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COMMITTEE ON ECONOMIC, SOCIAL  
AND CULTURAL RIGHTS  
Forty-third pre-sessional working group  
23-26 November 2009

**IMPLEMENTATION OF THE INTERNATIONAL COVENANT ON ECONOMIC,  
SOCIAL AND CULTURAL RIGHTS**

**List of issues to be taken up in connection with the consideration of the third periodic report of the Dominican Republic concerning the rights covered by article 1 to 15 of the International Covenant on Economic, Social and Cultural Rights (E/C.12/DOM/3)**

**I. GENERAL FRAMEWORK WITHIN WHICH THE COVENANT IS IMPLEMENTED**

1. Please clarify the status of the Covenant within the domestic legal system. Please indicate whether the rights contained in the Covenant have been invoked by national courts, either as grounds for a case or as interpretative guidance for legal norms.
2. Please inform the Committee of the measures taken to establish a national human rights institution to implement Law No. 19-01 establishing an ombudsman's office (*Defensor del Pueblo*), and to appoint an ombudsman.
3. Please provide updated information on "the process of structural reform" of the Constitution, clarify the sectors concerned, and explain how the State party will ensure that its Constitution incorporates the provisions of the Covenant.
4. Please inform the Committee of targets and benchmarks set by the State party to assess progress achieved in the enjoyment of the rights recognized by the Covenant, and provide statistical information on progress made.

5. Please indicate to what extent the human rights standards under the Covenant are reflected in the State party's economic policies and practices on economic development and to what extent the Covenant is taken into consideration in the State party's bilateral and multilateral trade policies. Please include information on the impact of free-trade economic agreements entered into by the State party on the economic, social and cultural rights of its population, and particularly on disadvantaged and marginalized individuals and groups.

## **II. ISSUES RELATING TO THE GENERAL PROVISIONS OF THE COVENANT (articles 1-5)**

### **Article 2, paragraph 2 - Non-discrimination**

6. Please comment on difficulties faced in obtaining birth certificates for children of Haitian descent born in the State party.

7. Please provide information on measures being taken or planned to address reported economic and social marginalization of workers in the *bateyes*. Specifically, please indicate the anti-discrimination measures in place.

8. Please comment on recent information about discrimination against HIV-positive persons in the workplace, in particular in the *bateyes*. Please include information on the content of the draft reform of Law 55-93 on HIV/AIDS and the measures that will be included under it.

9. Please provide additional information on the practical implementation of the penal legislation to prevent discrimination (State party report, E/C.12/DOM/3, para. 33), including examples of case law.

10. Please provide information on concrete measures adopted by the State party to facilitate access of persons with disabilities to employment, adequate housing, counselling and psychological care, and the results achieved.

### **Article 3 - Equal rights for men and women**

11. Please inform the Committee whether the State party has implemented or envisages implementing a comprehensive strategy, including clear goals, benchmarks and timetables, to eliminate negative traditional attitudes and practices and deep-rooted stereotypes that discriminate against women in the State party, and of those measures intended to raise awareness of the population in this respect.

12. Please describe the measures adopted to increase women's equal participation in public life and decision-making at all levels. Does the State party envisage implementing training programmes to facilitate women assuming leadership and decision-making positions? If so, please provide concrete examples.

13. Please indicate the follow-up and monitoring mechanisms of the implementation of Law 12-2000 (30 March 2000) on gender-related quotas and their effectiveness (E/C.12/DOM/3, para. 95).

14. Please indicate concrete measures taken to implement the Committee's previous concluding observations relative to the protection of female workers against discrimination, arbitrary dismissal and differences in wages, and the outcome of these measures.

### **III. ISSUES RELATING TO THE SPECIFIC PROVISIONS OF THE COVENANT (articles 6-15)**

#### **Article 6 - The right to work**

15. Please indicate the scale of employment in the informal economy. Please include the policies, programmes and measures put in place by the State party to guarantee access of persons employed in the informal economy, in particular women, to basic services and social protection. Please also provide updated disaggregated data concerning employment in the informal economy (including by sociodemographic characteristics, household/family characteristics, industry, hours of work and earnings).

16. Please describe in detail the steps taken by the State party to increase the employment opportunities for disadvantaged and marginalized individuals and groups, in particular young persons, women and persons with disabilities, including technical and professional training programmes provided in urban and rural areas, and the results achieved.

17. What measures are taken to increase the capabilities and skills of agricultural workers and to address the low level of the basic infrastructure in rural areas?

18. Please provide information on the steps taken by the State party to combat the use of discriminatory criteria concerning access to employment, particularly regarding skilled employment, and affecting mainly dark-skinned persons, the population coming from rural areas, the *bateyes*, or disadvantaged and vulnerable individuals and groups. Indicate the measures taken to prohibit discrimination in job advertisements such as the requirement for "good presence" which in practice refers to white or non-black persons.

#### **Article 7 - The right to just and favourable conditions of work**

19. Please provide more information on how labour inspections are organized and have been carried out during the last four years and in which sectors, in order to protect workers' health and safety.

20. Please provide information on the working conditions in the agricultural sector and indicate what effective measures have been undertaken by the State party to improve the precarious working conditions in that sector, especially in respect of migrant workers.

21. Please clarify whether the *zonas francas* still have a special status, resulting in partial non-applicability of labour laws and in a minimum wage lower than in the rest of the country.

22. Please provide information on the wage trends for the last 10 years (per sector and in intervals of two years) as per the mandate of the *Comité Nacional de Salarios*. Please indicate the measures taken by this Committee to correct ethnic and gender wage gaps.

23. Please provide disaggregated data (by sex and age) on domestic workers in the State party. Please indicate whether domestic workers enjoy the same rights as other workers, including the maximum length of the working day, rest days and the minimum wage. Please indicate the steps taken to ensure that the provisions of Act No. 103-99 on Male and Female Domestic Workers are fully implemented.

24. Please indicate concrete policies, programmes and mechanisms through which the *Departamento de Equidad de Género* guarantees that existing legislation for equal pay for equal work of equal value for women and men in both the public and private sectors is put into practice, and provide information about the results achieved.

### **Article 8 - The right to form and join trade unions**

25. Please provide information on obstacles to trade union activities in *zonas francas* and, please also indicate the concrete trade union actions prohibited by employers, explaining in which cases and under which circumstances the right to strike is restricted.

### **Article 9 - Social security**

26. Please clarify whether and to what extent the new national social security plan and health insurance schemes include persons with disabilities, persons employed in the informal economy, undocumented residents and persons living with HIV/AIDS.

27. Please provide disaggregated data on the number of persons who are members of an *administradora de riesgos de salud/ prestadora de servicios de salud*.

### **Article 10 - Protection and assistance for the family**

28. Please provide disaggregated data on street children (age, sex and administrative entities), as well as precise and detailed information on the measures taken to counter this phenomenon and protect victims.

29. Please provide data on victims of trafficking in persons, on the persons convicted by the criminal courts for this crime, and on the protection mechanisms available to victims, disaggregated as appropriate. Please indicate the resources allocated to prevent, investigate and punish trafficking in persons, and to provide assistance to and support for victims.

30. Please provide information on the impact of measures taken by the State party to combat child labour, particularly in its worst forms. Also indicate how many people have been convicted for child labour or exploitation. Please indicate the concrete steps taken to give effect to the different laws in place for the protection of minors and the results achieved (E/C.12/DOM/3, para. 154).

31. Please comment on information that domestic violence is a major problem and explain the specific measures being taken to enforce Law 24-97 on domestic violence and especially to prevent injuries and deaths as a result of domestic violence.

#### **Article 11 - The right to an adequate standard of living**

32. Please indicate what measures have been taken by the State party to combat poverty and to ensure that programmes relating to the elimination of poverty are directed towards the most disadvantaged and marginalized individuals and groups, as identified in the State party report. How are these programmes monitored and evaluated and how is the national budget allocated for them?

33. Please comment on information stating that 17.6 per cent of the urban population lived in slums in 2005 and indicate the effective measures taken by the State party in this respect. Please also indicate the specific measures taken by the State party to address the problems of scarcity of social housing units for low-income, disadvantaged and marginalized individuals and groups; insufficient regularization of land titles; inefficient property registration; and a large number of forced evictions.

34. Please provide additional information on the measures taken by the State party to address the disparities in access to water and sanitation in sufficient quality and quantity in rural areas, and in particular in the *bateyes*.

35. Please provide additional disaggregated data on the beneficiaries of food and nutrition programmes, and programmes established with a view to repairing and constructing houses and infrastructure in the *bateyes*. Please explain what measures are taken to ensure that beneficiaries are selected in accordance with objective criteria, such as urgent needs.

#### **Article 12 - The right to the highest attainable standard of physical and mental health**

36. Please provide additional information on the concrete impact of policies, programmes, and mechanisms to counter high levels of maternal mortality, infant mortality and malnutrition.

37. Please provide information on the measures adopted by the State party to ensure access by those living in the *bateyes* to quality HIV/AIDS testing and care facilities. Please provide information on the results achieved so far by the *Plan Estratégico Nacional para la Prevención y el Control de las ITS y el VIH/SIDA*.

#### **Articles 13 and 14 - The right to education**

38. Please indicate the measures taken by the State party to decrease the drop-out rate in primary education.

39. Please provide further information on the plans by the *Secretaría de Estado* to include the issue of discrimination based on race and gender in the core education curricula.

40. Please provide disaggregated data on the results of adult education (by sex, age, rural/urban). Please also provide information on the resources allocated to the adult education programme and the number of persons who have benefited from it over the last 10 years.

41. Please provide information on the measures taken by the State party to develop school curricula that take into account the existing cultural and language diversity in the State party.

**Article 15 - The right to culture and to benefit from scientific progress**

42. Please provide more detailed information on the measures taken by the State party to promote participation in and access to cultural life by the population, especially at community level and in rural areas, in line with the Committee's general comment No. 21 (2009) on the right of everyone to take part in cultural life.

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