
Committee on the Elimination of
Discrimination against Women
Seventh session

16 February - 4 March 1988

Excerpted from: Supplement No. 38 (A/43/38)

Concluding comments of the Committee on the Elimination of
Discrimination against Women: Dominican Republic

Initial report

127. The Committee considered the initial report of the Dominican Republic (CEDAW/C/5/Add.37) at its 106th and 111th meetings, held on 17 and 19 February 1988 (CEDAW/C/SR.106 and 111).

128. In her introduction, the representative of the Dominican Republic emphasized the permanent interest of her Government in the economic and social development of the country and the population aiming at the achievement of full equality between the sexes. The brief overview of the historical events that were presented gave evidence of the vigorous women's movement in that country. She pointed out the progress achieved in the advancement of women over the last 22 years since the inception of democracy, and underlined as an important event the establishment of the Department for the Advancement of Women in 1982 and its Consultative Council in 1985. She also emphasized that her country was the host for the United Nations International Research and Training Institute for the Advancement of Women (INSTRAW).

129. She stated that the Chief Public Prosecutor was a woman and that her country had two women ambassadors at the United Nations.

130. Aware of the importance of eliminating any type of traditional stereotypes that could hinder the advancement of women, the Government was trying to educate the population so that women could play an equal role in society with the same rights, responsibilities and opportunities as men.

131. Private universities were planning the introduction of courses on women and development, and she referred to the Government's many production-oriented programmes for rural women. The number of non-governmental organizations working on the promotion of women was higher than in practically any other developing country.

132. The Committee thanked the representative for the comprehensive presentation and commended the frankness of the report which followed the general guidelines. It showed the country's commitment to the cause of equality and to its implementation de jure and de facto. The Committee also paid tribute to the valuable statistics contained in the report. Although the country suffered from many constraints and a lot remained to be done, the women's movement had made big

strides. That was all the more noteworthy, as it was a country with economic difficulties and with a Latin tradition and customs where women played a subordinate role. Members were impressed by the many draft laws and wanted to know whether any of them had already been adopted. They also wondered how those laws would get accepted among the ordinary people. It was asked what was meant by the expression used in the report "overstated feminist standpoints". Praise was expressed for the high percentage of female university students, the relatively high number of women ambassadors and existence of paid maternity leave.

133. Members inquired about the role of the Department for the Advancement of Women, its status and structure, whether and how it was linked to the Government or non-governmental organizations and about the result of its activities. They also asked about its budget, what its statutes were and whether its actions bore legal force. As the feminist institutions had become stronger after the entry into force of the Convention, it was asked how the Convention was disseminated, how it was dealt with by feminist groups and how it was being implemented in rural areas.

134. Another comment referred to the "vigorous women's movement" mentioned by the representative, which found, however, no reflection in the report.

135. An inquiry was made as to any change in marital relations as a result of the new draft law.

136. It was asked why the rate of the economically active female population had risen so considerably, bearing in mind that the data did not reflect the involvement of women in the informal sector.

137. It was commented that normally in other countries more men moved from rural to urban areas. It was asked why in the Dominican Republic more women moved into urban areas and whether those women became domestic servants.

138. Experts inquired whether the Constitution of the Dominican Republic recognized the norms of American law. Positive comments were made on the fact that the Constitution had become part of national law. The absence of racial discrimination in the country was considered an important step.

139. Referring to the marked interest of the country in an increase in its population, it was asked whether that attitude had changed in keeping with the international population policy.

140. It was asked whether guarantees existed to enable women to participate in various areas of social activities. Experts inquired whether Dominican women were aware of their right to access of the courts, about the number of court cases pursued by women and whether free legal aid existed.

141. Information on the existence of temporary special measures was requested.

142. Clarification was sought on the degree of involvement of men in efforts to change their roles and on measures to modify the idea of male superiority. It was asked whether men shared the child-care activities with women and how paid and unpaid work was distributed between the sexes. Experts wanted to know whether sex discrimination existed in advertising and how big the influence of religious institutions was.

143. Some explanation was sought about the reason for the female predominance in higher education and the marked change in the agricultural sector regarding the involvement of women in productive activities.

144. It was asked whether re-education measures for prostitutes existed, whether prostitutes were in any way protected and whether rape was a criminal offence and what the sanctions were.

145. As regards the political participation of women, questions were raised about the role of women deputies, senators, secretaries of State, and ministers. Experts inquired also whether political parties were concerned with women's programmes and whether the Government had any intentions to extend the political participation of women.

146. With reference to the different rights of men and women to confer their nationality on their spouse, it was asked whether the law, which was meant to put an end to that discrimination, had been implemented already, and whether the provision under which the father was given priority in respect of the nationality of the children had been modified already. It was asked whether the only criteria for citizenship were age and marriage and whether it was not open to all persons born in the Dominican Republic.

147. Experts requested statistics on the rate of illiteracy in rural areas, and information on programmes to end illiteracy. Inquiries were made about sex education programmes and about programmes designed to promote the interest of women in non-traditional fields of education. It was asked why the number of women graduates of the Institute of Technical Vocational Training had decreased and what was being done to overcome the sex segregation in the different areas of specialization of vocational training. More information was sought on the drop-out rate of youths, especially girls. It was asked whether young women were well enough informed about education possibilities and whether part-time adult education existed.

148. Experts requested statistics on employment. They asked for more information on the social security system of the country and about child-care facilities. Concern was expressed about domestic employees, and experts inquired whether domestic servants were covered by medical insurance, whether they had pension rights, paid maternity leave and paid annual leave and whether there were programmes for training and assessing the work of those women. It was asked whether the Community Development Office was training fathers in home economics.

149. Clarification was sought as to whether pregnant women were protected by law when applying for a job or job training and whether they would be accepted in a new job and about the sanctions in case of dismissal of a pregnant woman.

150. Members of the Committee inquired which jobs were still not open to women, which jobs were considered dangerous for women, but not for men, what was meant by work that was not appropriate to the female sex and whether plans existed to do away with job segregation. More details were sought on women's lower wage level compared to that of men. It was asked what was meant by the "labour supply patterns" and whether and how the goal of equal pay for work of equal value was to be achieved.

151. Other questions referred to the unemployment rates and unemployment benefits for men and women, the retirement ages for men and women and the life expectancy of both sexes. It was asked whether sexual harassment occurred at work, and whether paternity leave existed. Experts wanted to know under which criteria the informal work-force could be included in the official labour statistics.

152. Experts asked about the influence of trade unions in the country and whether women could get training for self-employment, how women could combine family obligations with participation in the work-force and whether pregnant women were covered by protective measures.

153. A question referred to the percentage of women in the legal profession.

154. Experts asked whether the government policy consisted in reducing the fertility rate, whether the family planning programme was publicized, what the percentage of users was and whether abortion services existed.

155. It was asked whether single women had the same family benefits as married couples.

156. Information was sought about the structure, the functioning, the goals, the personnel of and the results achieved by the Women's Bank.

157. Detailed information was requested on the access of rural women to credit and health services, on their fertility and on literacy rates. It was asked whether programmes existed to extend land ownership to rural women. Clarification was sought on the legal status of the 15 associations for rural women, on the amount of wages and the number of years of service of the women concerned and the number of women who worked in the women's co-operatives.

158. Experts inquired about the contribution of INSTRAW in working out programmes for rural women and asked in what way the Department for the Advancement of Women played an active role for rural women.

159. Clarification was sought as to whether legal advice services were accessible to women and whether women were being duly informed of their rights.

160. Experts asked in what way the legal capacity of married women was restricted and they commented on the discrimination inherent in article 374 of the Civil Code. Another question referred to the compatibility between articles 214 and 215 of the Civil Code.

161. Concerning the reference to concubinage as the predominant marital problem in the country, it was asked why the percentage of concubinage was so high, whether polygamy existed in the country, or whether legal marriage was contracted with only one wife and, in addition, whether a married man was allowed to cohabit with more than one woman, and how that tied in with article 212 of the Civil Code pursuant to which the spouses owed each other mutual fidelity. It was asked whether the Government was more in favour of concubinage or of marriage. Another question concerned the reason for the high percentage of women as heads of households of married or cohabiting couples.

162. Questions were raised about the legal management of the community of property régime during marriage and the distribution of property on the death of one

spouse. It was asked whether women were aware of the possibility of renouncing that régime. Clarification was also sought as to the meaning of the free disposal of each spouse's income "after having discharged the obligation of the marriage".

163. Information was requested on the grounds for divorce, on the time period necessary for obtaining a divorce and on the responsibilities of the faulty partner in a divorce case.

164. Experts wanted to know about the property situation of cohabiting couples and their children and whether cohabitation was legally recognized. They requested statistical data about the connection between cohabitation and social level.

165. More clarification was sought on the right of women to choose their family name and on the name of children.

166. Experts wanted to know the reasons for the difference in marriageable age between girls and boys, and whether single women could adopt children. A question referred to the reason why adultery was no longer to be regarded as a punishable crime and had been eliminated as grounds for divorce.

167. The representative of the Dominican Republic indicated that, before replying to questions posed by members of the Committee, she needed to clarify certain issues. Firstly a number of provisions which had been introduced to revise the laws on women and the family had been promulgated as law No. 855 of 1978. Further revisions introduced in 1986 were pending approval by Congress owing to the economic emergency facing the Dominican Republic because of the external debt.

168. Regarding questions about the activities of national institutions to improve the status of women, she stated that the Centro de Integración Femenina para el Desarrollo had been created in 1975 as a temporary measure in order to implement the policies of the country's development plan.

169. The General Directorate for Women's Promotion created in 1982 under the Prime Minister had three divisions and played the main co-ordinating role at the national level on women's affairs. It also carried out projects in both rural and urban areas. Non-governmental organizations maintained continuous contact with that office and also provided both legal and social services free of charge to women.

170. Many of the laws dating back to 1940 had been repealed when the country overcame the dictatorship. In the Dominican Republic all laws were based on the Napoleonic Code. Access to due process was open to all citizens regardless of their sex, and official legal advice was provided when necessary by the Public Ministry. No positive action measures or targets had been considered necessary so far by the Government.

171. In her reply regarding article 5 of the Convention, she explained that it was difficult to assess men's participation in household duties since economic factors played a role in that area as did cultural and traditional habits. There had been changes in the latter. Religious institutions had not presented obstacles to social change.

172. Prostitution occurred because of economic factors. Although the law did not punish the practice it punished its commerce. Rape was also punished under the Penal Code.

173. Women's political involvement was high considering the difficulties encountered. There was 1 woman senator, 10 deputies, 40 per cent of the heads of General Directorates were women, and 50 per cent of governors were women.

174. Family education, family planning and sex education were all programmes of the highest priority for the Government and considerable training had been developed at university level in those disciplines. Non-governmental organizations had played a major role in all such activities and also in extension and continued education projects as well as correspondence courses for adults.

175. Article 211 of the Labour Code established that during pregnancy a woman could not be obliged to work in situations requiring physical effort which would be incompatible with her state. It also obliged managers to facilitate transfer out of any job when the latter was considered prejudicial to women. Should a transfer be impossible, a woman had the right to a leave of absence. That article also forbade the firing of women owing to pregnancy.

176. Domestic servants were not covered by existing labour legislation. The Labour Code regulated which occupations were not suitable for women for either danger or health reasons. The Government had ratified ILO Convention 100 regarding the principle of equal pay for work of equal value.

177. The Woman's Bank of the Dominican Republic was a branch of the Women's Association for Development which was a non-governmental group run by volunteers. It provided 3,000 women with loans ranging from \$RD 300 to \$RD 10,000. The State Bank for Agriculture also provided credit to rural women.

178. Married women's legal capacity was still restricted by marriage regulations, which established that the husband was the administrator of the couple's property, that he could sell it and without the consent of the wife, but joint administration was proposed in the pending draft family law.

179. In answering questions about the distribution of property upon the death of a spouse, she explained that women could choose at the time of marriage which scheme they preferred, separate or common property. The laws governing divorce for reasons of adultery discriminated against women and amendments had been proposed to eliminate the anomalies. Women could choose their name upon marriage and there was no discrimination regarding child adoption by either men or women.

180. She explained that the citizenship rights which were acquired at the age of 18 referred to the capacity to exercise civil or political rights while nationality was acquired at birth.

181. Finally, she assured members of the Committee that the Government of the Dominican Republic had the full commitment and political will to move from theory to practice, from law to action, and that more information would be provided in the subsequent State party report.