreading of sexual equality on the basic levels, both in rural and urban areas, with the aim to reduce the incidents of absence in education, working parallel to the primary causes of male and female absence in schools.
26. Restructure the educational system in such a way that the educational quality improves with actions that include, but are not limited to: the modification of the school curriculum, the improvement of the use of technologies and the use of technologies in improvement of the classes and the formation of teachers.
27. Promote politics on the vocational orientation and the acquisition of digital competences for women and children, with the aim of increasing female participation in sciences, engineering and the technological careers of information and communication.
28. Impart sexual education in every level of the school system, both public as private, from a gender and human rights perspective.
29. Implement programs on the education of sexism and discrimination from a perspective of human rights on the university levels, from graduates to post-graduates.

¹³ Encuesta Demográfica y de Salud (ENDESA 2007),

¹⁴ ENDESA 2007

¹⁵ Eddy Pérez Then, *Embarazo y factores de riesgo en mujeres adolescentes residiendo en la República Dominicana*; 2010

3. The Right to Work

30. During the last decennium, the labor market has characterized itself with a persistently high amplified¹⁶ female unemployment. ¹⁷ In 2011 the female unemployment rate was 21.5%; more than two times the male unemployment rate (10.1%), with a significant breach of 11.4 percentage points. ¹⁸ The amplified unemployment is fairly high under heads of families (14.51%), heads of single-parent households (15,26%), single mothers (16,47%), and women not at the head of a family (23,36%)¹⁹; preoccupying is the fact that according to the IX census on population and housing 2010 ²⁰, 37.5% of the female population has the main responsibility over the household, and a 65% of the households registered as poor ²¹, are led by a female.
31. The female Active Economic Participation (AEP) is consistently and persistently inferior to the male AEP under all ages, reaching its peak between 44 and 65 years. ²² Concentrating on the education levels, the breach between the male and the female AEP is as follows: female AEP with university degrees is 11.0% less than the male AEP, female AEP with high school diplomas is 15.2% less than the male AEP, and female AEP without education is 25.3% less than the male AEP.
32. In the following activities feminization of labor ²³ is found: other services such as: community services, social and personal services principally referring to the health and education sectors; hotels, bars and restaurants; financial intermediation and insurances. The principal female occupations are: clerks; professionals and intellectuals, and domestic workers. ²⁴ These are occupations that allow women to possess more flexibility, while on the other hand are subjected to unfavorable labor conditions such as instability, remuneration and time. Furthermore, major concentrations in traditional occupations unemployed by women reflect the differences within sexes that register in the education trajectory to the Dominican labor force (education, nursing, bio analysis, accountancy, designing, secretary, etc.).

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¹⁶ Amplified unemployment includes those persons unemployed but searching work (Economically Active Population – EAP -that has tried to find work during the last 4 weeks.) and those persons unemployed who are not actively searching for work, but would accept a job offer.

¹⁷ Even though the female EAP increased and the male EAP decreased from 2000 to 2011. Ministerio de la Mujer, (2012). *Mujeres Dominicanas en Cifras 2000 – 2012*. Santo Domingo, República Dominicana.

¹⁸ The previews for 2012 are worsening, with the expectancy of female unemployment of 22.1% against a male unemployment of 9.8% with a breach of 12.3 Source: Banco Central de la República Dominicana, (2012). *Indicadores del Mercado de Trabajo por Género, Encuesta Nacional de Fuerza de Trabajo*. Disponible en http://www.bancentral.gov.do/estadisticas.asp?a=Mercado_de_Trabajo.

¹⁹ Data stems from October 2011. Source: Ministerio del Trabajo, (2011). *Panorama Laboral 2011*. Observatorio del Mercado Laboral Dominicano – OMLAD. Santo Domingo. Disponible en http://www.omlad.gob.do/LinkClick.aspx?fileticket=34R_fHON_Zg%3D&tabid=116&forcedownload=true.

²⁰ Oficina Nacional de Estadísticas, (2010). IX Censo de Población y Vivienda 2010. República Dominicana

²¹ En el Sistema Único de Beneficiarios del Gabinete Social (SIUBEN)

²² Elaboración de los datos de la *Encuesta Nacional de Fuerza de Trabajo - ENFT -2010* (Banco Central de la República Dominicana (2011).

²³ In relation to the participation in the the work force.

²⁴ The index of feminization is respectively: 1.65; 1.55; 1.33. Source: Banco Central, ENFT 2010.

²⁵ Ministerio de la Mujer, (2012). *Mujeres Dominicanas en Cifras 2000 – 2012*. Santo Domingo, República Dominicana.

33. Between 2000 and 2011 Dominican women have received an average monthly salary of 27.5% less than their male counterparts.²⁶ The breach in income, unfavorable to women, may be attributed to the minor duration of the weekly working hours, due to the lack of conciliation politics, and to a minor remuneration of hours. The difference in the remuneration of hours is especially high in the age group of 35 to 49 years and characterizes all education levels (with the exception of the group without education).
34. The responsibility that falls almost exclusively on women, including the children and adolescents, in relation to unpaid domestic work and the caretaking roll, limits the possibilities of female access to the labor market. This is due to the lack of effective public politics calling for the reconciliation between the working lives and family lives and the degree of caretaking dependency which was estimated at 34 % in 2010.²⁷
35. However, the amount of females with an health care insurance has increased over the last years, both in the contributive sector and the subsidiarity sectors, which leaves the contributive-subsidiarity sector,²⁸ which is led by professionals, technicians and workers with an independent income equal or higher to the national minimal salaries. All of these are increasing in the female occupations. In fact, even though the statistics show that in 2011 66.3% of the employed women fulfill unpaid work (against 43% of the men. This rate of labor insertion is decreasing in the country, while there is an increase in female labor in the informal sector with low productivity, unsafe labor conditions and the absence of social protection.²⁹ Between 2000 and 2007 7 out of 10 new labor positions for females were created in the informal sector or were “not remunerated”³⁰ (in 2009, 49% of the employed women were fulfilling jobs in the informal sector, against a 47.3% in 2000).
36. On the other hand, looking at domestic work, in 2007 5.6% of all people with employment were dedicated to domestic labor.³¹ Of the 213,355 people accountable as domestic workers, 94.5% were female and the vast majority between 18 and 40 years.³² Of these people, only 15% (regardless their sex) were affiliated to a certain type of health care, the majority did not apply to the social insurance system nor to the pension system.
37. **Sexual harassment.** In accordance with an investigation by the Ministry of Women,³³ the highest levels of sexual harassment are to be found in the province of Santo Domingo and in the National District (28.3% of the women interviewed personally and 31.7% of the women interviewed over the phone). Both in public and private

²⁶ *Ibíd.*

²⁷ Between the population requiring care (children between 0 and 6 years and elderly people above 85) and the population between 15 and 74 years. This indicator measures the potential necessities of care in a society and the demographic possibilities of offering assistance. This index has been calculated according to the data of the Centro Latinoamericano de Demografía.

²⁸ Law 87-01 on social security contemplates the universal coverage in 10 years' time, through 3 regimes.

²⁹ Ministerio de la Mujer, (2012).

³⁰ Programa de las Naciones Unidas para el Desarrollo en base a la ENFT 2000-2008.

³¹ Oficina Nacional de Estadísticas (ONE), (2007). Encuesta Nacional de Ingresos y Gastos de los Hogares: 2007.

³² ONE, (2009). *Trabajo Doméstico Remunerado en República Dominicana. Panorama Estadístico*. Año 9 N. 19, septiembre 2009.

³³ Ministerio de la Mujer, (2010). *De la anécdota a la evidencia: investigación sobre acoso sexual y el acoso moral en el trabajo. IAT 2010 RD. Informe Final de Resultados*. Santo Domingo.

spheres high rates of sexual harassment are found. However, the labor laws only consider sexual harassment as a just cause for resignation if inspectors have not raised a violation of the law before the said conduct. The project on the law, presented to the Chamber of Deputies in 2008, considering sanctioning sexual harassment did not find support and was not presented anew afterwards.

38. In spite of being able by law, many women do not press charges out of fear to lose their job, because of the high position taken by the offender, out of shame, because they do not know who to complain to on the job, all of these reasons were set out in a studies realized by CIPAF.³⁴
39. **Migrant workers in the rural sector.** A high amount of migrant workers in the tomatoes picking industry receive little wage: per box they receive 8-10 RD\$ (which is 0.15-0.18 US\$). Daily they will fill an average of 20 boxes. Additionally, some women claim that generally they are paid for fewer boxes than they in reality have filled during the day.³⁵ According to a studies realized by Colectiva Mujer y Salud,³⁶ Haitian women residing on the border between Haiti and the Dominican Republic, and contracted as domestic workers in Dominican households, may receive an average monthly salary of 1000 to 2000 RD\$ (US\$25 – US\$51.28). Haitians working as domestic workers claim to be victims of sexual violence, sexual harassment and sexual violations, exercises by the male head of the family or any other family member of the household.

Recommendations

40. Define public politics of labor, in both the public and private spheres, both urban and rural zones, which promote the insertion of female labor. Above all the low wages and female heads of households should be promoted where indicators of mediation and evaluation regarding to wage inequalities and labor inequalities between men and women are defined, as to overcome these differences.
41. Initiate the promotion of women in directive positions with competitive salaries in the private sector, through the introduction of a quota system in the mayor companies in the country.
42. Give impulse to the opening of daycares and community centers for children, as well as shelters for elderly people and sick people with special care, guaranteeing cover in the entire country. Promote the shared responsibility of the household en the raising of children between the man and the woman; through different actions, which introduce the paternity leave for fathers up until the 3th year of their child. Ratify the international convention of the International Labor Organization 156 on employees with family responsibilities, 183 on the protection of maternity, and 189 on domestic workers.

³⁴ Idem

³⁵ Solidaridad Fronteriza, (2004). Situación de los trabajadores agrícolas en la zona fronteriza norte.

³⁶ Petrozziello, Allison y Wooding, Bridget. Mujeres en el camino: Una mirada a la violencia contra las mujeres migrantes haitianas, en tránsito y desplazadas en la frontera dominico-haitiana. Colectiva Mujer y Salud, Mujeres del Mundo y el Observatorio de Migrantes en el Caribe (CIES-UNIBE). Editora Búho. Diciembre 2011.

43. Assure the cover of social security of all women, including those working in the informal sector (through the activation of contribution-subsidiarity principle): the remunerated domestic workers and the non-remunerated domestic workers.
44. Improve the data bases with information on the labor market, data divided by sex, age, level of education, etc. Including data on migrant workers.
45. Guarantee domestic workers a labor principle that regulates an adequate manner of working hours, as well as wages and reckoning of licenses and labor rights which these women should enjoy; through legislation and the incorporation of domestic workers in the social security system.
46. Include the social security of domestic workers exclusively.
47. Modify the actual position on sexual harassment in the criminal code to define sexual harassment as a broader term, departing from the impediment of the function, in whichever way, independently from hierarchical structures.
48. Guarantee labor rights to migrant workers, who fulfill rural work and domestic work, independently of their legal migrant status in the Dominican Republic.

4. The Right to Health

49. **The Right to Abortion.** Dominican law prohibits the interruption of a pregnancy under all circumstances.³⁷ Through the constitutional reform, religious sectors in the government propelled the approbation of article 37,³⁸ with the intention to impede the legalization of abortion under the following circumstances: when the life or health of the woman is at stake, or when the pregnancy is a result of sexual violation or incest.³⁹
50. Even though large sectors of the Dominican population are in favor of the legalization of abortion, the resistance towards the approbation persists. 62.1% of the females and 60.4% of the males consider putting the life or health of a woman in danger a justification for abortion. This position is held by a major academic formation and separation with ideas on the law going towards this view.⁴⁰
51. Regardless of the grave consequences that fall upon a women in case of committing an abortion under unsafe condition and without the correct medical treatment, the Dominican state continues to deny women to decide upon their reproductive system, including in situations where special or grave conditions apply resulting from the pregnancy being a product of sexual violation or incest. And, when the pregnancy puts at danger the life of the woman. This grave situation has not been recognized, nor improved within the legal framework of the country.
52. The national statistics demonstrate that the abortion rate stays constant and there is little variation with regard to earlier decades. It is recognized that the abortions disguised as natural abortions, are generally completed in hospitals. The publication established in 2011: “Dominican in numbers 2011”, shows that in , the Hospital de Las Fuerzas Armadas (FFAA), the Hospital General de la Policía Nacional (HOSGEPOL), the Ministerio de Salud Pública y Asistencia Social (MSP), and in the Instituto Dominicano de Seguros Sociales (IDSS)⁴¹ 45,130 cases of abortion were registered in 2010.⁴²

³⁷ Article 317 of the Penal Code.

³⁸ Establishes the right to life from the conception to death.

³⁹ Requirements of the feminist movement from over 15 years in the process of the reform of the Penal Code.

⁴⁰ Cultura Política de la Democracia en República Dominicana, 2012, Pág. 236 y ss. Complete report available at: <http://www.vanderbilt.edu/lapop/dr/DomRepublic-2012-Report.pdf>

⁴¹ Oficina Nacional de Estadística (ONE), Dominicana en Cifras, 2011. P.(405-406)

⁴² Taking into account the sub-registry of these types of acts to find themselves within the legal framework.

53. **Maternal death.** The high number of maternal deaths⁴³, is associated to the medical bad practices. Some of the causes of maternal death are identified as follows: increase in blood pressure due to the pregnancy, hemorrhages and complications during the post-partum period.⁴⁴ The Colectiva Mujer y Salud, an NGO dedicated to the defense of the right of women in the Dominican Republic, counted (through their bulletin on maternal deaths) a total of 173 maternal deaths in 2011, which are 28 less than 2010.⁴⁵ SINAVE, the national system of vigilance on epidemics counted the same number of maternal deaths for 2012.⁴⁶

Recommendations

54. Urgently adapt the criminal code as to legalize abortion in cases of sexual violence, incest and endangerment of the mother's life.
55. Welcome safe and legal abortions exercises by the World Health Organization.
56. Apply correct measures of the norm for attention to the mother during and after pregnancy.
57. Monitor the correct application of medical procedures of quality and the correct continuing of attention to the mother before and after giving birth, through the creation of a special program or a public fund under the supervision of a group of experts in gynecology.
58. Create a special health insurance for maternity, which guarantees free attention to women with little resources, at least during the development and postpartum period, including the necessary vitamins and other medication necessary for each case.

⁴³ <http://www.movimientorebelde.com/index.php/noticias/item/1874-mortalidad-materna-es-por-falta-de-insumos-y-la-mala-pr%C3%A1ctica.html>

⁴⁴ Naciones Unidas Rep. Dominicana: <http://portal.onu.org.do/republica-dominicana/datos/salud-materna/36>

⁴⁵ Colectiva Mujer y Salud, Boletín de Mortalidad Materna 2011: http://colectivamujerysalud.org/files/boletines/mortalidad_materna_2011_.pdf

⁴⁶ Data from January 22, 2013. Susceptible to increasing, even though the year has concluded it is possible that new cases will be identified through active searching.