



# Economic and Social Council

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## Committee on Economic, Social and Cultural Rights

### Forty-fifth session

#### Summary record of the first part (public)\* of the 36th meeting

Held at the Palais Wilson, Geneva, on Thursday, 4 November 2010, at 3 p.m.

*Chairperson:* Mr. Marchán Romero

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### Consideration of reports:

- (a) Reports submitted by States parties in accordance with articles 16 and 17 of the Covenant (*continued*)

*Third periodic report of the Dominican Republic (continued)*

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\* No summary record was prepared for the second part (closed) of the meeting.

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*The meeting was called to order at 3.05 p.m.*

**Consideration of reports**

**(a) Reports submitted by the States parties in accordance with articles 16 and 17 of the Covenant** *(continued)*

*Third periodic report of the Dominican Republic* (continued) (E/C.12/DOM/3; and E/C.12/DOM/Q/3/Add.1)

1. *At the invitation of the Chairperson, the delegation of the Dominican Republic took places at the Committee table.*

*Articles 10 to 12* (continued)

2. **Mr. Jiménez** (Dominican Republic) said that the sugar industry, whose share of the domestic economy continued to fall, now represented a mere 1.5 per cent of GDP. Since 2000, the Government had no longer been involved in that branch of the economy, which was now entirely in the hands of the private sector, except with regard to setting rules and regulations (for instance, wages, work, and health and education services). Sector workers had access to 25 adequately equipped health centres and more than 70 doctors, as well as a state-of-the-art hospital, possibly the most modern in the country, if not all of Central America, which provided all necessary health care and the services of 47 specialists. Each *batey* (sugarcane plantation) had a secondary medical centre. In the provinces, large hospitals run by the Ministry of Public Health provided health care to workers, regardless of their origin, salary or situation. They were governed by the social security system, which covered all affiliated workers on the basis of a fee system applicable to all (Dominican and foreign sugar workers).

3. The children of sugar workers had access to 88 primary schools, including one serving as a national model. In addition, the industry had at its disposal 7,000 modern housing units in areas where all basic services were ensured (i.e. paved streets, sidewalks, drinking water, schools, health care and places of worship for the country's most predominant denominations).

4. In 2009, sugar workers received medical treatment (outpatient services and emergency care) 75,844 times. Under the health programme, 140,398 free medical consultations had been dispensed by hospitals in the residential areas for agricultural workers (at a total value of US\$ 1 million). Budgets were discussed and decided on with the specialized sugar workers at the start of every year. The services provided by the medical centres in cooperation with foreign foundations and with internationally renowned specialists who took part in free surgeries, covered such diverse fields as pediatrics; ophthalmology; ear, nose and throat medicine; and urology. Furthermore, a preventive medicine programme mainly geared to children of workers (Dominican or foreign) had been put in place, in addition to the countless sports activities in which 6,240 children participated.

5. The sugar industry being now 60 per cent mechanized, there were no more than 9,000 to 10,000 foreign workers. Most foreign nationals worked in other sectors (for example, construction, tourism, restaurants and catering services, and the informal economy) and many were self-employed. As a result, the presence of foreign labour in the sugar industry was minimal compared to the 1960s and 1970s when this sector had accounted for 50–60 per cent of GDP.

6. **Mr. Aquino** (Dominican Republic) said that domestic violence issues were dealt with by the Supreme Court, the Office of the Attorney General, and the Ministry for Women. Special domestic violence courts cases had been established under resolution No.

1472-05. Three victim outreach programmes had been put in place: the Centre for women survivors of domestic violence, the Centre for behavioural therapy for aggressors, and a hotline (“*Pida*”) that allowed victims to lodge complaints. Between 2006 and 2009, 85 per cent of the some 45,000 complaints, had been filed by women and 15 per cent by men. The activities of the Deputy Prosecutor specializing in cases of violence against women, together with his associates, had led, inter alia, to protection or reconciliation orders, coercive measures, house arrest, and actual arrests. During that period, women victims of domestic violence had received individual or group psychological support and counselling, while many aggressors had undergone psychotherapy. Officially, 91 convictions and 18 definitive sentences had been pronounced. The Government now intended to strengthen the mechanisms against domestic violence, which affected mostly women, and to run prevention campaigns aimed at altering the deep-rooted patriarchal relationship models that pervaded Latin American societies.

7. Since the promulgation of Act No. 137-03 on smuggling of migrants and trafficking in persons, a hotline had been set up enabling victims to file complaints. A campaign entitled *Llama y vive* (Call and Survive) had also been launched in cooperation with the International Organization for Migration. A total of 43 complaints had been lodged and the penalties handed down were for the most part 5–10-year prison sentences and fines of 175,000 to 1 million pesos. The Central Electoral Board had taken measures to prevent the falsification of civil status documents.

8. **Mr. Puig** (Dominican Republic), recognizing that the Dominican minimum wage system was complicated, said that the Government in collaboration with the International Labour Organization (ILO), was organizing a workshop-seminar scheduled for January 2010 to compile all the relevant experience from across Latin America and hence define criteria and mechanisms for simplifying the system and reviewing the minimum wage. The goal was to establish an amount sufficient to cover families’ basic needs and guarantee them a decent standard of living.

9. Since the 2001 promulgation of Act No. 87-01 creating the Dominican Social Security System and establishing the principles of solidarity, universality and progressiveness, the number of recipients had doubled, from 20 per cent to 40 per cent in three years. However, it remained difficult to determine the number of people receiving public versus private health care, owing in part to the way health services in the Dominican Republic were organized — some establishments being public, others private and yet others tripartite — but also to the fact that there was an intermediary, the health risk administrators, who were private for the most part. It was them that signed contracts with the various public and private health-care providers, then provided affiliates with a list from which they were free to choose a public or private provider.

10. The Government was striving to increase the efficiency of public hospitals so they could better compete with private clinics. As long as the social security system was incomplete, hospitals would continue to provide medical care free of charge to all (citizens and foreign nationals alike, including undocumented persons). It was worth noting that 23 per cent of the Dominican health budget was allocated to services for non-citizens, irrespective of their legal status. The social security system was continuing to expand, owing not only to increased contributions, but also to increased State allocations.

11. The Constitutional Court, soon to be operational, would rule on the possibility of tolerating abortion in some exceptional cases (for instance, danger to the mother, incest, therapeutic abortion). If the current trend continued, in 2015 the infant mortality rate would be 24.2 per cent, or very close to the 21.7 per cent target set in Goal 4 of the Millennium Development Goals, while maternal mortality would be 141 per 100,000 live births, much further from the 47 per cent target. Given that 97 per cent of births took place in hospital,

that excessive maternal mortality rate could be explained by deficiencies in prenatal and post-natal care or by inadequate obstetric facilities.

12. Poverty figures varied according to source, but the most recent available data, prepared by the United Nations Development Programme (UNDP) and the Ministry of the Economy, Planning and Development, showed that the 2009–2010 poverty rate (34 per cent) was back to 1992 levels (33.9 per cent), which was compelling authorities to redouble efforts to guarantee better redistribution of income and its reinvestment in social services, particularly as the Dominican Republic had had, since 1952, the strongest annual growth (5.5 per cent) in Latin America and the Caribbean.

13. Difficulties in the area of housing were due to demographic pressures (the population of the country had tripled in the past 50 years) and rampant urbanization (70 per cent of the population lived in urban areas). Given the magnitude of the problem in parallel with new construction a significant number of homes were being refurbished (over 420,000 had been repaired in 10 years) was currently debating in Parliament a bill to channel a portion of existing funds raised through the Social Security Act towards building new housing. Where forced evictions were concerned, updating, modernizing and computerizing the land register should help improve the situation and avoid further dramatic police interventions with abusive use of force.

14. **Mr. Sadi** asked the Dominican delegation how the objective of a minimum wage that both applied to all and ensured a decent standard of living could be reconciled with the 14 different minimum wage categories that currently existed. Given that quality was one of the stated criteria in the Committee's general comment No. 14 on the right to the highest attainable standard of health, he wished to know whether the State party would take that component into account now that health coverage had been extended.

15. **Ms. Bras Gomes** asked again whether reimbursement for retroviral drugs was specifically excluded from social security benefits and whether there was a plan to reactivate the currently suspended process for determining refugee status.

16. **Mr. Puig** (Dominican Republic) said that, faced with the multiplicity of minimum wage categories, the Government was striving to simplify and streamline the system. It was also intent on raising the quality of health services, not only for the 40 per cent of the population with medical insurance, but for the population as a whole. It also endeavoured to guarantee universal access to retroviral drugs free of charge. The national Social Security Council had just decided, on an absolutely exceptional basis, to include the 6,600 carriers of HIV/AIDS in the medical insurance system. Lastly, in regard to refugee status, most people arriving in the Dominican Republic were economic refugees (mainly Haitians). Although they rarely met the criteria established by the United Nations High Commissioner for Refugees, they nonetheless deserved reinstatement of the committee responsible for investigating and determining the legitimacy of their refugee claims.

17. **Mr. Marqués** (Dominican Republic) said that based on 2009 statistics, the country had 3.2 doctors, 2.5 nurses and 3.4 auxiliaries per 10,000 inhabitants, and one hospital bed per 677 inhabitants. The especially high rate of maternal and infant mortality could be largely explained by the influx of persons from Haiti, including women arriving during pregnancy or on the verge of giving birth, who did not have their medical history in hand or had not been seen by a doctor in their country. The situation had worsened since the earthquake in Haiti.

18. The chronic lack of housing was partly due to the location of the Dominican Republic which, like other countries in the region, was prone to hurricanes that destroyed ramshackle homes. In 2007, 2,700 homes had to be built for the victims of hurricanes Noë and Olga, and each new natural disaster forced the State to find emergency solutions despite meagre resources.

19. **Mr. Kedzia** expressing regret that the State party, despite a self-imposed objective to spend 4 per cent of GDP on education — which was already below the regional average of 4.5 per cent — had allocated only 1.82 per cent of GDP to that sector in 2008 and 2.4 per cent in 2010, asked whether the State party had adopted a plan, including benchmarks and a time frame.
20. Given that, according to certain sources, illiteracy among persons aged 15 and over stood at 13 per cent nationally — and 30 to 36 per cent in some provinces — he would like the Dominican delegation to provide further information on the programmes set up to counteract that trend and measures taken to reduce the particularly high dropout rate, seeing that the initiative to provide all pupils with breakfast, although laudable, had clearly not yielded the desired results.
21. The Dominican delegation might also describe the Government action to improve the quality of education, its currently poor level being an apparent explanation for the high dropout rate, and indicate whether there were plans to bring in longer daily teaching hours in schools.
22. In conclusion, it would be interesting to know whether, outside large cities and the capital, the population, in particular members of the most disadvantaged groups and persons living in rural areas, had Internet access.
23. **Mr. Kerdoun** requested the exact dropout rates in both primary and secondary levels education, on the assumption that children dropped out of school because they had to work to supplement the family income. He also wished to know the school enrolment rate for children of migrants and what steps the Government had taken to combat discrimination in access to education, as provided for in the Code on the System of Protection and Fundamental Rights of Children and Adolescents. Since Haitian children, who often did not hold birth certificates, had no access to social services, it was regrettable that the Government did not always take the concrete measures required to follow up on its statements of intent, particularly on the question of combating inequality.
24. The Committee would also like to know the number of adults benefiting from vocational training programmes and retraining courses, and whether the Dominican Republic had established a public university. If so, did it provide high-quality instruction that could compete with private universities?
25. **Mr. Schrijver**, regretting that many Haitian children did not have access to education, wished to know how the Government intended to remedy the situation and thus comply with article 13 of the Covenant.
26. It would be interesting to know the status of the curriculum review project, and whether there were plans to include a human rights component that would focus on the country's ethnic, racial and cultural diversity, with a view to combating discrimination.
27. **Ms. Barahona Riera** asked how much of the State budget was allocated to reproductive health, whether sexual education was taught in schools and if the country ran awareness-raising programmes on this topic.
28. The delegation might indicate whether textbooks highlighted the cultural heritage of the various population groups — especially Afro-descendant and indigenous people — and provided teachers with the opportunity to discuss, adverse cultural practices, with a view to their abolition.
29. **The Chairperson**, taking the floor in his capacity as a Committee member, expressed regret that the portion of the budget allocated to culture was minute and wondered how, with so few resources, the Government could support the individual initiatives for the cultural development of the Dominican population described in paragraph

338 of the report under consideration. Under article 15 of the Covenant, the State party was obligated not only to create the infrastructure indispensable for cultural life, such as theatres, libraries and other auditoriums, but also the conditions conducive to people's participation.

30. **Mr. Puig** (Dominican Republic) said that the Dominican State had allocated 1.8 per cent of its GDP to education in 2008 and 2.4 per cent in 2010 and that it intended to further increase that share in 2011. The Dominican Republic could be proud of having the highest enrolment rate in Latin America (95 per cent); and forecasts suggest that that rate should continue to grow, reaching 96 per cent in 2015 and 100 per cent in 2019. However, the quality of education was less than adequate and the repeat rate was particularly high, at 25 per cent in primary schools and 37 per cent in secondary schools. The dropout rate had been halved thanks to Government efforts, from 6.9 per cent in the 2000/01 academic year to 3.4 per cent in 2008/09, proving that statements of intent did sometimes lead to concrete measures and tangible results. The Government would not curtail its efforts until this issue had been definitively dealt with.

31. In order to make the Internet available to all, 68 computer centres had been set up locally so that the population could become more familiar with this new technology, and an additional 40 centres should be opened in the near future. Information technology courses were also on offer in the 600 computer rooms set up in the country's schools.

32. In 2008, the Dominican Republic suffered a budgetary crisis which culminated in cuts in all ministries, except those responsible for education and information technology. The education budget was increased by \$113 million for the 2009/10 academic year. Systematic efforts had been undertaken as of 2008 to improve the quality of education. A curriculum reform was under way to make school more appealing to students and relevant to their interests. It should be added that education was free and that, in addition to school meals, students received school supplies and uniforms free of charge. Thanks to Adult education programmes had caused illiteracy to drop from 16 per cent in 2000 to 8.7 per cent in 2009. The National Institute for Work and Vocational Training also offered technical training courses.

33. He stressed that migrant children were not subject to any discrimination whatsoever in the school system. The provision that barred undocumented Dominican or foreign children from attending school had been repealed in 2002. Moreover, the Electoral Board had taken active measures to ensure that all children's births were registered and to provide them with proper documentation.

34. Education was centrally managed, but there were many agreements between the Government and local authorities, which voluntarily contributed to efforts in that field. There were three departments responsible for the various education levels: one for preschool, primary and secondary education; another for post-secondary and technological education (which come under the Ministry of Education); and another for vocational and technical training (which comes under the National Institute of Technical and Vocational Training, and the Ministry of Labour).

35. The Dominican Republic currently had 49 university establishments and institutes with 350,000 students equally divided between the public and private institutions. Public university was free, had branches across the country and was comparable to its private, fee-charging counterparts.

36. The Dominican Republic had begun to establish specialized institutes to systematically train all members of the armed forces and police, without exception, in human rights. For its part, the National Institute of Technological and Vocational Training had included in its technical training course list a course on labour law for which the

textbooks were being printed. The Dominican Republic was the first country in Central America and the Caribbean to take such an initiative.

37. Sex education classes had not yet been introduced, but they were being developed by the competent authorities.

38. The Dominican Republic had deployed significant efforts over the past decades to recognize its population's cultural diversity. While the indigenous population had been exterminated during the first 50 years of the Spanish conquest — which also held for the entire Caribbean, except for Dominica — the various cultures of the Afro-descendants who had replaced them was being showcased. For example, the authorities had requested and obtained that the Brotherhood of the Holy Spirit of the Congos of Villa Mella should be inscribed on the UNESCO list of the intangible cultural heritage of humanity. The Dominican Republic had also founded high-quality museums which, albeit, would not in themselves while they could on their own embody all culture but, were a precious educational and participatory tool (e.g. the Dominican Museum of Man in Santo Domingo, which presented and promoted the various cultures that made up the Dominican culture).

39. Regarding scientific progress, the Ministry of Education, Science and Technology was the body that governed higher institutes of scientific and technical education and coordinated their activities.

40. In conclusion, the Government considered the periodic report a great learning opportunity since it allowed it to take stock of actions of which it was otherwise often difficult to get a proper overview. The questions and concerns expressed by the Committee were both encouragements and challenges which would motivate the Government to act even more systematically for the Dominican people that inspired its work and deserved to see its economic, social and cultural rights further expanded.

41. **The Chairperson** said that consideration of the report was complete and thanked the Dominican delegation. He congratulated the Government for having followed through on the final recommendations formulated in 1997 at the conclusion of the previous periodic report. He lamented the long period which had elapsed since then and stressed that the dialogue, however constructive, also needed to be ongoing so that the Committee could fulfil its role in favourable conditions.

*The first part (public) of the meeting rose at 5 p.m.*