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

**Third periodic reports submitted by States parties under
articles 16 and 17 of the Covenant**

DOMINICAN REPUBLIC*

[27 August 2008]

* In accordance with the information transmitted to States parties regarding the processing of their reports, the present document was not formally edited before being sent to the United Nations translation services.

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I. GENERAL

1. Pursuant to articles 16 and 17 of the International Covenant on Economic, Social and Cultural Rights and the programme laid down by the Economic and Social Council in resolution 1988 (LX) of 11 May 1976, the following is the third periodic report of the Government of the Dominican Republic.
2. The Dominican Republic, with a surface area of 48,308 sq. km., occupies two thirds of the eastern portion of the island of Santo Domingo, which it has been sharing with Haiti since 1697, when the Spanish colonizer ceded the western portion to France.
3. According to the census, the population in 2002 was 8,562,541. For 2007, it is estimated at 9.4 million, of whom 4,752,171 are men and 4,613,647 are women. Over 60 per cent of the population is found in the cities, i.e. the main urban centres, with the rest living in rural areas.
4. The ethnic composition of the Dominican Republic might be described as mostly mulatto (approximately 75 per cent), with a small percentage, no more than 15 per cent, of whites and the remainder of the black race. There is no marked differentiation on ethnic grounds among this population, which is nearly completely integrated in all aspects of the nation's social, economic and cultural life.
5. The Dominican population reproduces at a rate of approximately 2.5 per cent per year. The birth rate is approximately 22.9 per 1,000 inhabitants and the mortality rate is about 5.32 per 1,000 births. This might explain the fact that the Dominican population is quite young, generally speaking, since approximately 62.2 per cent are men and women from 15 to 64 years of age.
6. Average life expectancy for women is 71.34 years, while that of men is approximately 74.87 years.
7. The Dominican Republic is not considered to be an overpopulated country, since it is estimated that its population density is about 194 inhabitants per sq. km.
8. Despite the fact that the ratio of hospital beds to inhabitants is one to 1,000, the Dominican Republic has managed to eliminate from its territory and population most of the endemic and virally transmitted diseases most commonly found in the area and in countries with the same structure as the Dominican Republic. In this connection, the World Health Organization (WHO) granted the country its polio eradication certificate, just as diseases such as cholera, yellow fever and smallpox, among others, had been eradicated earlier.
9. The explanation for these results is may not be the ratio of one doctor to 1,500 inhabitants but the ongoing vaccination programmes which the State implements through the Ministry of Public Health and Social Welfare with a view to protecting the population, particularly the economically and socially disadvantaged members and those who are the most vulnerable owing to their age and physical make up, i.e. children and women.
10. With regard to education, the illiteracy rate among the adult and school-age population is approximately 13 per cent, a significant improvement by comparison with past years.
11. The gross domestic product of the Dominican Republic is provided mainly by services, industry, agriculture, commerce and mining. The Dominican economy was formerly based on sugar-cane production for export; this item has disappeared as a principal source of income and has recently been replaced by the boom in the (receiving) tourism sector in the country.

12. The trade balance of the Dominican Republic is quite imbalanced, in that exports represent approximately 6,495 million dollars per year, while imports represent over \$11,390 million per year. This imbalance is the reason for the external indebtedness that has to be met by Governments of States like the Dominican Republic, whose external debt exceeds \$8,634 million, which obviously has a negative impact on the quality of life of the country's population. And the unemployment rate is 16 per cent of the economically active population.

13. Despite the situation described above, the Dominican Republic, which is a democratic and republican State, with a president as head of Government, has had political stability equalled by few countries in the region for over 20 years, during which a very wide range of policies for the protection and enforcement of human rights has been implemented. During this period in the democratic life of the country, the principal human rights conventions and covenants have not only been signed by the Dominican Government, but have also been incorporated into domestic legislation through ratification by the National Congress.

14. This has been followed by a process, still under way, of amending the old domestic legal structures in order to bring them into line with the principles and spirit of the above-mentioned covenants and conventions, and this in itself involves changes in practices prevalent under the legal system in force at that time.

II. METHODOLOGY

15. The methodology followed in this periodic report was based on gathering information supplied by various State agencies in regard to affirmative action practices, policies, measures and advances in the Dominican Republic in the development of economic, social and cultural rights, in keeping with the concluding observations of the Committee on Economic, Social and Cultural Rights on the second report of the Dominican Republic (E/C.12/1/Add.16).

16. Among the institutions which collaborated in preparing this report are: the Ministry of Labour, the State Secretariat for Women (SEM), the Dominican Agrarian Institute, the Ministry of Culture, the Ministry of Education, the National Institute of Housing, the Ministry of Public Health, the General Directorate of Construction of the Ministry of Public Works and Communications and the Directorates of Urban Planning of the Municipal Governments.

III. INFORMATION ON THE GENERAL PROVISIONS OF THE COVENANT

A. Article 1 – Right to self-determination

17. The Dominican people constitute a nation organized as a free and independent State named the Dominican Republic.

18. National sovereignty resides in the people, from whom all State powers emanate, and said powers are exercised through representation.

19. The sovereignty of the Dominican nation as a free and independent State is inviolable. The Republic is and shall always remain free and independent of all foreign powers. Consequently, none of the public powers organized by the Constitution may perform or permit the performance of acts which constitute direct or indirect intervention in the internal or external affairs of the Dominican Republic or interference directed against the personality and integrity of the State and the functions vested in it and enshrined in the Constitution. The principle of non-intervention constitutes an invariable rule of Dominican international policy.

20. The Dominican Republic recognizes and applies the rules of general and American international law to the extent that they have been adopted by its public powers; it declares itself in favour of the economic solidarity of the countries of America and indicates its willingness to support any initiative conducive to the protection of their commodities and raw materials.

21. The Supreme Court, in Resolution No. 1920-2003 of 13 November 2003, recognized the constitutional status of international treaties once they have been approved by Congress, providing in one of the preambular paragraphs of the resolution as follows:

"Considering that the Dominican Republic has a constitutional system comprising provisions of equal status emanating from two fundamental sources of law: a) the national source, consisting of the Constitution and constitutional precedents handed down by the national courts, including the Supreme Court, and judicial review exercised by the highest court; and b) the international source, consisting of international conventions and agreements, advisory opinions and decisions of the Inter-American Court of Human Rights; these sources constituting together the body of constitutional law which governs the substantive and formal validity of all procedural or secondary legislation."

22. It is recognized that the primary purpose of the State is effectively to protect the rights of the individual and to afford the means to enable the individual to gradually develop within a setting of individual liberty and social justice compatible with public order, general welfare and the rights of all, as prescribed in article 8 of our Constitution. For this reason, the Dominican State uses as a mechanism for effectively maintaining the right to self-determination the rigorous application of the standards and sources defined above, punishing anyone who ventures to violate them, since allowing their violation would gradually lead it to lose its essence as a free and sovereign State, free of external interference, while taking into consideration and respecting the rights of any who seek to violate our rules.

B. Measures to guarantee the exercise of economic, social and cultural rights

23. We refer to the contents of the 23rd periodic report of the Dominican Republic (E/1997/6/Add.7, paras. 19 - 27).

24. Further, we reiterate that from the provisions of the Constitution of the Dominican Republic in article 8, referred to in paragraph 22, and by a simple analysis of thereof, one can deduce that this legal provision does not establish any argument about discriminatory treatment, but, by way of introduction, does make clear that the Dominican State must give the necessary protection to every human person, i.e. regardless of whether the individual is of foreign nationality or Dominican, fundamental rights are inherent to the human person and are the same for everyone.

25. Accordingly, it is the legal provisions that prevent ill-treatment in all respects by reason of race, religion, culture, etc.

26. At the legislative level, there is no law that establishes or promotes discriminatory treatment against foreigners. Furthermore, as the Dominican Republic is a country with a mixture of races, racially discriminatory practices are prohibited in our legislation and our country is striving to ensure that discriminatory acts or practices, if any, are eliminated.

27. In addition to the express indication in our Constitution, there are specific provisions against discrimination, which will be discussed below, from which it may be inferred that such distinctions are not present in our legislation, which accordingly condemns individual treatment

that any human being may display towards another in violation of the true meaning of equal human rights applicable to all and that has come to the knowledge of the State.

28. In the legislation of the Dominican Republic, the right to work, health, education and culture are protected with specific provisions against discrimination.

29. With regard to the **Labour Code**, Principle VII prohibits any discrimination, exclusion or preference on grounds of sex, age, race, colour, national origin, social origin, expression of opinion, trade-union activism or religious belief, save those exclusions embodied in the law for the personal protection of the worker.

30. Article 46 (8) of the Labour Code also provides that due consideration should be shown to workers, refraining from ill-treatment by word or deed.

31. It is likewise provided that rights conferred by law upon workers may not be waived or abridged by agreement, and any agreement providing otherwise is void.

32. Along the same lines, article 47 (9) prohibits acts against workers which may be considered sexual harassment, or in support of other types of acts which limit the rights of workers as provided by law.

33. The **Dominican Penal Code**, in article 336, amended by article 9 of Law 24-97 on violence, provides as follows: “Any person who refuses to employ, discipline or dismiss a person or makes an offer of employment conditional solely on grounds of the origin, sex, political opinion, trade-union activity, ethnicity, nation, race or religion of the person, or on grounds of the person’s family situation, state of health, disability, customs or occupation, commits the offense of discrimination and shall be punished by two years’ imprisonment and a fine of 50,000 pesos.”

Section 1: Discrimination

a) Article 250 (225): “Any unequal or offensive treatment among natural persons owing to their origin, age, sex, family circumstances, state of health, disabilities, customs, political views, trade union activities or membership or non-membership, or actual or supposed membership in a specific ethnic group, nation, race or religion, constitutes discrimination.”

i) Any unequal treatment by some or all members of a legal person towards natural persons owing to their origin, age, sex, family circumstances, state of health, disabilities, customs, political views, trade union activities or membership or non-membership, or actual or supposed membership of a specific ethnic group, nation, race or religion, also constitutes discrimination.”

b) Article 251 (225). Discrimination, as defined in the foregoing article, committed in respect of a natural or legal person, shall be punished by imprisonment for two years and a fine of twice the public sector minimum wage, when it consists of:

- i) Refusing to provide goods or services;
- ii) Hampering the normal exercise of any economic activity;
- iii) Refusing, hiring, penalizing or dismissing a person;
- iv) Making provision of goods or services conditional upon one of the elements

referred to in the foregoing article.

- v) Making an offer of employment conditional upon one of the elements referred to in the foregoing article.
- c) Article 252. (225) The provisions of the foregoing article shall not apply to discrimination based upon:
 - State of health, when these consist of operations whose purpose is prevention and coverage of risk of death, harm to physical integrity, risk of disability at work, or invalidity;
 - State of health or disability, when these consists of refusing to hire or to grant a license based on medically verified unfitness, in keeping with labour and social security legislation or the laws pertaining to the performance of public functions.
- i) The cases referred to in this section shall be subject to public action upon private complaint in accordance with the provisions to that effect in the Code of Penal Procedure.
- d) Article 503. Where the discrimination defined in article 250 consists in refusing the benefit of a right granted by law, or impeding the exercise of any economic activity, and is committed by a person embodying public authority or responsible for a public service when engaged in or in connection with the exercise of his or her duties, to the detriment of a natural or legal person, such discrimination shall be punishable by a term of three years' imprisonment and a fine of three and a quarter times the public sector minimum wage.
 - i) In the circumstance referred to in this article, a judge or court may replace the applicable fine by one equivalent to five times the amount of the wage which would be due to the authority or public servant charged with the offense, at the time of the commission of the offense.

34. The **Law on AIDS No. 55-93**, in article 12, provides that the Ministry or Labour, in coordination with the trade-union federations, shall promote information, education and communication regarding all the modes of transmission and prevention of sexually transmitted diseases and AIDS among employers in all public and private enterprises operating in the country.”

35. In this regard, article 8 (17) of the Constitution provides that the State shall encourage the progressive development of social security so that every person shall be able to enjoy adequate protection against unemployment, sickness, disability and old age. In support of that provision, **Law 87-01 on Social Security**, in article 3, lays down some of the guiding principles of social security, which are as follows:

- a) Universality: The Dominican Social Security System (SDSS) should protect all Dominicans and residents in the country, without discrimination by reason of health, sex, social, political or economic condition;
- b) Comprehensive coverage: All persons, without distinction, shall have the right to protection sufficient to ensure the enjoyment of life and adequate exercise of their faculties and productive capacity;

c) Equity: The SDSS shall effectively ensure access to services for all beneficiaries of the system, especially those living and/or working in remote or marginal areas.

36. Similarly, the Social Security Law sets out the rights and duties of members, indicating in paragraph five that “The beneficiary, on behalf of his family, shall have the right to elect the health risks administrator (*Administradora de Riesgos de Salud – ARS*) and/or health services provider (*Prestadora de Servicios de Salud – PSS*) he deems most appropriate. No ARS or PSS may reject or cancel membership of a beneficiary for age, sex, social condition, health or labour reasons.”

37. Furthermore, article 5, section A, spells out the beneficiaries of the system, providing: "All Dominicans and foreign citizens who have established their residence in the national territory shall have the right to promotion of health, disease prevention and protection, recovery and rehabilitation of health and environmental protection, without discrimination."

38. **Law 42-2000, which creates the National Council on Disability (CONADIS)**, provides in article 1 that this law aims at ensuring the social integration of persons with disabilities, establishing the legal regime of protection, care, rehabilitation, safety and prevention provided for in the final part of article 7 of the Constitution.

39. Article 8 of the Constitution also provides as follows: “Educational freedom. Primary education shall be compulsory. It is the duty of the State to provide basic education to all inhabitants of the national territory and to take necessary steps to eliminate illiteracy. Both primary and secondary education, such as that offered in agricultural, vocational, artistic, business, manual crafts and home economics schools shall be free of charge.”

40. **The Ministry of Culture** administers principles of non-discrimination through **Law No. 41-00**, which establishes in article 38 that the Ministry of Culture “shall organize and promote, without discrimination of any kind, the dissemination and advancement of the cultural expressions of Dominican citizens.” This provision supports what is provided by our Constitution, which establishes that “The State shall foster the broadest dissemination of science and culture, adequately ensuring that all persons benefit from the results of scientific and moral progress.”

41. Law 41-00 is based on some of the following principles, which protect all citizens and residents in the country from discrimination:

a) The State shall in no event exercise censorship over the form and ideological and artistic contents of cultural activities and projects, and shall, moreover, ensure the free circulation and dissemination of all manner of cultural, scientific and technological information;

b) Every person has the right freely to take part in the cultural life of the community, to enjoy the arts and to participate in scientific and cultural progress and the benefits flowing therefrom;

c) Every person has the right to protection of the moral and material interests to which he is entitled by reason of the scientific, literary or artistic products of which he is the author;

d) Respect for human rights, peaceful coexistence and understanding between peoples, participatory democracy, solidarity, multi-culturalism, pluralism, tolerance, equality between the

sexes and international cooperation based on a just political and economic order are fundamental cultural values.

42. Despite the existence of the aforementioned legal provisions, it should be noted that if a judicial officer violates the application of said measures in an arbitrary or discriminatory manner, to the detriment of the person before the court, Dominican laws such as the Code of Civil Procedure, the Code of Criminal Procedure, the Law on Cassation and other laws provide mechanisms to challenge decisions of the courts, such as the remedies of appeal, opposition, cassation or review.

43. The judiciary has, over time, undertaken one of the most noteworthy reforms in the country, by virtue of its success, begun during the administration of former President Joaquín Balaguer and brought to fruition in 1997. The constitutional reform of 1994 enshrined the administrative and budgetary autonomy of the judiciary and the appointment of the Supreme Court by the National Judicial Council (Consejo Nacional de la Magistratura), a body made up of representatives of the three branches of the State. Budgetary autonomy was the result of subsequent rules, from which emerged Law No. 194-04 on the Budgetary and Administrative Autonomy of the Office of the *Ministerio Público*, the Court of Accounts, etc., amending the old Law on Budgetary Autonomy No. 46-97.

44. In order to conduct a performance evaluation of judges embodying a more thoughtful, fair and objective review of their performances, by Resolution No. 649-2004 of 29 April 2004, the plenary of the Supreme Court introduced changes in the Rules Implementing the Performance Appraisal System for Judges such as: a) Change in the rating scale; b) Increase in the points required to rebut the assessment; c) Elimination of the subjective aspects model, evaluation now being multidimensional; d) Generation of assessment models in a multidimensional way; e) Forms of the Justice Statistics Division were revised to suit the requirements of performance evaluation. The decision also states that the performance appraisal of judges shall be made at intervals specified in the Law on the Judicial Career Service, i.e. annually, for all judges of the Judiciary. These measures make it possible to determine in a more objective way the performance of judges in their conduct and decisions for the purpose of carrying out the consequences that may result therefrom.

C. Article 3 Equal right of men and women to the enjoyment of economic, social and cultural rights

45. See second periodic report (E/1997/6/Add.7, paras. 28 to 31).

D. Limitations on the enjoyment of the rights set down in the Covenant

46. See second periodic report (E/1997/6/Add.7, paras. 32 to 34).

IV. INFORMATION CONCERNING SPECIFIC RIGHTS

A. Article 6 – Right to work; Technical and vocational training

1. Rights, protection, safeguards and training

47. Dominican legislation provides strong safeguards in the Constitution, in the Labour Code and in general. These rules are framed in consonance with the ILO Conventions in order to enable the worker to carry out his work under “decent working conditions,” i.e. productive work

done under fair conditions. The Dominican Republic has ratified 32 ILO Conventions, including the eight fundamental conventions that are considered to reflect recognition and protection of the right of all persons to work and freely to choose their work, namely the following:

- a) Convention 29 concerning Forced or Compulsory Labour, of 1930;
- b) Convention 87 concerning Freedom of Association and Protection of the Right to Organise, of 1948;
- c) Convention 98 concerning the Application of the Principles of the Right to Organise and to Bargain Collectively, of 1949;
- d) Convention 100 concerning Equal Remuneration for Men and Women Workers for Work of Equal Value, of 1953;
- e) Convention 105 concerning the Abolition of Forced Labour, of 1957;
- f) Convention 111 concerning Discrimination in Respect of Employment and Occupation, of 1958;
- g) Convention 138 concerning Minimum Age for Admission to Employment, of 1937;
- h) Convention 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour, of 1999.

48. Similarly, the following instruments have been ratified:

- a) ILO Convention 122 concerning Employment Policy, of 1964;
- b) International Convention on the Elimination of All Forms of Racial Discrimination;
- c) Convention on the Elimination of all Forms of Discrimination against Women.

49. The Dominican Republic has ratified numerous international conventions on working conditions. It has ratified the fundamental conventions of the International Labour Organization, as follows:

- a) Freedom to organize;
- b) Right to unionization and collective bargaining;
- c) Right to strike;
- d) Abolition of forced labour;
- e) Elimination of labour and occupational discrimination;
- f) Elimination of the worst forms of child labour.

50. The Office of the Ministry of Labour has also issued Resolution No. 52-2004 on dangerous and unhealthy work for persons under age 18. By Resolution 5-2004, the National Committee on Wages has raised the non-sectoral minimum wage. Similarly, the minimum wage rate of the sugar industry was revised on 5 February 2004 through Resolution No. 1-2004 of the National Committee on Wages.

51. The Ministry of Labour has conducted a massive outreach programme on labour regulation in order to increase awareness of the fact that actors in the labour market must ensure the

protection of worker rights; examples of this are campaigns to eliminate discriminatory practices such as pregnancy testing and HIV / AIDS testing for employment.

2. Employment and employment policies

52. From October 2004 to April 2007, 345,777 new jobs were created. From October 2006 to April 2007 the greatest job creation was in the following activities: manufacturing, electricity, gas and water, construction, trade, hotels, bars and restaurants, transport and communications, financial intermediation, services.

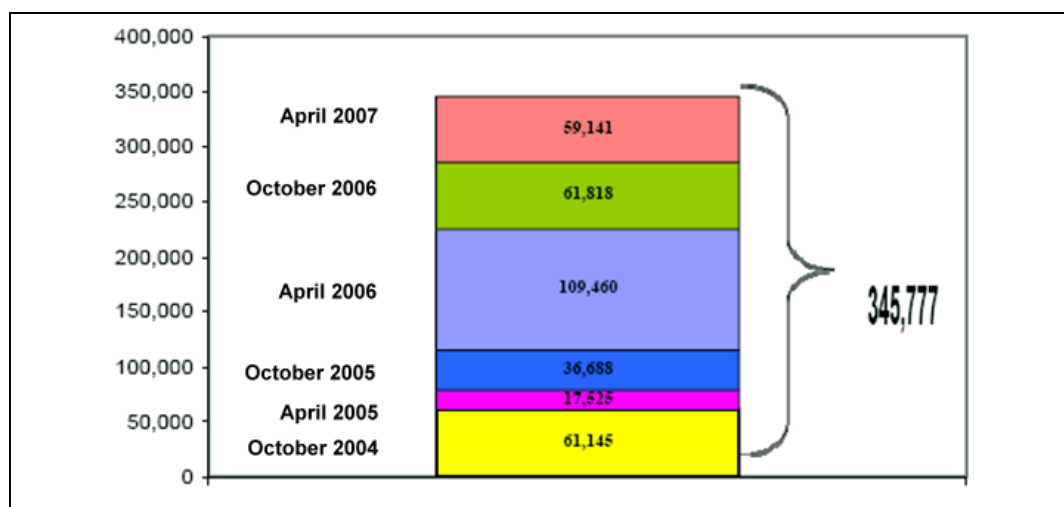
53. As a result of internal and external factors affecting the textile industry, 55,000 jobs have been lost in the last three years. However, owing to dynamic growth in the economy during the past year, the country's other economic activities have generated approximately 59,141 new jobs over the past six months, which offsets job losses.

54. From October 2004 to April 2007, due to low levels of inflation during that period, average real incomes of Dominican workers grew by 22.3 per cent.

2006

Expanded rate of unemployment	15.6%	16%
Rate of unemployment	47.2%	47.0%

Increase in Employed Population Accumulated in each Period



Unemployed Population By Branch Of Economic Activity

	<i>Active persons</i>			<i>Absolute difference</i>	
	<i>April 2004</i>	<i>Oct. 2006</i>	<i>April 2007</i>	<i>April 2004/ April 2007</i>	<i>Oct. 2006/ April 2007</i>
Agriculture & livestock	470,926	513,817	514,767	43,841	950
Mines & quarries	5,305	3,546	2,993	(2,312)	(553)
Manufacturing	480,996	489,754	492,833	11,837	3,079
Electricity, gas and water	26,209	26,634	30,635	4,426	3,992
Construction	215,538	240,678	246,336	30,798	5,658
Wholesale and retail trade	658,040	721,745	729,101	71,061	7,356
Hotels, bars and restaurants	176,381	212,599	217,369	40,988	4,770
Transport and communications	226,046	248,200	255,963	29,917	7,763
Financial intermediaries and insurance	55,751	66,081	70,955	15,204	4,874
Public administration and defence	141,209	149,082	150,027	8,818	945
Other services	722,958	793,850	814,157	91,199	20,307
	3,179,359	3,465,995	3,525,136	345,777	59,141

Source: National Labour Force Survey]

55. The following are among the vulnerable sectors with regard to employment:

- a) Women heads of household
- b) Rural women
- d) Young people leaving school
- e) Youth and adults without technical training
- f) Disabled persons.

56. The Ministry of Labour pursues activities to foster employment in accordance with the guidelines and implementation of public policies agreed first by the Economic Cabinet, and likewise includes training and job placement programmes.

57. At present, a policy document has emerged which was arrived at through consultations with the economic sectors and will be presented to the National Employment Commission, a tripartite consultative body of the Ministry of Labour responsible for establishing the mission and vision of employment policy and taking strategic decisions conducive to the emergence of new quality jobs (created by Decree No. 1019 of 1983 and amended by Decree No. 381-96 and 103-03). The policies contained in the document have the following aims:

- a) To promote a new economic model which generates economic growth and job growth;
- b) Competitive entry into the world market;
- g) Matching labour supply with demand;
- h) Generation of a broad process of human development;
- i) Improvement of productivity in the informal sector and in small and medium-sized enterprises;
- j) Equitably spreading development nationwide;

k) Producing linkages between local industry and the free trade zones and hotel industry.

58. Similarly, the Ministry of Labour created the Labour Monitoring Centre, which analytically compiles specific information from the labour market to use, inter alia, in the design and implementation of effective employment policies.

59. The Ministry of Labour, through the Youth and Employment Programme, has forged a partnership with employers to organize work internships for young people participating in training programmes. As a result of these internships, a high percentage of young interns remain on the job with these companies. This reflects the fact that the State is providing training for trades and occupations that the market demands, contributing directly to job placement and productivity for these young people.

60. Also, Principle II of the Labour Code provides that: "Everyone is free to pursue any occupation or trade, industry or business permitted by law. No one can prevent others from working or oblige them to work against their will."

61. Consequently, it follows that any citizen may voluntarily and without compulsion choose any employment that suits him, the employer must ensure that the working conditions of the employee meet the requirements of the Labour Code, and anyone who fails to comply with the Code is punished by the sanctions provided therein.

62. Among the training and job placement programmes implemented by the Dominican State are the following:

a) *Youth and Employment Programme*. This programme is carried out with help from the Inter-American Development Bank (IDB). It is a programme of training in the productive sector. It is directed to low-income young people so that, once trained, they can enhance their chances of finding employment. In its first phase, 25,000 young people were trained, and during the current second phase training is planned for 8,000.

b) *Santo Domingo Workshop School*. This programme is conducted with help from the Spanish International Cooperation Agency for Development (AECI); it provides training in technical areas for young people who have dropped out of formal education, to enable them to enter the labour market.

63. Also, the Youth Development Programme will be implemented, with support from the World Bank. Over four years, this programme will train 40,000 young people in high-demand areas of the labour market.

64. Among the actions carried out by the Ministry of Labour, from 25 to 27 July 2007, in coordination with the ILO International Training Centre, a course was conducted on "How to Deal with the Problem of Youth Unemployment." The objective of the course was to strengthen the capacity of participants to increase the quality and impact of employment and labour market policies.

65. Similarly, the Technical and Vocational Training Institute (INFOTEP) was established in 1980 by Law 116. The Institute is responsible for regulating and implementing the most varied programmes of training, specialization and development of the country's labour force. It seeks not only enhance the social and cultural level of workers, but also to improve the technical skill of labour, which would result in a commensurate growth in productivity. Within the educational

opportunities in the occupational pyramid, we can cite those in agriculture, industry, the free trade zone, and tourism, among others.

66. Notably, despite the efforts made by the State through the Ministry of Labour, the growing informal market remains a challenge because, by its nature, it is difficult to define labour policies and to become involved in the design of policies implemented and in the productive sectors.

67. Regarding progress, we can say that as a result of efforts to strengthen institutions, the credibility and transparency of the Ministry of Labour has been strengthened substantially. Both the employers' and the workers' sectors are turning to that institution to offer or seek employment. The Ministry, through the National Employment Service (SENA) and the Territorial Employment Office (OTE) carries out the selection process described above.

68. The most noteworthy and important change with regard to labour in our country is the creation of Civil Service Law 41-08 of 16 January 2008, which creates the Ministry of Public Administration.

69. In our country, for the purpose of continuing to guarantee the right to work to any person residing in the national territory, both labour law and international standards (Principles II, IV, VII, X, of the Labour Code), Conventions 19, 87, 98, 100 and 111, among others, prohibit the commission of any act of discrimination. Accordingly, the Ministry of Labour conducts ongoing activities to disseminate employment legislation, awareness-raising campaigns and training workshops addressed to labour and management concerning the prohibition of discriminatory acts.

70. With regard to the Labour Code:

a) "The laws governing labour are territorial in nature and govern Dominicans and foreigners alike, save for such distinctions as are admitted under international agreements" (Principle IV);

b) "Rights conferred by law upon workers may not be waived or abridged by agreement. Any agreement providing otherwise is void." (Principle V);

c) "Any discrimination, exclusion or preference based on grounds of sex, age, race, colour, nationality, social origin, political opinion, trade union activism or religious belief is prohibited, with the exceptions laid down in the Code itself for the purpose of protecting the worker. Distinctions, exclusions or preferences based on qualifications required for holding a particular job do not fall within the scope of this prohibition." (Principle VII);

d) "Female workers have the same rights and obligations as male workers." (Principle X);

e) "The basic rights of workers shall include the freedom to organize labour unions, the right to a fair wage, vocational training, and respect for their physical safety, privacy and personal dignity." (Principle XII);

f) Article 46 (8) of the Labour Code provides that due consideration should be given to workers, refraining from ill-treatment by word or deed.

g) Article 47 (9) prohibits acts against workers which may be considered sexual harassment, or in support of other types of acts which limits the rights of workers as provided by law;

h) ILO Convention 19 concerning Equality of Treatment for National and Foreign Workers as regards Workmen's Compensation for Accidents, of 1925, provides: "Each Member of the International Labour Organisation which ratifies this Convention undertakes to grant to the nationals of any other Member which shall have ratified the Convention, who suffer personal injury due to industrial accidents happening in its territory, or to their dependants, the same treatment in respect of workmen's compensation as it grants to its own nationals." (article 1)

i) ILO Convention 87 concerning Freedom of Association and Protection of the Right to Organise, which provides that all workers, without distinction whatsoever, shall have the right to establish and to join organisations of their own choosing;

j) ILO Convention 98, which provides that workers shall enjoy adequate protection against acts of anti-union discrimination in respect of their employment. (article 1)

k) ILO Convention No. 100.

l) ILO Convention No. 111.

71. It should be made clear that obtaining a job in the Dominican Republic does not depend on race, sex, age (with the exception of limitations on child labour), religion or political affiliation or any other form or manifestation of discrimination. Dominican legislation recognizes no differences other than those deriving from the talents and virtues of each person.

72. We emphasize that, in employment, discrimination does not exist because it is prohibited, as stated earlier. The Ministry of Labour takes action to ensure compliance with the rules providing that protection. Such actions include ongoing monitoring to ensure that offers of employment or publications do not contain discriminatory elements.

73. We also stress that the Dominican family usually consists of 5 members, so that a large number of workers engage in secondary jobs and family enterprises. Actions have been implemented to encourage entrepreneurship so that the worker is able to create his own enterprise; thus, taking into consideration factors personal growth, if these people lose their main source of employment, they have an alternative source of income.

74. To complete the picture under this article, with regard to the programmes that the Ministry of Labour implements to secure and strengthen effective protection of the workers' rights, the Ministry has the support of various organizations for the implementation of cooperation and technical assistance programmes, among which we can cite:

a) Labour Justice Project - ILO

b) Regional Decent Work Project - ILO

c) Project for verification of commitments assumed in the white paper: "The labour dimension in Central America and the Dominican Republic: Building on progress. Strengthening compliance and increasing capacity" - ILO

d) Comply and Win Project – United States Department of Labor

e) Youth and Employment Programme – Inter-American Development Bank

f) Santo Domingo Workshop School– Spanish International Cooperation Agency for Development

B. Article 7 – Right to just and favourable conditions of work

75. With regard to setting wages, the Dominican Republic wishes to indicate that article 455 of the Labour Code provides that the National Wage Committee is the body responsible for setting minimum wage rates for workers in all economic activities including agricultural, commercial, industrial, or those of any other nature that are carried on in the Republic, and how these wages are to be paid. The rates set by this body can be national, regional, provincial, municipal, for the National District, or exclusively for a particular company.

76. Pursuant to the provisions on this matter, all minimum wage rates are reviewed automatically by the National Wage Committee every two years.

77. It is important to note that the National Wage Committee is a tripartite body, composed of a Director General and two members appointed by the Executive and by the special members appointed by the representatives of employers and workers in each economic activity and their respective organizations. The process of wage determination is conducted within a framework of social dialogue, where sector representatives express their recommendations and requirements, so that working meetings to review and determine wages take place within a setting that encourages dialogue between the corporate and labour sectors of our country.

78. Minimum wages are set in law, since, as previously noted, there is a law providing standards for setting minimum wages and punishing those who fail to observe it.

79. The process of setting the minimum wage takes into account the average budgets that are necessary to enable a family to support itself, in addition to the types of work the person performs.

80. On another score, we wish to say that the Dominican State, to ensure the right of women to receive equal pay with men, fully complies with the provisions of the Labour Code set out in Principle X that “Male and female workers have the same rights and duties.” Likewise, our country has ratified Convention 100 concerning Equal Remuneration for Men and Women Workers for Work of Equal Value. Regarding the implementation of these provisions, the Department of Gender Equity of the Ministry of Labour carries out all activities related to the protection of women's rights at work.

81. In that regard, the Dominican Republic has ratified ILO Convention No. 100, and the Ministry of Labour, as a representative body of the executive branch in matters of work and as the highest administrative authority in all matters concerning relations between employers and workers, exerts ongoing efforts to ensure effective protection of internationally recognized rights of workers. The Ministry of Labour, through its various divisions and departments, pursues processes by which labour and corporate actors develop a culture of compliance with labour laws. The Ministry of Labour provides ongoing training and dissemination of labour regulations in order to foster awareness of the importance of eliminating discriminatory practices in the workplace. Particular emphasis is placed on sensitive issues, among which we can mention:

a) Gender in the workplace, effective protection of women’s rights in the workplace to prevent the use of pregnancy tests and violation of the right to equal pay for equal work.

b) People living with HIV/AIDS in the workplace: campaigns aimed at implementing actions to reduce stigma, discrimination and violation of the rights of people living with HIV/AIDS in the workplace.

c) Placement of people with disabilities in the labour market, as a measure to ensure respect for the rights of that population and awareness among employers conducive to their placement.

82. Dwelling somewhat further on the work done by the State for the institutionalization of the gender policy for women, Law No. 86-99, enacted on 11 August 1999, established the State Secretariat for Women (SEM), the agency responsible for setting standards and coordinating the implementation of policies, plans and programmes at the sectoral and inter-departmental levels and for the full exercise of civil rights by women. This institution has normative and regulatory functions encompassing international policy, awareness-raising and education of society and coordination and linkages with civil society. The Advisory Council of the Department for the Advancement of Women (DGPM) later became the SEM, and a sectoral council of women was established, composed of the ministers and directors of sectoral offices as organs for liaison and coordination with the Ministry of Labour; in this regard, ministers may delegate representation only to a deputy minister.

83. With the institutionalization of the national mechanism as a general executive organ, and in its capacity as a ministry, the national mechanism has been involved in various processes of institutional strengthening. From 1996 to date, a total of 20 programmes and projects have been pursued under the auspices of international cooperation agencies; four have been and are aimed at institutional strengthening of DGPM / SEM.

84. Entities that have been supporting this institution-building effort are: the Inter-American Development Bank (IDB), the Spanish International Cooperation Agency for Development (AECI), the Organization of American States (OAS), the United Nations Population Fund (UNFPA), the United Nations Development Programme (UNDP) and the United Nations Development Fund for Women (UNIFEM).

85. Other programmes and projects are being focused on violence, environment, production and income generation (through credit, training and technical assistance), rural women and publicizing women's rights.

86. During the institutional strengthening phase, work has been based on the following priorities:

a) Enhancing the institutional status of DGPM through the creation of the State Secretariat for Women;

b) Developing plans for decentralization through the creation of provincial and municipal offices for women (OPM and OMM);

c) Strengthening the State Secretariat for Women and the provincial and municipal offices for women;

d) Restructuring and internal training;

e) Impact on planning / decision-making procedures, impact and focus on strategic areas;

f) Awareness-raising, training and lobbying with technical personnel and personnel responsible for decision-making in public fora.

87. The lines of action pursued by the State Secretariat for Women are:

- a) Combating poverty, geared towards reducing levels of poverty;
- b) Empowerment of Dominican women, through development of feminine leadership and participation by women in decision-making fora;
- c) Education, communication and culture regarding violence and health, focusing on prevention and eradication of gender violence;
- d) Gender and public policies.

88. These lines of action are pursued in a framework of global strategies of coordination with civil society, but with the support of international cooperation agencies and the involvement of public institutions with respect to their respective areas of action.

1. Provincial and Municipal Offices for Women (OPMM)

89. In order to work on gender equity at the community level, 51 offices in all regions of the country have been established, 29 of which are provincial in nature out of a total of 32 provincial offices. There are 21 municipal offices in a total of 115 municipalities. The functions of these offices are primarily aimed at:

- a) Raising awareness and building capacity in the area of gender on issues of domestic violence among women's organizations, the general public and OPMM staff;
- b) Vocational training schools offering two types of training: traditional areas which are most in demand among women (sewing, cosmetology, confectionery, bread-making, handicrafts, etc.) and non-traditional jobs (carpentry, electrical work, plumbing). These schools operate under an agreement between the State Secretariat for Women and the National Institute of Technical and Vocational Training (INFOTEP). Once the vocational training is completed, training with INFOTEP is planned. This training will include teaching women to read and write when necessary.
- c) Production or income generation projects with levels of support, through an agreement between SEM and the Programme for Micro-, Small and Medium-sized Enterprises (PROMIPYME) to enable women to receive loans for their production projects. There is also an agreement between PROMIPYME and INFOTEP to train owners and/or workers of small enterprises.
- d) Provision of psychological and legal counselling for women victims of violence.

90. These offices in turn are part of the Provincial Development Councils, since by law the State Secretariat for Women is responsible for coordinating with them the formulation, implementation and evaluation of gender equity policies at the provincial and local levels.

2. Sectoral Offices for Gender Equity and Development (OEGD)

91. Created by Presidential Decree No. 974-01 of 26 September 2001, having a presence in each ministry, and working under the coordination of the SEM, these offices serve the purpose of incorporating the gender approach to the integration of women into national development into the policies, plans, actions, programmes and projects of each ministry. In its article 4, the decree

states that each office should monitor, evaluate and report to SEM every six months on advances in policies, plans and strategies for the equality of men and women, as well as coordinating the necessary adjustments to be implemented in their areas in order to comply with international agreements and commitments assumed by the Dominican State.

92. This measure is vital to coordinate the actions that the Government is taking to influence gender equity. From its inception to date there has been progress in training the technical staff of the various ministries, especially for staff who have greater responsibility in ensuring the gender perspective and conducting diagnostic studies on the reality and needs of Sectoral Offices of Gender Equity and Development (OEGD). The priorities for strengthening OEGD have focused on the Ministry Public Health and Welfare, Ministry of Labour, Ministry of Education and Ministry of Agriculture. The rules by which these offices will be governed have also been developed and are in the process of adoption.

3. National Instruments for Gender Equity

93. The State Secretariat for Women, in coordination with women's organizations and institutions of civil society and the public sector, has designed the following tools for implementation of gender equity on the basis of international conventions protecting women's rights, such as the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Prevention, Punishment and Eradication of Violence against Women (Convention of Belem do Para) and the Beijing Platform for Action:

a) *The National Gender Equity Plan (PLANEG), which lays down policies, lines of action and other points of reference to ensure its application through an effective system of follow-up, monitoring and evaluation.*

b) *2000 – 2007 Strategic Plan.*

c) *National Model of Care for Survivors of Intra-family Violence.*

4. Political Participation

94. Women's active participation in the political sphere is being supported at all levels and we would characterize it as being in steady ascendancy. This is due to the intensity and seriousness with which women's organizations, leaders of women's movements and political parties have taken the struggle to exercise their rights to political eligibility, not only as voters.

95. The fundamental framework protecting women's right to be elected consists of:

a) Law No. 12-2000 of 30 March 2000, which raised the quota of women for elective office, with an increase from 25 per cent to 33 per cent in total nominations to the chamber of deputies submitted to the Central Electoral Board; political parties and groups will include a proportion of no less than 33 per cent women for those positions, as well as in nominations for municipal offices, except for the position of mayor, and that percentage should appear in the electoral list alternately in relation to positions assigned to men;

b) Law 13-2000 of 30 March, 2000 which amends Law 3455 on municipal organization, dated 21 December 1952, establishing the possibility of change in the offices of mayor and deputy mayor, provides as follows: "In the municipal ballot of all parties a woman must be included for the office of mayor and deputy mayor.

96. There is a general improvement in the quantity and quality of seats held by women in different sectors of society, mainly at middle management levels. However there is an inverse relationship between this participation and the holding of positions at management levels, with a lower share for women in those posts. To date, participation levels achieved are below the legally established eligibility quota; however, for the first time, we have had a woman Vice-President of the Republic, 59.3 per cent women in the judiciary, 16 per cent in Congress, and 27 per cent in municipal offices.

5. Executive Branch

97. In the executive branch, positions occupied by women from the presidency of the republic to subordinate administrative levels reach 17.6 per cent of posts with major decision-making authority: in ministerial departments, 195 posts of director, president and general manager, 22 per cent of deputy managers and 22 per cent of deputy directors, deputy administrators, and vice-presidents.

6 Representation Overseas

98. Participation by Dominican women in positions representing the Government abroad has continued to increase. In 1993 women represented only 4 per cent of persons accredited in the diplomatic corps. Today they account for 17 per cent of ambassadors.

99. One third of consular representations abroad are held by women. This proportion holds true with regard to remunerated consular positions and diminishes with regard to honorary consular positions.

7. Trafficking in Women

100. The Dominican Republic has taken important steps with regard to information, prevention and assistance to victims and information concerning trafficking in persons. The most significant advance has been the adoption of Law 137-03 on unlawful trafficking in migrants and trafficking in persons, promulgated on 7 August 2003. Pursuant to that law cases have been initiated concerning persons accused of illegally introducing persons into Dominican territory and these have been severely punished.

101. Other important advances have been as follows:

a) Creation, strengthening and expansion of the Inter-Agency Committee for the Protection of Migrant Women (CIPRON), has made it possible to develop plans and policies of prevention, information and assistance to victims of trafficking in person in a coherent manner;

b) The creation of a shelter for migrant women;

c) Contribution to dissemination of research and conduct of the first field survey on trafficking women in the country, leading to preliminary information providing an overview of trafficking in the country;

d) Ground-breaking technical training initiatives at the post-graduate level in the country, placing migration issues and trafficking in the focus of studies and development of necessary tools, and training for different sectors working on the complex picture of the Dominican Republic as a country of origin, receiving country and transit country for migration and trafficking;

e) Initial formal efforts at consular training to provide improved attention to Dominicans abroad, emphasizing consular personnel who work in countries of irregular migration and trafficking;

f) Implementation of an initial public information and awareness-raising phase and national training enabling us to have actors and institutions of the state (provincial and municipal offices for women, ministries of education, community development, local authorities, etc.), neighbourhood NGOs, among others, focusing on work in the main provinces affected by irregular migration and trafficking, creating a first group of trainers with the capacity to attend to prevention needs and provide initial assistance.

g) Creation of a first support group for victims returning to the country and establishment of a reception centre which constitutes a basic point of reference for the provision of support to victims, and focusing of efforts on the various requirements of returnees and potential travellers, as well as a reception facility for specific demands, attention to cases and to serve as a channel to other service providers.

8. Decent working conditions

102. Returning to the article of the covenant we are addressing, the Ministry of Labour, with the support of Project “Comply and Win”, has developed forms for self-assessment which make it possible to measure the level of compliance and effectiveness achieved in carrying out the work.

103. Both the public and private sectors have conducted classification and evaluation studies of jobs describing the functions and hourly workload to be done by each employee in his or her position. Similarly, annual reviews are conducted, mainly in the private sector, concerning incentives accompanying jobs, in order to maintain information up to date when minimum wage increases take place. The public sector carries out its performance evaluations, job evaluations, general increase measures, among others, through the Ministry of Public Administration.

104. The Ministry of Labour is “the office entrusted with defining a national policy for prevention of on-the-job accidents and occupational diseases, taking into consideration the safety of the worker, the economic possibilities of the enterprise and educational and cultural factors predominating, with enterprises and employing entities being obliged to put into practice basic measures of prevention laid down by the Ministry of Labour.” (article 186 of Law 87-01 creating the Dominican System of Social Security). In view of constant social, economic and technological change, and with the aim of achieving effective prevention and protection that is sustainable and beneficial to male and female workers, and in the interests of adapting relevant rules of the occupational health and safety laws, the Executive, on 17 October 2006, enacted Decree 522-07 which established new regulations on safety and health in the workplace.

105. In addition to provisions regarding safety and health in the workplace contained in the Labour Code and in decree 522-07, we may point to:

- a) Law 87 – 01 of 9 May 2001 creating the Dominican Social Security System;
- b) Decree 548-03 of 6 June 2003 establishing the regulations concerning Occupational Hazards Insurance;
- c) Decree 989-03 of 9 October 2003 creating the National Council of Occupational Safety and Health;

d) Resolution No. 4.2007 of the Ministry of Labour of 31 January 2007 establishing the general conditions regarding safety and health in the workplace.

e) ILO Convention 119 concerning the Guarding of Machinery, of 1963;

f) ILO Convention 167 concerning Safety and Health in Construction, of 1988;

g) Regulations on Occupational Hazards Insurance.

106. The Office of the Superintendent for Labour Health and Risks (SISALRIL), was created pursuant to article 175 of Law 87-01, which establishes the Dominican System of Social Security. It is the autonomous State office entrusted with overseeing compliance with health and labour risk provisions contained in Law 87-01 on the SDSS. This scheme ensures that members are provided with economic benefits such as a temporary disability subsidy, indemnity payments and pensions; as well as medical attention, dental care and medicines.

107. Among the responsibilities of the labour risk insurance scheme is the management of all labour risks (on-the-job accidents and occupational hazards); as well as traffic accidents on the way to and from work, for the whole population of participants, both public and private.

108. Income under this insurance scheme is received through the Social Security Treasury. This insurance provides significant help in cases of disability of participants and the payment is chargeable solely and exclusively to the employer.

109. ILO Conventions to which the Dominican Republic is a party:

a) Convention concerning Minimum Wage Fixing, with Special Reference to Developing Countries, of 1970: ratification pending;

b) Convention 100: ratified;

c) Convention 14 concerning the Application of the Weekly Rest in Industrial Undertakings, of 1921: ratification pending;

d) Convention 106 concerning Weekly Rest in Commerce and Offices, of 1957: ratified;

e) Convention 81 concerning Labour Inspection in Industry and Commerce, of 1947: ratified;

f) Convention 129 concerning Labour Inspection in Agriculture, of 1969: ratification pending;

g) Convention 155 concerning Occupational Safety and Health and the Working Environment, of 1981: ratification pending;

110. We reiterate that Principle V of the Labour Code provides that rights which the law recognizes for workers cannot be waived or restricted by agreement and that, if such a case arises, any agreement or covenant containing such waiver or restriction of those rights is null and void. The Office of the Director General of Labour, the Directorate of Coordination of the Inspection System, among other Ministry of Labour departments, ensure effective compliance with the rights of all workers, without any distinction.

111. Among the laws adopted in our country concerning rest, leisure time, reasonable limitation of working hours, periodic paid vacations and compensation on holidays, we may list the following:

a) Article 147. *The normal duration of the workday* is determined in the contract. It may not exceed eight hours per day or forty-four hours per week. The work week shall end at twelve noon on Saturday;

b) Article 148. The workday in jobs or conditions declared dangerous or unhealthy may not exceed six hours per day or thirty-six hours per week. This reduced schedule does not imply a reduction of the salary corresponding to the normal schedule;

c) Article 158. In enterprises where the work is continuous by reason of the nature of the work, the personnel must operate in eight-hour shifts. In these cases the schedule may be extended by one more hour but the weekly average shall in no event exceed fifty hours, and hours worked over forty-four hours per week shall be paid as overtime;

d) Article 163. Every worker shall have the right to uninterrupted weekly rest of thirty-six hours. This rest shall be such as is agreed upon by the parties and may begin on any day of the week. Failing express agreement, it shall begin at noon on Saturday.

e) Article 164. If the worker provides services during the period of weekly rest, he may opt to receive his regular salary increased by one hundred per cent or enjoy compensatory rest the following week equal to the time of his weekly rest;

f) Article 165. Days that are declared as non-working days by the Constitution or the laws shall be paid rest days for the worker, unless they coincide with the weekly rest.

g) Article 166. During all Sundays and other days of religious observance that are declared non-working days by law, enterprises and establishments of all kinds must suspend their activities and not open their doors to the public.

h) Article 167. The provision of the foregoing article shall also apply to national holidays or national days of mourning legally declared to be non-working days.

i) Article 169. The provisions of articles 166 and 167 do not apply to cafes, sugar refineries, restaurants, casinos, clubs, public shows, milk suppliers, slaughterhouses, dispensaries, hospitals, clinics, shelters, maritime agencies, transport agencies, bicycle agencies, funeral homes, bakeries, sweet shops, pastry shops, electric power plants, inns, ice-makers and vendors, pharmacies, gasoline stations, laundries, bookstores or book and magazine stalls, newspaper publishers, factories and mills devoted to processing rice and coffee. Nor are the provisions of articles 166 and 167 applicable to establishments which prepare food products from meat or milk, ice cream and sorbets, or where milk is pasteurized and bottled; flower shops; sales only of vehicle spare parts; telegraphic, telephonic, cablegraphic or radiographic communications agencies; photographic studios; loading and unloading of ships or aircraft and related tasks. These provisions do not deprive the workers employed in the work, enterprises or establishments described above of the rights conferred on them by the Code.

j) Article 170. The provisions of articles 166 and 167 shall likewise not be applicable to other establishments, enterprises or jobs which, by their nature, in the judgment of the Ministry of Labour, should not suspend their activities;

k) Article 178. The worker acquires the right to vacations each time he completes one year of uninterrupted service in an enterprise;

l) Article 179. Workers who are subject to contracts for an indefinite time and who, through no fault of their own, do not have the opportunity to provide uninterrupted service for one year because of the nature of their work or due to any other circumstance, are entitled to a period of vacation proportional to the time worked, if said time worked is in excess of five months;

m) Special rest periods. Article 54. The employer shall be obliged to grant the worker five days of paid leave on the occasion of his marriage; three days in the event of the death of any of his grandparents, parents, children or companion, and two days for childbirth of his wife or companion duly registered with the enterprise.

112. Finally, with regard to labour in the Dominican Republic, it is very important to stress the role played by international assistance in our legal sphere, in regard to the provisions of article 7 of the Covenant. Through the various international conventions and treaties that contain rules protecting workers regardless of race, religion, sex or colour, with respect to their rights to equitable and satisfactory working conditions, our law has been strengthened, so that the protection of workers when they enter a job is more effectively ensured.

C. Article 8 – The Right to Organise Trade Unions

113. With respect to the freedom of association, the freedom to unionize and to bargain collectively, our country has adopted the following international instruments and national laws:

- a) ILO Convention 87: ratified;
- b) ILO Convention 98: ratified;
- c) Convention 151 concerning Protection of the Right to Organise and Procedures for Determining Conditions of Employment in the Public Service, of 1978: submitted;
- d) Article 8 (7) of the Constitution enshrines “the freedom of association and of unarmed public assemblies, for political, economic, social, cultural or any other purposes, provided that by their nature they are not contrary to public order, national security and morals.”;
- e) Article 317 of the Labour Code of the Dominican Republic defines a union as an association of workers or employers constituted to enhance and defend the common interests of its members.

114. Unions of workers may be of the following kinds:

- a) *Company unions*: membership is determined not by the nature of the activities the members exercise but by the fact that they provide services at the same company.
- b) *Professional unions*: may be formed by persons who habitually exercise the same profession or occupation, or similar or related professions or occupations, without regard to the company for which they work.
- c) *Branch of activity*: these are constituted by workers who provide services to several employers in the same branch of industrial, commercial or service activity, even when they exercise different professions or occupations.

115. Article 324 of the Labour Code requires a minimum of Twenty (20) members for the formation of a labour union.

116. Unions of employers may be formed among employers engaged in similar or related activities. A minimum of three (3) employers is required to form such a union.

1. Requirements for forming a union

117. Workers must approve the formation of a union at an assembly convened for that purpose. The formal requirements to be satisfied by the union are as follows: A record of the meeting of the general constitutive assembly must be drawn up which, in addition to the contents normally required in such minutes, must contain the approval of their charter and the appointment of the members of the first board of directors and the first commissioners (Article 373).

118. Unions may form municipal, provincial, regional or national federations, which in turn may form confederations by a vote of two thirds of the members meeting in a general assembly.

119. The following have the right to organize unions:

a) Workers in the private sector and in State enterprises and their autonomous official organs of an industrial, commercial, financial, or transport nature (Principle III, Labour Code), with the exception of directors, managers or administrators and those who perform functions of management, inspection, safety, vigilance or auditing when they are of a general character or are related to work done directly for the employer (article 328, Labour Code);

b) Public servants belonging to different subordinate offices of the executive branch (article 30, Law 14/91). For their formation, a minimum of 40 per cent of the number of employees required to constitute a public servants' association is required in each entity;

c) A minor who is competent to conclude contracts of employment may be a member of a workers' union (article 329, Labour Code).

120. Similarly, Articles 330 and 331 of the Labour Code provide that unions may establish in their charters additional conditions to those required by law for the admission of their members, as well as a method of exclusion.

121. Along the lines described, no restriction is established which prevents workers from exercising their right to unionize and to join unions; rather, Dominican laws impose indispensable requirements for the formation of unions whose formal aspects must be complied with strictly, in light of legal-constitutional precepts which govern the area of union rights.

122. The following figures relate to the number and structure of unions established in the country and their composition:

	<i>Active</i>	<i>Inactive</i>	<i>Total</i>
Unions by status registered with ministry of labour	1,212	2,436	3,648
Labor unions by category			
Company	472	733	1,205
Professional	547	931	1,478
Branch of activity	186	690	876
Other	5	80	85
Classification			
Free trade zone	88	153	241
Transports	394	278	672

	<i>Active</i>	<i>Inactive</i>	<i>Total</i>
Ports	81	22	103
Construction	84	184	268
Ticket sales	17	257	274
State	9	41	50
Agro-industry	26	194	220
Hotels	64	194	102
Sugar industry	125	155	280
Other	249	1,209	1,458
Total, registered labor unions			3,648
Unions by type			
Company			1,206
Professional			1,478
Branch of activity			876
Other			98
Total federations			214
Total confederations			22

2. Right to strike

123. Article 8, paragraph 11 (d) of the Constitution of the Dominican Republic provides:

"The right of workers to strike and the right of employers to organize a lock-out in private enterprises is admitted, provided they are exercised in accordance with the law and solely to resolve labour conflicts. Any interruption, hampering, paralysis of activities or intentional reduction in the output of the work of private or State enterprises is prohibited. Any strike, lock-out, interruption, hindering or intentional reduction of output which affect the administration, public services or services of public utility is unlawful."

124. The provisions of the Labour Code on the right to strike are as follows:

Article 401. A strike is a voluntary suspension of work agreed upon and carried out collectively by the workers in defence of their common interests.

Article 402. A strike should be limited only to suspending work.

Acts of physical or moral coercion or violence against persons or acts of physical force against things, or any other act whose purpose is to foster disorder or to deprive the strike of its peaceful character, shall be punished by the penalties set out in this Code or in other laws, for which purpose the employer may take steps to initiate prosecution of the persons responsible.

Article 403. Strikes or lock-outs are not permitted in essential services whose interruption may endanger life, health or safety of people in all or part of the population. However, both workers and employees in this class of services have the right to proceed in accordance with the provisions of article 680 of this Code. When the conflict is limited to the minimum wage, the matter must be submitted to the National Committee on Wages.

Article 404. For the purposes of applying the foregoing article, essential services are the following: communications, water supply, the supply of gas and electric power for lighting and domestic use, the supply of pharmaceuticals, hospitals and any other similar services.

Article 405. If a strike occurs in violation of article 403, the Executive may take over the direction and management of the services suspended for such time as may be necessary to prevent harm to the national economy, and may take all necessary measures to restore said services and ensure their continuation.

The provisions of this article also apply to strikes and lock-outs whose duration or extension threaten or endanger life or normal living conditions of all or part of the population.

Article 406. The following strikes are illegal: those which affect national security, public order, the rights and freedoms of others, or which are accompanied by physical or moral violence against persons or things, the abduction of persons or seizure of property, or the undue use of equipment and facilities of the enterprise, or which are accompanied by violations of the Constitution.

Also illegal are strikes which are conducted in violation of article 407, as well as those which continue for seventy-two hours after the passing of the legal deadline for returning to work ordered by the judge having jurisdiction.

Article 407. To declare a strike, workers shall submit in writing to the Ministry of Labour a presentation containing the following elements:

- 1) That the purpose of the strike is the solution of an economic or legal conflict which affects the collective interest of the workers of the enterprise.
- 2) That the solution of the conflict has been submitted unsuccessfully to the procedures of administrative conciliation and the parties, or one of them, have not appointed arbitrators or have not timely announced the appointment of arbitrators in accordance with article 680.
- 3) That the strike has been voted by more than fifty-one per cent of the workers of the enterprise(s) in question.
- 4) That the services to be encompassed by the strike are not essential services.

The strike cannot be declared until at least ten days after the date of the submission by the union representatives to the Ministry of Labour.

Within forty-eight hours of receiving said submission, the aforementioned Ministry shall send a copy of the same to the employer.

Article 408. A strike declared following completion of the formalities set out in article 407 shall have the following effects:

- 1) It entitles workers to invoke the protection of labour authorities and the police in the peaceful exercise of their rights;

2) It suspends the work of the enterprise concerned, except as provided in article 409.

Article 409. For the duration of the strike, the employer may require that workers who are necessary, in the judgment of the Department of Labour or the local authority exercising its functions, perform such work as is necessary for the safety and preservation of machinery, workplaces and raw materials. Within twelve hours of receiving such request, the Department of Labour or the local authority exercising its functions shall hear the opinion of the union and shall issue the appropriate decision.

Article 410. The effects set out in article 408 shall cease:

- 1) When the strike ends for any reason;
- 2) When an arbitration procedure begins.

The arbitration procedure shall be deemed to have begun as from the date of service of the notice referred to in article 684.

Article 411. A legal strike does not terminate the contract of employment. It only suspends the application of said contract, in accordance with the provisions of article 408.

[...]

Article 412. An illegal strike terminates, without liability for the employer, the employment contracts with the workers who have participated in it.

If the strike has been declared illegal for procedural reasons, the contracts of employment shall remain in effect if the workers on strike voluntarily return to work within twenty-four hours after the decision has been issued, and no acts have occurred against property or persons.

In the event of new contracts of employment with the same workers, or some of them, the conditions of employment shall be those which prevailed before the strike began, unless the employer agrees to or offers other, better conditions for the workers.

3. Collective bargaining

125. The Labour Code defines the Agreement as one which may be concluded between one or several labour unions and one or several employers, for the purpose of establishing conditions that will govern labour contracts of one or several enterprises. The requirements for collective bargaining are as follows:

- a) The existence of a workers' union;
- b) The union has among its members an absolute majority of workers of the enterprise or branch of activity concerned;
- c) The project or agenda is approved by the assembly of the union.

126. Similarly, it is important to point out that since the Dominican Republic has ratified ILO Convention 87 it recognizes that trade union organizations have the right freely to negotiate with employers regarding working conditions as an essential element of trade union freedom.

127. In our country, the right to strike is recognized both for workers and for employers, in defence of the common interests of each respective sector. In this regard the Labour Code, in articles 401 to 447, regulates practice regarding the right to strike (for workers) or to organize a lock-out (for employers).

128. It should be noted that, in our legislation, although they are not expressly prohibited, strikes organized by members of the armed forces, the national police or the State administration are not referred to.

D. Article 9 – Right to social security

129. The Dominican Republic has made great strides with respect to social security. Over the years the State has constantly sought more effective ways to implement a Dominican System of Social Security conducive to economic, political and social development of persons living in the country, and which contributes effectively to improving the quality of life, reducing poverty and social inequalities, protecting the disadvantaged and disabled, and enhancing the national and individual capacity to save and the sustainability of economic and social development.

130. In this regard one of the advances achieved is the new Law on Social Security number 87-01, which broadly revolutionizes social security rights for all, leaving behind the provisions of the Compulsory Social Security Act dating from 1948. Compulsory social security only covered workers, regardless of their wages, employees, home workers, itinerant or seasonal workers, domestic employees, including those working in private homes, apprentices, even if unsalaried, and persons paid only in kind. (see E/1997/5/Add.7, paras. 66 to 68).

131. However, the new law on social security gives greater force to what is established in article 8 of our Constitution, which provides that "*The State shall encourage the progressive development of social security so that every person shall be able to enjoy adequate protection against unemployment, sickness, disability and old age*" in the sense that, apart from insuring the people referred to in the previous paragraph, it also includes people who have no resources and do not have a job, through the implementation of the following funding schemes:

a) *A contributory regime*, which includes public and private salaried workers and employers, funded by the workers and employers, including the State as an employer;

b) *A subsidized regime*, which protects self-employed workers with irregular earnings below the national minimum wage, as well as the unemployed, disabled and indigent, funded mainly by the Dominican State;

c) *A subsidized contributory regime*, which protects independent professional and technical workers and self-employed workers with average salaries equal to or above the national minimum wage, with contributions from the worker and a State subsidy in lieu of one by an employer.

132. In accordance with the foregoing, any person may turn to the institution where he works in order to have his social security card processed, or persons who do not work and who cannot

afford to meet their medical needs may request their social security card from the office of the Superintendent of Social Security (SISALRIL).

133. Law 87-01 referred to above, is a law of gradual application, which protects persons from gestation until after their death, since their surviving families can receive the protection. This law comprises three major areas: Labour Risk Security, Life Security, Disability and Survival, and Health Security.

134. Among the three regimes, Contributory, Subsidized Contributory and Subsidized, the law provides for the latter two that the contribution of the employer will be subsidized by the State, and, for the last regime, that the whole amount is subsidized by the State.

135. For other regimes that have not yet been organized under the law, there exists a Social Security Treasury (TSS), a body subordinate to the Social Security Council, where workers grouped in associations or unions must register their data in order to enter the social security system. All independent, self-employed workers must enter the social security system through the agents of health risk administrators.

136. Among the social security branches existing in our country are the following:

a) *Medical Services*: The new Social Security Law aims to establish the Dominican System of Social Security (SDSS) in the framework of the Constitution of the Dominican Republic, in order to regulate it and to develop the mutual rights and duties of the State and citizens with respect to the funding of protection for the population against the risks of old age, disability, termination due to old age, survival, disease, maternity, infancy and occupational hazards. The SDSS includes all of the public, private and mixed institutions which conduct principal or complementary activities of social security, physical and human resources, and the rules and procedures governing the foregoing;

b) *Monetary Sickness Benefits*: A person enrolled in the system is entitled to a monetary benefit due to temporary disability at work. The benefit is granted as from the fourth day of the disability up to a limit of 26 weeks, provided he has contributed during the last 12 months prior to the disability, and will be equivalent to 60 per cent of the contributory pay over the last six months in respect of ambulatory care, and 40 per cent in respect of in-patient care;

c) *Maternity Benefits*: A worker who belongs to the system will be entitled to a maternity benefit equivalent to three months of contributory pay. To be entitled to this benefit, she must have contributed for at least 8 months during the 12 months prior to the date of giving birth and must not have performed any paid work during that period. This benefit relieves the company from the obligation of paying entire salary referred to in article 239 of the labour code. Children under 1 year old of workers who are members of the system with a contributory salary corresponding to less than three times the national minimum wage will be entitled to a breast feeding subsidy for 12 months. It should be noted that this article of the Labour Code implies that the maternity subsidy must be paid in equal proportions, that is 50 per cent by the employer and the remaining 50 per cent by social security;

d) *Old Age Benefits*: The old age pension includes protection of the pensioner and his survivors. The pensioner becomes entitled to the pension when he reaches the age of 60 and must have contributed for a period of at least 360 months. The same is true upon reaching the age of 55 and having accumulated a fund sufficient to receive a pension of more than 50 per cent of the minimum pension;

e) *Disability Benefits*: The benefit for a total disability is equivalent to 60 per cent of the basic salary and in cases of partial disability corresponds to 30 per cent, provided this does not affect the economic capacity for production of the beneficiary. In both cases, the benefit is calculated based on the indexed average contributory salary of the last three years. In the event of death of the beneficiary, the benefits are granted to the survivors subject to the conditions and limitations set out in article 51 of Law 87-01. From the amount of this benefit the insurance company deducts the contributions of the recipient to old age insurance, disability and survival insurance and deposits these in his personal account. These benefits are reviewed and updated every three years;

f) Along the same lines, Certification of Total or Partial Disability is determined individually. The Technical Commission on Disability takes into account the occupation or specialty of the work of the person affected. Also, the disability benefit for workers protected under laws currently in force will be equivalent to the amount set out in those laws;

g) *Survivors' Benefits*: In the event of the death of the beneficiary under the Subsidized Contributory Regime, the pension will continue to be paid to the following beneficiaries: The surviving spouse, or domestic partner, provided that neither of these is legally barred from marriage, the legitimate, natural or adopted children of the beneficiary who are single and under age 18 or single children over age 18 but under 21 who show that they have been engaged in regular studies during the six months prior to the death of the beneficiary, and children of any age who are disabled as per the pension regulations. This entitlement is lost when the aforementioned conditions are changed;

h) *Benefits for on-the-job accidents*: Members of the system are entitled to a subsidy when on-the-job accidents have occurred in connection with or as a result of tasks assigned by the employer, even when such tasks are different from those of the worker's professional category. The accident may be one that is related to a rescue attempt or the like, when this occurs in connection with the work, traffic accidents along the way to the workplace and during the normal work day, and diseases whose direct cause arises from the occupation or the work done by a person and which lead to disability or death. Excluded from labour risks are those which result from the worker's drunkenness or when he is under the influence of a psychotropic, narcotic or stimulant drug, unless given by medical prescription, when they are the result of intentional harm caused by the worker himself or by the worker in conjunction with another person, or the employer, or force majeure extraneous to the work, when a traffic accident occurs outside the route to work and normal workday, and when the damage occurs as a result of negligence or recklessness by the employee;

i) *Benefits for on-the-job accidents*: For the purpose of calculating these benefits under the labour risks insurance, the basic salary will be the average contributory salaries paid during the last six months before the accident and/or occupational disease. If there have been no contributions during that whole period, it will be calculated as the median of the months of contributions during the period. Additional rules will establish corresponding benefits;

j) *Unemployment Benefits*: The coverage of the new Family Health Insurance (SFS), excludes young adults who are unemployed. This insurance will be permanent only for those who are formally employed and receiving a salary and their direct dependents who are minors, whereas those who are adults should have the coverage, although their parents may continue making contributions of 2.86 per cent of their salaries as provided by the amendment to law 87-01 on Social Security. The basic SFS plan has the advantage that it will provide coverage for pregnancies but it retains the exclusion of dependents who are over age 18, and these can remain

under the insurance coverage only if they are studying, but not beyond the age of 21, beyond which they remained definitively outside of the coverage until they obtain a job and begin making contributions;

k) *Family Allowances*: All the family, the beneficiary, his wife or domestic partner and his children up to age 18 and until age 21, if they are university students, receive 3,000 Dominican Pesos annually in support of their expenses for medicines. Medicines administered during hospitalization are to be covered by ARS to which they belong.

137. Article 3 of Law 87-01 on Social Security establishes as its first principle the factor of universality, which must govern the SDSS: the system must protect all Dominicans and residents in the country, without discrimination by reason of health, sex, or social, political or economic condition.

138. The social security system also includes Dominicans living abroad, according to article 5 of the said Social Security Act, in the corresponding paragraph.

139. Regarding beneficiaries of Security against Occupational Hazards, there is a provision excluding staff of foreign diplomatic missions based in the country, staff of international organizations and the expatriate staff of foreign firms, to the extent that they are protected by their own social security schemes. These missions will be eligible for the benefits of this law to partially or completely cover their staff, to complement their own plans or as the sole coverage for their employees. Notwithstanding the foregoing, the SDSS may conclude agreements of mutual protection for citizens of other nations residing in the country and for Dominican citizens residing in other countries.

140. Regarding benefits granted to women, article 119 of the Social Security Act provides for promotion of health, prevention and treatment of diseases, rehabilitation, pregnancy, childbirth and their consequences. It does not include treatments resulting from traffic accidents or work accidents and occupational diseases, which are covered by Law 4117 on Compulsory Insurance of Motor Vehicles and the Occupational Hazards Insurance established by this law.

141. Unemployed single women with minor children who lack sufficient resources to meet their basic needs and ensure the children's education are also beneficiaries of the Solidarity Allowance (*pensión solidaria*) under article 63.

142. Article 129 includes the Basic Health Plan, including article 132 - maternity allowance, which provides that the enrolled worker is entitled to a maternity allowance equivalent to three months' contributory salary. To qualify for this benefit the worker must have contributed for at least eight months in the 12 month period preceding the date of childbirth and must not have done any paid work during that period. This provision relieves the company from the responsibility to pay the full wage referred to in Article 239 of the Labour Code. Children under one year old of enrolled workers with a contributory wage of less than three times the national minimum wage will be entitled to a breastfeeding subsidy for 12 months. Complementary rules establish procedures for determining, granting and delivering maternity benefits.

143. For foreign nationals residing in the country and who are not beneficiaries of the social security system, the Dominican Republic considers it appropriate, if the case so warrants, to conclude reciprocal international agreements for the purposes of providing the services set forth in the above-mentioned Law 87-01, either partially or fully, for the protection of the rights contained in article 9 of the Covenant.

E. Article 10 – Protection of the family, mothers and children

1. The family

144. The Dominican Republic views it as its duty to protect family and motherhood and to ensure for children and adolescents the exercise full and effective enjoyment of their fundamental rights as provided in article 8 (15) of our Constitution.

145. For the State, the family is the nucleus that forms the core of our society. The father and mother have joint and equal responsibilities and obligations in regard to the care, development,

education and comprehensive protection of their sons and daughters, as provided in the articles of the Civil Code as set forth below:

a) Article 213 provides that spouses are to ensure the moral and material direction of the family together, provide education for children and prepare them for the future. A married woman has the same civil capacity as an unmarried woman. The matrimonial regime adopted by spouses may not contain any restrictions on civil capacity of the wife which are not expressly contained in the law;

b) Article 214 states that each of the spouses should contribute, as far as possible, to household expenses and education of children. If one spouse fails to fulfil this obligation, the other spouse may apply to the local Justice of the Peace for an order to garnish and withhold from the earnings, work product or income of the other spouse a portion sufficient to meet that spouse's needs. Before resolving the matter, the spouses will be summoned before the Justice of the Peace by a certified letter from the Minister indicating the nature of the complaint. The spouses must appear in person unless absolutely prevented, which must be duly shown.

c) Article 215 provides that spouses mutually undertake a life in common, the family residence is in the place they choose by common agreement; however, if the chosen family residence presents serious drawbacks, the Children's Court may authorize a different residence and, if necessary, decide upon the residence of the children.

146. Society and its organizations should and are entitled to participate actively in achieving full and effective enjoyment of the rights of all children and adolescents. The State has the duty to keep creating means for the direct and active participation of governmental and nongovernmental institutions in defining, implementing and monitoring policies for the protection of fundamental rights such as food, housing, education, health and other rights, addressed to children and adolescents.

147. Instruments for protection of maternity and elimination of the worst forms of child labour existing in the Dominican Republic:

- a) International Covenant on Civil and Political Rights (ratified);
- b) Convention on the Rights of the Child (ratified);
- c) Convention on the Elimination of all Forms of Discrimination against Women (ratified);
- d) ILO Convention 103 concerning Maternity Protection (submitted);
- e) ILO Convention 138 (ratified);

- f) ILO Convention 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour (ratified)
- g) Law 24-97 on intra-family violence;
- h) Code for the system of protection and fundamental rights of children and adolescents (Law 136-03);
- i) Decree No. 566-01 amending decree No. 144-97 creating the national steering committee to combat child labour;
- j) Labour Code;
- k) Resolution of the Ministry of Labour No. 9/93 of 25 February 1993 on night work by minors;
- l) Resolution of the Ministry of Labour No. 29/93 of 9 November 1993 on light picking work in the fields;
- m) Resolution of the Ministry of Labour No. 30/93 of 9 November 1993 on work by minors under age fourteen for the benefit of art, science or education;
- n) Resolution of the Ministry of Labour No. 31/93 of 9 November 1993 on night work by minors in concerts or theatrical performances;
- o) Resolution of the Ministry of Labour No. 52/2004 of 9 November 1993 on dangerous and unhealthy work by persons under age 18.

148. In this regard, the Dominican Labour Code establishes in Principle X that “Female workers have the same rights and obligations as male workers.”

- a) Women enjoy the same rights and have the same duties as men with regard to laws on labour, with the sole exception of those enacted to protect maternity;
- b) Termination of a female worker from employment by the employer during her period of gestation and for three months after childbirth is null and void.
- c) A woman may not be dismissed from her employment because she is pregnant.
- d) Any dismissal by reason of pregnancy is null and void.
- e) Any dismissal of a pregnant woman during pregnancy or within six months following childbirth must first be submitted to the Department of Labour or the local authority exercising its functions to determine whether it is motivated by pregnancy or is a result of childbirth.

149. With regard to the system and plan of protection for maternity, we reiterate what has been set forth under article 9 (paragraphs 142 and 143, *supra*).

150. A pregnant worker is entitled to mandatory rest for six weeks preceding the probable date of birth and the six weeks that follow, as provided in article 236 of the Labour Code. The entitlement to prenatal leave, if the employee does not make use of it, may be added to the period of postnatal leave.

151. Likewise, article 237 of the Labour Code provides that the prenatal and postnatal leave may never be less, overall, than 12 weeks and, during it, workers retain their jobs with all the rights arising therefrom.

152. If the employee requests grant of leave after the post-natal rest, the employer is required to grant it immediately (article 238 Labour Code).

153. In regard to child labour and child exploitation, in our country the Ministry of Labour and the National Council for Children and Adolescents (CONANI), as co-chairs of the National Commissions on Child Labour Protection, monitor public policies concerning children and adolescents as provided in article 418 of Law No. 136-03 which establishes the “Code on the System of Protection and the Fundamental Rights of Children and Adolescents.” Furthermore, in conjunction with ILO International Programme on the Elimination of Child Labour (IPEC) several projects aimed at the eradication of child labour have been implemented, through four main components, as follows:

- a) Education (with re-immersion, placement, reinforcement, homework rooms, pre-school, etc.);
- b) Awareness-raising (talks, workshops, etc.);
- c) Credit (loans to seek income-generating alternatives for families by incentives to family micro-enterprise);

154. With regard to the provisions of the Labour Code concerning minors, PRINCIPLE XI provides that "Minors may not be employed in services that are not appropriate to their age, state or condition or that prevent them from receiving compulsory schooling." Similarly, the Code provides that:

- a) Minors have the same rights and duties as adults under the labour laws, subject only to the exceptions set out in the Code;
- b) Employment of minors under age 16 in dangerous or unhealthy jobs is prohibited;
- c) An employer who employs minors is obliged to grant them adequate facilities compatible with the workers' needs so that they can fulfil school programmes and attend vocational training schools.

155. Children reach adulthood at age 18 or, by emancipation, from age 15 for boys and from age 16 for girls, in keeping with the provisions of the Dominican Civil Code.

156. The minimum age for admission to any type of employment or work which by its nature or the circumstances in which it is conducted is likely to jeopardize the health, safety or morals of minors may not be less than 18 years. However, national legislation or the competent authority, after consultation with the organizations of employers and workers concerned, where such exist, may authorize employment or work from the age of 16 years provided that there is full protection of the health, safety and morals of adolescents and that they have received adequate instruction or vocational training in the specific branch of activity.

157. In addition, the unemancipated minor over 14 years old and under 16 may enter into a contract of employment, receive the agreed compensation and allowances fixed by the Labour Code and perform the actions that derive from such relationships, with the permission of his / her father and mother, or one of these having authority over the child, or, in the absence thereof, of his / her guardian. In case of disagreement between the parents or the lack of parents and a guardian, the Children's Court of the minor's domicile may grant permission.

158. Although work is prohibited under age 14, in the interests of art, science or education, the Minister of Labour, through individual permits, may authorize minors under fourteen to be employed in public performances, radio, television or films as actors or extras.

159. Children under age 16 cannot be employed or work at night, during a period of 12 consecutive hours which shall be fixed by the Minister of Labour and which shall not begin after 8 p.m. nor end before 6 a.m.

160. The Ministry of Labour conducts ongoing activities with a view to effective implementation and compliance to eliminate the worst forms of child labour and to implement the National Plan for the Eradication of the Worst Forms of Child Labour.

161. The Ministry of Labour has a Child Labour Unit, composed of professionals from various fields (law, statistics, social work, communications). Similarly, different offices of the Ministry, including Inspection, Health and Safety Department, and Directorate General for Employment, include in their annual programming actions to support compliance with the rules on this subject.

162 The following specific actions should be mentioned:

a) Based on Resolution No. 37-2005 of 2 September 2005 issued by the Ministry of Labour, which creates provincial, municipal and local committees for the eradication of the worst forms of child labour, 34 such committees have been formed (three in the course of 2008), constituting one of the multi-sectoral coordination strategies (government, employers, workers and civil society) at central, provincial, municipal and local levels, in addition to constituting monitoring networks at the municipal and local levels;

b) The **National System to Monitor Child Labour (SINAMOTI)** is in the trial stage in six provinces where the problem exists, with computerized reports being generated from those provinces;

c) A manifesto rejecting the worst forms of child labour is being circulated for signatures;

d) There is ongoing support for programmes of action around the country.

2. Sanctions

163. Sanctions for violations of provisions of the Labour Code may be penal (they apply to employers and workers) or disciplinary (they apply to officials and employees of the Ministry of Labour and the labour courts).

164. Violations subject to penal sanctions are classified as follows:

a) Minor: when the obligations disregarded are merely formal or documentary, not having an impact on the safety of the person or on working conditions;

b) Serious: when there is infringement of the rules concerning **minimum wages**, wage protection, weekly rest, overtime hours, or all those rules pertaining to safety and hygiene at work, provided they do not endanger or risk endangering the health or safety of workers. With regard to collective rights, failures to comply with obligations contained in a collective contract are considered serious;

c) Very serious: when the rules violated pertain to maternity, minimum age of employment, protection of minors, employment of aliens, enrolment in and payment of contributions to the Dominican Social Security Institute, and all those rules pertaining to work and hygiene, provided the violation creates danger or the risk of danger to the life, health or safety of the workers. With regard to collective rights, the commission of unfair practices contrary to the freedom to organize are considered very serious;

F. Article 11 – Right to an adequate standard of living

165. The Dominican State reiterates what was stated in its second periodic report (see E/1997/6/Add.7, para. 83).

166. In this regard, it is worth noting that during the 1990s, the Dominican Republic experienced remarkable economic growth that improved the quality of life. Between early 1990 and 1998 poverty declined, albeit modestly, social indicators improved, and the country reached a favourable position to achieve many of the Millennium Development Goals (MDGs). The impressive economic growth slowed from the year 2000 and the country found itself in an acute financial and economic crisis in the period 2002 - 2004.

167. The economic crisis caused a significant decline in real income, a striking increase of 50 per cent in the poverty rate and a doubling of the number of people in extreme poverty in the country. Between early 2002 and late 2004, 15.6 per cent of the population (1.5 million Dominicans) became poor (with incomes insufficient to cover the minimum cost of basic needs for food, shelter, health, education and clothing), and 7.2 per cent (670,000 people) fell into extreme poverty (with incomes so low that they did not cover even a basic food basket for minimum caloric intake). In 2004, 42 of every 100 Dominicans were living in poverty, and of these, 16 out of 100 were living in extreme poverty. That same year, 20 per cent of the richest families accounted for 56 per cent of national income while the poorest 20 per cent received only 4 per cent. The income inequality has over the last seven years remained similar to the average for Latin America and the Caribbean (Gini coefficient of 0.52), which is in itself the most unequal region in the world.

168. Among the main factors identified to explain the limited reduction of poverty in the late 1990s, the subsequent sharp deterioration in income, and continuing inequality, are the five following factors:

a) **First:** growth in income from work, the source of more than half of the incomes of the poor, was very unequal between 1997 and 2002. The major beneficiaries during this period were college-educated workers in the National District and other relatively richer locations, and employees in sectors that employ relatively fewer unskilled workers. Social indicators, including those linked to the MDGs in health, nutrition and education, improved but remained below the level that corresponds to the country's economic development. Access to reliable, quality basic services remained poor. International remittances have contributed directly to poverty reduction, but their impact has been modest since the amount of remittances and the percentage of recipient families are lower among the poorest households (about 80 per cent of remittances go to urban areas, 40 per cent to the richest families);

b) **Second:** The crisis in 2002-2004 reduced the average real income of Dominican households by approximately a third, although the loss of purchasing power was relatively greater for families with the highest incomes. Although the crisis hit hard at all socioeconomic groups,

for 670,000 Dominicans it caused a reduction in consumption of staple foods below minimum subsistence levels. This situation could jeopardize progress in social indicators and the achievement of the MDGs in the country;

c) **Third:** The low incomes of the poor are largely the result of low productivity and not the result of labour market barriers that prevent them from translating their skills into better-paying jobs. Broadly speaking, the labour market operates relatively well in terms of mobility of workers, although it can be strengthened to work more efficiently. Unemployment rates remain high in urban and rural areas, disproportionately affecting youth and women. The informal sector accounts for half of employment, although it is not a major direct cause of low incomes. In addition, many farmers remain trapped in unprofitable work because of their lack of skills and insufficient additional investment in basic infrastructure in rural areas; a possible additional reason is the downward pressure on agricultural wages exerted by Haitian immigration in rural areas;

d) **Fourth:** The low labour productivity is mainly the result of very low skill levels of the workforce, which in turn are the result of an educational system characterized by a large financing gap, bottlenecks in the supply of secondary schools and inefficiencies in management. Increments in income for a person who manages to invest only in primary and secondary education are very low, and even at even at the tertiary level are well below the Latin American average. Most low-income children drop out before completing secondary school and therefore lack the minimal skills demanded by the labour market. In the regional context, the educational system of the Dominican Republic shows a very successful performance in terms of student enrolment, but a much poorer performance in generating years of schooling. On average, a Dominican child who finishes high school will have remained in school 3.5 years longer than necessary;

e) **Fifth,** serious deficiencies persist in fiscal policies and programmes aimed at enhancing human capital and supporting consumption by the poor in the short term. The significant amount of public resources for grant programmes and transfers (higher than public spending on education in 2004) have a very limited impact on human development and poverty due to shortcomings in expenditure management, a legacy of centralized processes of distribution and management of expenditure, fragmentation and duplication of programmes, inappropriate targeting, inadequate information systems for monitoring and impact assessment, and obsolete public procurement practices.

169. Despite significant progress in reforming social assistance, there are counter-trends. The numerous innovative initiatives coexist with traditional programmes with similar goals and major design flaws. Even in programmes that clearly favour the lower-income families, such as the School Food Programme (PAE) and the scholarship programme for students at the basic level (now known as the School Attendance Incentive (ILAE)) it is possible to save up to 20 per cent of the budget through targeting of resources. For example, the focus of the educational plan of action could be significantly improved on the basis of geographic criteria, using the official poverty or income map and targeting scholarships through the proper implementation of the Single System of Beneficiaries (SIUBEN). Also, there is room for a tax reform that eliminates many exemptions that operate as implicit transfers to the most affluent, including expansion of the base of value added tax (ITBIS), the property tax and bank interest tax. A broad vision is needed encompassing reform of the tax system and social spending in order to make them more equitable.

170. Since many of the new poor stemming from the crisis are still near the poverty line, maintaining the economic growth and price stabilization achieved in 2005 could significantly

reduce poverty in the short term. However, to ensure that households in deep poverty are drawn into the development of the country, public policies should focus on three main directions: a) promotion of economic opportunities for the poor, b) strengthening social service delivery and strategic investments for the poor, and c) improving fiscal equity and renewal of social protection in order to protect poor and vulnerable groups. These three areas are consistent with the Poverty Reduction Strategy developed in 2002, whose implementation needs to be suited to the new social and fiscal situation and the challenges of the new international trade scenario.

171. Finally, it should be noted that the Dominican Government has proposed to revise and update estimates of poverty levels in the calculation of a basic consumption basket and the resulting poverty lines based on the Survey of Household Income and Expenditure which was conducted in 2006 by the Office for National Statistics and the Central Bank.

1. Right to adequate food

172. The Dominican Government has implemented a series of programmes to ensure food to all needy people, such as the following:

a) *Food Distribution Programme*: Distribution of free food in the form of food rations for the families of the 220 sugar mills of the State Sugar Council (CEA). This food is obtained from various sources including: the Presidential Plan to Combat Poverty, donations by the Ministry of Agriculture (SEA) and by the allocation of resources by the Executive Directorate for the purchase of products. There is distribution of food in sugar mills 5, 6 and 7 belonging to the Barahona complex in the Province of Neyba, and sale of rice and sausage at reduced prices for employees of the main office;

b) *Eating comes first programme*: (forming the Solidarity Programme together with ILAE) whose aim is to respond to the nutritional emergency affecting households in extreme poverty, particularly infants, with a coverage target of 200,000 households in 2005 and a budget of 999.3 million pesos. The transfers under this programme should be targeted in conjunction with SIUBEN, channelled through a debit card, and beneficiaries are subject to conditions, as the emphasis is on maternal and child nutrition. This initiative represents progress in the country's social policy in line with best practice in the region. The new initiatives exist side by side with traditional programmes having similar goals, including traditional programmes selling subsidized food or distributing it through the Institute of Price Stabilization (INESPRE), *Comedores Económicos* (subsidized community diners) and the Presidential Plan to Combat Poverty, together accounting for about 2,400 million pesos, compared to 1,500 million pesos earmarked for TCD programmes. The School Food Programme (PAE), which provides school breakfasts and lunches, has operated since 1992 with aims partly similar to those of the ILAE, and in 2004 it implemented a budget of 1,513.2 million pesos with a universal coverage of 1.53 million children.

173. Notwithstanding the implementation of the aforementioned programmes, we wish to indicate some of the vulnerable or disadvantaged groups in our country in terms of the level of poverty in which they live and their level of unemployment. These include:

- a) Landless peasants;
- c) Rural workers;
- d) Urban unemployed;
- e) Migrant workers.

174. To combat poverty, the State has granted loans to 14,700 micro-entrepreneurs, who generated 46,000 new jobs and 18 hours of light at a subsidized social rate for over 3 million Dominicans living in poor neighbourhoods in the country.

175. 3,400 popular markets have been built to give the poorest households access to food at subsidized prices. More than 45,000 title deeds to plots have been granted to poor families, in addition to conversion of 14,400 dirt floors into concrete floors. There has been an increase to 50,000 in the number of mothers benefiting from the school card targeted subsidy, and another 50,000 entered this project in the first quarter of 2003. These cards, school breakfasts and issuance of books, uniforms and shoes have helped to reduce dropout rates at the basic level by 4 to 12 per cent.

176. Under the leadership of the armed forces, the programme of shelters and residences for early citizenship education of children and adolescents who roam the streets has been intensified. These children are now receiving education, health, nutrition and discipline, permitting them to integrate into society productively, helping to break the cycle of poverty in their homes. Also in this regard, the Ministry of Labour in conjunction with IPEC-OIY and NGOs (*Acción Callejera*, in Santiago, and *Canillitas con Don Bosco*, in Santo Domingo) has implemented a series of projects designed to get children off the streets, i.e. away from urban child labour, aiming to reintegrate them into their families and give them access to education.

177. In the case of *Acción Callejera*, intervention is not limited to this area. This institution now runs a direct service programme with the objective of rescuing underage children doing domestic work. This programme is designed to eradicate sexual exploitation and to protect the rights of young workers who meet the minimum age for admission to employment and work in situations that do not harm their health and development.

178. The organization *Canillitas con Don Bosco* has developed and implemented programmes providing care to street children, with a series of complementary interventions so that they can have training and a decent life.

179. As another affirmative action policy, the Social Cabinet was created by a presidential decree in 2000, with a mandate to coordinate and integrate social programmes and government policies. In 2002 the first survey of social programmes was conducted in order to lay out the legal bases, mandates and functions of programmes and institutions. This mapping revealed the existence of more than 41 social programmes and entities. Some of these programmes had been established by presidential decree, others were within the overall national budget, others had been created by a law, and others had been organized in the framework of the ministries. The 2002 survey revealed a serious lack of information on the objectives of social interventions, operational characteristics and their expected results. "Eating comes first" is focused, as was proposed, on extremely poor families, regardless of their age structure, and was designed as a subsidized consumption initiative; it is attached to the Presidential Plan to Combat Poverty (PPLCP) as part of the subprogramme of Social Assistance, and not as part of the subprogramme of social subsidies.

2. Right to adequate housing

180. Housing is an important element in ensuring the dignity and quality of human life. "Adequate housing" comprises more than a roof and four walls. It is essential for a healthy, normal life and satisfies deep psychological needs for privacy and personal space, for safety and

protection from inclement weather, as well as social needs, as a gathering place where important relationships can be formed and nurtured.

181. In many societies, housing also plays an essential role as an economic centre where core business activities are carried out. Defining the content of the right to adequate housing provides a unique paradigm to monitor actions taken by States for the provision of housing in response to the insistence and demands of citizens for implementation of this basic human right. The right to adequate housing is established and recognized in international law, enshrined in article 25 of the Universal Declaration of Human Rights, and has been codified in other important international human rights treaties. Article 11 of the International Covenant on Economic, Social and Cultural Rights requires that States Parties to the Covenant recognize the right of everyone to an adequate standard of living for himself and his family, including housing and the continuous improvement of living conditions, and there is thus far no known official act law or decree which adversely affects the rights to adequate housing.

182. Accordingly, as set out in article 8 of the Constitution, it is recognized as the main purpose of the State to effectively protect human rights and maintain the means to gradually improve them within a setting of individual freedom and social justice, compatible with public order, general welfare and the rights of all. In that regard, during the period 2000-2006, through the National Institute for Housing (INVI), the State invested the sum of 2,753,377,911 pesos in the construction and improvement of 277,475 housing units, of which 1,408,211,698 were applied to 10,654 new homes, equipped with infrastructure services such as drinking water, electricity, storm drains and sanitary sewers, streets, pavements and kerbs; 878,900,148 pesos in 201,234 improved housing units; 330,175,065 pesos in 62,021 homes in which a dirt floor was covered with concrete and 136,091,000 pesos in 3,566 housing units provided through housing subsidies.

183. With regard to drinking water in rural and poor urban areas, it may be noted that the Dominican Republic has 403 water supply systems or aqueducts, of which 30.1 per cent are gravity and 67.2 per cent operated by pumps. In rural areas there are also 94 mini-systems or mini-aqueducts with the capacity to supply 2,000 people. There are 132 windmills, 130 drinking water treatment plants, 29 sewage systems and 28 wastewater treatment plants.

184. 74.3 per cent of the population has easy access to drinking water: In urban areas, 80.3 per cent, and in rural areas 50.4 per cent. 60.4 per cent of water service is indoor.

185. In addition, 89.5 per cent of our sewage disposal arrangements have sanitary sewers, septic tanks and caved wells.

186. There are several water supply and sewage corporations that manage their own independent water supply and sewage systems in the cities under their jurisdiction; these are: Water and Sewerage Corporation of Santo Domingo (CAASD), Water and Sewerage Corporation of Santiago (CORAASAN), Moca Water and Sewer Corporation (CORAAMOCA), Water Supply and Sewerage Corporation of La Romana (CORAAROM) and Water and Sewerage Corporation of Puerto Plata (CORAAPLATA). The rest of the country is served by the National Institute of Drinking Water (INAP) and for irrigation systems and canals by the National Institute of Water Resources (INDRHI).

187. The National Drinking Water Institute (INAPA) has agreements with various international organizations and governmental organizations to implement programmes to build new rural water supply systems and to manage the existing ones. The main objective of these agreements is to

incorporate the principles of sustainable development in public policies and programmes of development in keeping with the Millennium Development Goals, specifically Goal 7, Target 9 and primarily Target 10, which states: "halve by 2015 the proportion of people without sustainable access to safe drinking water and basic sanitation." Among these international organizations are the Spanish Agency for International Cooperation for Development, the Government of Japan, the Canadian International Development Agency and the United States Agency for International Development (USAID).

188. Among the governmental institutions are: the President's Social Cabinet, the Directorate General for Community Development, the Pre-investment Fund, the national coordinator for European development funds (ONFED), the Directorate General for Border Development, and NGOs such as Servicio Social de Iglesias, Mujeres en Desarrollo, Productores Pequeños de la Región Suroeste (PROPESUR), Desarrollo Integral del Nordeste, Fundación Desarrollo Comunitario, Fundación para el Desarrollo de Azua, San Juan de la Maguana and Elías Piña, World Vision, Catholic Relief Service and the German Social and Technical Cooperation Service.

189. The National Water Resources Institute (INDRHI) also developed a programme called Rural Solutions which is responsible for installing winch pumps and hand pumps, and has already placed more than 2,000 in areas where water pressure or electrical pumping are poor. As a parallel project, educational activities are being carried out to prevent the waste of water and pollution. The programme, sponsored by the Spanish Agency for International Cooperation for Development, is called "Ciérrame" ("Turn me off").

190. The city of Santo Domingo is the largest urban area that has major areas of poverty in the Dominican Republic. It meets its drinking water needs through 5 water systems. These are: the central system, comprising Valdesia and Isa-mana; the north-western sector, which encompasses Buey-Guananitos, the La Isabela system and the sectoral systems, which are small systems to supply a small group of no more than 5000 people. The third is the south-western water district, encompassing Campo de Pozos Haina Manogwayabo, Plantas de Haina, Haina Manogwayabo, Las Caobas and the sectoral systems of the area. The fourth is the northern district, encompassing Mata-Mamón, Sabana Perdida, Los Marenos and the sectoral systems of the area. And the fifth is the eastern district, encompassing El Naranjo, La Catalina, La Joya, La Caleta, Brujuela, Barrera de Salinidad and the sectoral systems.

191. Also, with participation by the private sector, 1,800 million pesos were invested in the construction, upgrading and urban infrastructure works of 108,000 housing units, of which 18,000 are new. The Government also announced that over a period of 11 to 14 months, with external funding of 115 million U.S. dollars, 5,500 dwellings were built for professional guilds, including doctors, teachers and nurses across the country.

192. Among social groups that are vulnerable and disadvantaged with regard to housing, we have populations with moderately low, low and very low incomes living in rural, urban and suburban neighbourhoods. This situation has been exacerbated by rapid population growth, particularly since 1961 when the country broke away from the Trujillo tyranny, due to continued rural-urban migration, which has led to occupation by squatters on State lands and private property, creating precarious urban settlements lacking basic services or with inadequate basic services, or in areas of irrigation with the resulting overload of existing services and the prevalence of undesirable conditions of overcrowding and promiscuity.

193. As a direct result of rural-urban drift devoid of organization, sensitive urban spaces are being affected, generating unsanitary slums, hampering the rational use of land, orderly territorial expansion, the proper execution of well-designed urban plans and the solution of the accumulated housing shortage, both qualitatively and quantitatively.

194. According to approximate data from studies done in the housing sector, it has been estimated that the Dominican population has an accumulated shortage of between 500,000 to 800,000 housing units. At present, it is believed that the housing shortage prevailing in the country negatively affects about 650,000 families. It is thought that there is a need to build around 50 to 55 thousand housing units each year. However, since Hurricane Georges in 1998, that number has increased dramatically. According to a report of the National Housing Institute in 2002, the country has a quantitative and qualitative housing deficit of more than 800 thousand housing units, with more than 70 per cent being at high risk due to natural phenomena. The greatest need exists in the southern region, in the provinces of Pedernales, Barahona, San Juan de la Maguana, and Jimani, among others. Therefore, Habitat Dominican Republic concentrates its efforts in these areas, since they are among the poorest in the country.

195. In the period from 17 August 2004 to 8 February 2008, the Dominican Government, through the National Housing Institute (INVI), has provided 135,213 housing facilities in neighbourhoods and rural communities across the country.

196. To gradually overcome these qualitative deficits, INVI, with poor families and community groups, is pursuing consistently throughout the country its Housing Improvement Programme, improving 135,213 housing units belonging to low-income families in situations of extreme poverty in slum neighbourhoods and rural areas.

197. In regard to the quantitative deficit, there is an estimated need to build about 357,500 new housing units, in an effort to address this acute human need, involving two major groups:

a) *The formal sector*, which covers the public sector through its various government and municipal institutions, and the private sector, which encompasses companies, organizations and individuals with established economic, technical and legal capacities. This sector covers only 25 per cent of annual production of new housing;

b) *The informal sector* encompasses all the initiatives of individuals and community groups who are not covered within the legal and technical framework governing the housing sector, and yet it covers 75 per cent of annual production of housing.

198. As part of its housing policy for low-income population sectors, the Dominican Government in 2004-2008 has built 3,551 new housing units, of which INVI has finished over 3,299 in urban and rural areas throughout the national territory, the Water Supply and Sewerage Corporation of Santo Domingo (CAASD) has finished 208, and the Institute of Housing Assistance (INAVI) has finished 44 dwellings.

199. According to data produced by the 2002 National Census of Population and Housing, at that time the country had a population of 8,562,541 people, of whom 5,446,704 – equivalent to 63,61 per cent – were residing in urban areas and 3,115,837, equivalent to 36,39 per cent, were residing in rural areas.

200. At the conclusion of 2002 Population and Housing Census, the Dominican population lived in some 2,193,848 homes, distributed according to tenure as per the following table:

<i>Housing</i>	<i>Number</i>	<i>Percentage</i>
Owned	1,366,657	62.29
Rented	617,731	28.16
Lent	196,155	8.94
Other	13,305	0.61
Total	2,193,848	100

201. For an overall view of the population-housing social elements it is useful to consider that according to projections made by the National Statistics Office (NSO) for the year 2007 the Dominican population was estimated at 9,363,652 people, representing an absolute population growth of 801,111 persons during the five-year period from 2002 to 2007.

202. We must also point out the real status of people living in illegal settlements or housing, where all the Dominican Republic suffers as a result of this situation from the practice of forced evictions, but these are mainly concentrated in the National District and Santo Domingo Province. Other provinces where there are evictions are San Francisco de Macorís, La Vega, Samana, Puerto Plata, La Altagracia, San Pedro de Macorís, Azua, and Barahona, among others.

203. In the National District there is currently a specific threat of eviction for a population of over 200,000 inhabitants of the districts of La Zurza, Capotillo, Simon Bolivar, 24 de Abril, Gualey, Los Guandules and La Cienega, where more than 30 thousand people would be moved to make way for Avenida del Río Occidental under the RESURE Plan.

204. The Province of Santo Domingo is the most affected by lack of ownership, which exceed 75 per cent of the population. Of special note in this regard are the Los Tres Brazos area and neighbourhoods bordering the eastern bank of the Rio Ozama (threatened with eviction to make way for Avenida del Río Este), Brisas del Este, Villa Esfuerzo, Isabelita, and Los Frailes in the municipality of Santo Domingo East, and Valiente, La Caleta, Campo Lindo, Brisas Santa Lucia in the municipality of Boca Chica. Forced evictions are also taking place in the municipalities of Santo Domingo North Santo Domingo West.

205. As a general concept, the number of people evicted must be understood in two dimensions which are described below:

a) Those lawsuits that are proceeding towards eviction, which are widely dispersed; since they are authorized by legal entities around the country, we do not have statistics on the subject;

b) The number of persons currently lacking legal protection against arbitrary eviction or any other kind of eviction.

206. In the case of persons arbitrarily deprived of their homes, there are variables for the execution of eviction or dispossession; for example, when there is trespass on private property and the owner is protected in his property rights guaranteed by the corresponding Certificate of Title, the agency with authority to order the eviction is the State's Attorney.

207. By contrast, in the case of eviction for non-payment from a rental property, the procedure is before the Justice of the Peace concerned. Finally, in the case of dispossession, the case is brought before the Bureau of Rent Control and Evictions, which is a direct branch of the Office of the Attorney General of the Republic, in accordance with Decree No. 4807 of 16 May 1959, as amended, on Rent Control and Evictions.

208. The aforementioned decree, in article 3, provides: "Eviction from a building at the initiative of the owner is prohibited, unless he has ordered rescission of the rental contract for failure to pay rent or because the building rented is being used for a purpose other than that for which it was rented, provided the same is prejudicial to the owner or contrary to public order or morals, or the tenant sublets the rented building in whole or in part despite being barred in writing from doing so, or the form of the rented building has been changed. When the building is to be repaired, rebuilt, or added to by new construction, or when it is to be occupied personally by the owner or his spouse or one of their relatives, ascendant or descendant to the second degree, for at least two years, the Bureau of Rent Control and Evictions shall authorize the eviction."

209. With the exception of these prohibitions, no law or decree in the country prohibits the practice of eviction.

210. In percentage terms, 50 per cent of the population lacks title to the land it occupies. This lack of ownership and insecurity of tenure is the root cause of forced evictions. Also the fact that over 70 per cent of the population has no legal title shows that the problem of security of tenure and forced evictions cannot be reduced to a limited reading only of what is legal, but must encompass the social dimension that the problem clearly presents. In any case, it should be noted that a pending task for the authorities and society as a whole is to provide land for the whole population, including low-income sectors, and that this endeavour should match the size and socio-economic characteristics of the different social segments that make up housing demand.

211. In those cases in which those living in the "illegal" sector are occupying State-owned land, the Executive can give authorization for title to be conferred for certain periods and under certain conditions of occupation and use, as occurred with Decree No. 113-98 of 18 March 1998 which created the Commission on Land Titling for people occupying land owned by the Dominican State or municipalities, comprising the National Council on Urban Affairs (CONAU), the National Housing Institute (INVI), the National Cadastre, the General Directorate of National Assets (BN) and the State Sugar Council (CEA).

212. In this regard, Decree No. 784-02 of 9 October 2002 instructs the Directors General of the Dominican Agrarian Institute (IAD), the State Sugar Council (CEA) and the General Directorate of National Assets (BN) to proceed immediately to regularize and subsequently to legalize all parcels of land owned by those State agencies which are currently occupied by private parties who have built improvements on them for 10 years or more.

213. By exception and in very specific situations, based on considerations of high public interest, the ownership of illegally occupied private land may be decreed in strict conformity with the provisions of Organic Law 344 of 27 June 1943 governing expropriation procedures.

214. Given that housing demand is always greater than the supply, applicant families are assigned priorities on the basis of family burden, vulnerability and poverty status.

215. Families with a housing application pending are usually in one of the following categories:

a) They may be living in a shelter set up for that purpose because of a natural or man-made phenomenon. The Government gives priority to finding a solution for families which occasionally find themselves in such an emergency situation. Preference is given to prefabricated systems in order to achieve solutions as quickly as possible.

b) Families may have formally applied for housing on the INVI registry. These people are often living in rental housing or housing lent by relatives or friends.

216. Within the legal framework which governs the institutional life of the Dominican Republic, in regard to regulations concerning the right to housing, the following should be considered:

a) Law No. 1832 of 3 November 1948, which created the General Directorate of National Assets, which regulates said institution and also establishes rules and mechanisms for choosing a site owned by the Dominican State or housing built by the Government;

b) Law No. 108-05 of 23 March 2005 on the Registry of Real Property.

c) Law No. 5892 of 10 May 1962 by creating the INVI, which will aim at the realization of the constitutional mandate to provide facilities for every citizen to obtain adequate, hygienic housing as a necessity and basic right of every individual.

217. INVI, under this act, in addition to the purposes set out in the preamble referred to above, has the following general functions:

a) To formulate the overall housing plan, in its rural and urban aspects;

b) To implement the plan, within the framework of its activities;

c) To promote private contributions to the development of the plan;

d) Through its various departments, especially that dealing with social programmes, to provide technical advice and assistance to the extent necessary to all persons or groups, especially those constituted as cooperatives in fact or in law, who may so request, and within the economic possibilities of the Institute;

e) To promote the development of urban and rural housing programmes through cooperation by the future occupants of the housing, following the principles of self-help and mutual aid.

218. Decree No. 327-02 of 9 May 2002, reorganizes the INVI's functions in response to the socioeconomic reality of the country, setting the following general objectives for housing policy and human settlements:

a) The role of the State will be to enhance capacities, facilitate and regulate;

b) Enhancing the scope and effectiveness of State action in the housing sector;

c) Strengthening coordination between public and private institutions involved in housing and human settlements;

d) Promoting the pooling of resources of the public and private sectors in carrying out housing projects in order to increase production of housing solutions;

- e) Earmarking the largest quantity of State resources for the lowest-income sectors;
- f) Promoting community participation in plans for social housing.

219. Moreover, our Constitution, in article 8, sections 15(a) and (b) provides:

- a) "...the institution of family property is likewise declared to be of high social interest."
- b) "The establishment of every Dominican home on land or with improvements belonging to the occupant is declared to be of high social interest. To this end, the State shall encourage the development of public credit on advantageous terms, intended to make it possible for all Dominicans to possess a comfortable and sanitary home."

220. As adjectival law aimed at protecting the ownership rights of the family home, the national legal system has Law No. 339 on Family Property, dated 22 August 1968, which provides that: "Buildings intended for housing, whether single-family or multi-family, which the State transfers to private individuals in urban or rural areas through social improvement plans implemented by autonomous State organs or directly by the Executive, are hereby declared Family Property to the fullest extent permitted by law."

221. Article 2 states: "These buildings may not be transferred at any time to other persons, unless the provisions of Law 1024 of 24 October 1928 establishing Family Property, as amended by Law 5610 of 25 August 1961, are complied with, and with the consent of the Executive Branch, in the following cases:

- a) The owner needs to move to another location;
- b) Illness of the owner or his family members make it necessary to move for a cure;
- c) Clear economic inability of the owner to continue making payments, in the case of a gift.

222. Article 3 provides: "Parcels and dwellings definitively transferred by the Dominican Agrarian Institute to farmers in settlements intended for agrarian reform projects are likewise declared Family Property to the fullest extent permitted by law."

223. Article 4 provides: "Notaries, mortgage recording officers and title registries, in the documents they prepare regarding the buildings referred to in articles 1 and 3, shall record the fact that, pursuant to the present Law, said buildings have been declared Family Property to the fullest extent permitted by law and without being subject to any further formal requirement."

224. Also, in keeping with the foregoing constitutional provisions, Law No. 675, dated August 1944, embodies the requirements for obtaining permits for developers, public displays and construction. The provisions of this Law are regulated by the Department of Buildings of the Ministry of Public Works and Communications and the Urban Planning Directorates of Municipal Councils.

225. Moreover, Law 108-05 of 23 March 2005 and its regulations govern the process of cadastral measurements in all matters relating to division, distribution and recording of land parcels, while Law No. 6232 establishes a process of urban planning.

226. We also have Law 188-04 of 7 July 2004, which provides the legal basis of the National

Council for Urban Affairs (CONAU), an institution under the Ministry of Economy, Planning and Development, whose primary mission is to carry out the work of urban-regional design and planning and to conduct inter-agency coordination among all public and private entities that have an impact on the body of rules designed to promote the adoption of common criteria and strategies for improving the living conditions of the inhabitants of the country.

227. CONAU's overall objective is to employ the advantages offered by information and communication technologies to leverage the authority vested in the institution, facilitating coordination activities in the processes of design and implementation of urban development policies, strategies, plans and projects and urban land use planning, specifically to strengthen national capacity in the central and local government, in NGOs and the private sector, for purposes of management and communication of all information relating to human settlements.

228. Other laws regulating construction and urban development are the following:

a) Law 67 of 31 August 1944, published in Official Gazette No. 6138 of the same date, regulates activities of urbanization, public displays and construction;

b) Law No. 5150 of 13 June 1959 establishes the Directorate General of Buildings, an entity under the Ministry for Public Works and Communications. The process of meeting all requirements for issuance of building permits for housing must be complied with through this office. The office is also responsible for authorizing construction and overseeing all construction within the national territory.

c) Law No. 3455, dated December 1952, provides for important housing sector issues and empowers municipal councils to regulate parking areas adjacent to housing complexes of private homes.

d) Law No. 5038 of 19 December 1958 governs the Condominium Regime, which defines the conditions that must apply in this type of shared ownership;

e) Law No. 302 provides that buildings of two or more floors can be built only on lots or land duly registered with the National Cadastre;

f) Law No. 6232, which establishes a process of urban planning and introduces organizational changes to municipal institutions.

g) Law No. 687 of 27 July 1982, Official Gazette No. 9593, creates the General Directorate of Standards, Regulations and Systems, assigning to it the functions of preparation of technical regulations that support the preparation and implementation of projects and works of engineering, architecture and related fields.

229. The purposes of Law No. 687 are:

a) To define a regulatory policy consistent with the modern technology that applies in the disciplines of Engineering and Architecture;

b) To ensure that public and private institutions responsible for project design and construction of works, whether of transport or construction, carry them out according to a system of technical regulations that ensure the safety of structures and users, the environment, and observe other rules relating to works of transport and construction.

230. Also by Law No. 5879, of 27 April 1962, the Dominican Agrarian Institute (IAD), is established in order to receive and distribute land under the national jurisdiction.

231. In this respect we note that during the period August 2004-December 2007, 92,555 *tareas** of farm land were received through modalities of recovery of State lands, CEA transfer, quotas and other means. These activities were carried out at the regional offices in San Cristóbal, Dajabón, Higüey, Barahona, Santiago, Bonao, Cotuí, and Monte Plata. Two settlements were completed with a distributed area of 2,467 *tareas* and there were four re-settlement projects in the regional management districts of San Cristóbal, Higüey and Dajabón where an area of 10,742 *tareas* was distributed, benefiting 357 peasant families. During the aforementioned period, preparations were completed for ten settlements which are ready to be handed over, totalling an area of 76,329 *tareas*, benefiting 3,233 families. Another re-settlement project with an area of 10,000 *tareas* and benefiting 404 families is also ready.

[* Translator's Note: 1 *tarea* = approximately 600 square metres]

232. Also, 47 rural settlements were rehabilitated, with 11,104 plots inspected in an area of 267,153 *tareas*. In regard to provisional and final granting of title, 560 final titles were issued, by which the right to private property was granted to 560 landholders in an area of 29,053.29 hectares. The issuance took place in various provinces. Also, 2,720 provisional titles to agrarian reform parcels were issued.

233. As a benefit to people without homes, Law No. 1223 authorizes construction mortgage banks to make loans secured by mortgage of properties built on land owned by municipalities.

234. In terms of tenancy, Decree No. 4807 of 16 May 1959 referred to above regulates relations between landlords and tenants in dwellings, setting forth the rights of each party, depending on the legal situation.

235. Law No. 38 of 24 October 1966 sets the scale governing the rental of urban houses and apartments used as dwellings.

236. It is important to note that the Dominican Government does not implement housing programmes for rentals to the population. Only the private sector carries out construction of rental housing and the public sector serves as a facilitator and regulator.

237. As regards laws governing environment and sanitation in housing and human settlements, Law No. 64-00 of 18 August 2000 pertains to "applying, designing and implementing a comprehensive State policy for conservation and protection of the environment and natural resources of the country."

238. It also establishes mechanisms to regulate the sustainable use of natural resources in the country and sets the rules to prevent environmental harm under the concept of "polluter pays." This legislation also mandated the creation of the Municipal Environmental Management Units and returned to the municipalities the power to improve the quality of life of citizens.

239. On another aspect of the right to housing, local community-based organizations are free to join together to build housing and provide related services, as prescribed in our Constitution, article 8 (7). In that regard, the country has procedural laws that facilitate the voluntary association of people, of which the following deserve special attention:

a) Law No. 127 of 27 January 1964, governs all cooperatives at the national level, promotes the education of cooperative organizations and provides technical and financial support to them;

b) Law No. 122-05 of 3 May 2005 regulates and promotes non-profit associations, constituting legal mechanisms establishing enabling strategies, mechanisms and procedures, under which local community-based organizations and the "informal sector" can build housing and related services.

240. Among the financial measures taken by the Dominican State to promote the right to housing, the National Housing Institute (INVI), besides the recovery from its loan portfolio, has a regular annual appropriation in the national budget of income and expenditure to cover its social investment operations and business and overhead costs.

241. In order to add resources to support housing programmes of the public and private sectors in the country, Law 87-01 was adopted. This law established the Dominican Social Security System, and provides in article 97 that the pension fund resources, estimated today at over 51 million pesos, may only be invested in, among others, the following financial instruments:

- a) Time deposits and other securities issued by banking institutions, the National Housing Bank, INVI, and regulated and accredited savings and loan associations;
- b) Mortgage bonds or notes issued by banking institutions, the National Housing Bank, INVI, and regulated and accredited savings and loan associations;
- c) Debt securities issued by public and private companies;
- d) Publicly offered shares;
- e) Debt securities and other securities issued or guaranteed by foreign states, central banks, foreign or international enterprises and banking entities which are traded daily on international markets and which fulfil the characteristics indicated in the complementary rules;
- f) Securities issued by the National Housing Bank for the development of a secondary mortgage market;
- g) Funds for Development of the housing sector;
- h) Any other instrument approved by the National Council of Social Security (CNSS), subject to deliberation and recommendation by the Risk Classification Commission.

242. According to a report by the Central Bank on the financial sector's performance, during the period 2007 the average interest rates of mortgage loans both of multiple banks and of the Savings and Loan Associations for Housing remained between 14.4 per cent and 14.3 per cent. This average is less than half of that which prevailed among commercial banks five years ago, when they were offering mortgage loans with a rate of 32.4 per cent.

243. A report from the Superintendent of Banks shows that the mortgage loan portfolio of the domestic financial system increased by 44 per cent in 2007 compared to 2006. The report indicates that during 2006 the financial intermediary institutions, including banks and Savings and Loan Associations for Housing, granted mortgages in the amount of 36,993,500 million pesos, while in 2007, this funding amounted to 53,286,300 million pesos, for an absolute change of 16,292,700 million pesos.

244. Mortgage loans are generally granted for a maximum term of 10 to 20 years, with funding of 80 per cent of the value of the property previously appraised by a professional recognized by the financial institution granting the credit.

245. Law No. 708 of 14 April 1965 on Savings and Loan Associations ensures proper management of these financial institutions specifically geared to support the construction of housing. These associations are inspected by the Superintendent of Banks.

246. Other laws regulating the mortgage banks are Law No. 171 of June 1971, which created the Mortgage Banks for Construction, and Law No. 1223 authorizing construction mortgage banks to grant mortgage loans secured by buildings erected on land owned by municipalities.

247. Overall, mortgage banking and the system of savings and loan associations for housing, besides having gained positive experiences in the field of housing promotion and support, have experienced a large increase in their financial resources in a national housing market characterized by significant achievements and promising prospects over the short, medium and long term.

248. As a sectoral government policy of the Dominican State, regular consultation takes place between centralized, decentralized and autonomous institutions of the State and the Ministries of Economy, Planning, Development, Finance and Foreign Affairs, with the aim of coordinating national and international assistance, in relation to the needs and priorities of the country and the requirements for allocation of funds. This is done through bilateral and multilateral international treaties for housing and human settlements, as the Dominican State arranges and regulates, through its institutions, the resources to support investments in these areas and others of national interest.

249. Among the measures taken by the State in regard to high-impact urban renewal programmes, initiatives have been pursued at the municipal level aimed at improving environmental conditions in blighted urban and suburban areas, with a view to fostering a more humane and healthy life, especially in the more densely populated urban centres, such as the National District and the provinces of Santo Domingo, Santiago, Puerto Plata, La Romana, and others.

250. In this regard, priority has been given to establishing the necessary spaces for leisure and recreation in urban and suburban locations as well as tree-planting in squares, avenues and streets.

251. Other measures of great impact have been those oriented to a more profitable and rational land use, facilitating vertical growth of human settlements and housing solutions, with a modernizing vision that corresponds to the demands of habitability and proper logistics of smoothly flowing traffic and parking, for a population that is growing and moving toward the metropolitan centres of the country.

252. As for the main difficulties encountered with regard to the housing sector, these include:

- a) Access to credit for housing finance;
- b) Bureaucratic rigidity in the procedures from land use approval, environmental impact statements and building permits and plans;
- c) legal-bureaucratic barriers to the issuance of land titles for housing construction.

253. We must also highlight the plight of the bateyes, or sugar refinery communities, since the people who live in them are a part of Dominican society and have the right to an adequate standard of living; we must therefore, report that since March 2001 a project has been under way for repair and construction of housing and infrastructure works in the Barahona sugar refinery with the World Food Programme (WFP) and FONDOPREL.

254. The interventions began in March 2001, with community participation in the execution of works, through the appointment of committees that are responsible for monitoring their implementation, selecting beneficiaries, managing materials and ensuring a fair and equitable distribution of food rations. The partnership agreement provides that the WFP provides food (rice, beans, oil, flour) and community members involved contribute their labour. Families are included as part of deliveries of food directly to vulnerable groups (pregnant women, children under 5 years of age) who have less ability to access adequate food. For its part, FONDOPREL, with funds from the Dominican Government, is responsible for providing the building materials used by community brigades.

255. The basic materials used are wood, cement and blocks. The Social Development Agency of the State Sugar Council (GDS) oversees the implementation of the work while coordinating talks and guidance to facilitate their realization. This work has yielded results in refinery complexes 5 and 6 of Barahona and will be starting in complex 3 where more than 1,500 families have benefited. To date, more than 85 homes have been prepared and 200 latrines built, distributed as follows: 80 latrines in complex 5, 75 in complex 6 and 45 in complex 3.

256. Moreover, in complex 5, a facility is being built to channel rainwater and wastewater and is 90 per cent complete.

257. Among the programmes developed for people living in the sugar refinery complexes is the Food Distribution Programme, as discussed in paragraph 179, and the following programmes:

a) *Environmental Sanitation and Fumigation Programme*: These programmes have included spraying a total of 110 sugar refinery complexes belonging to Barahona, Ozama, and Haina and benefited about 16,609 families. A brigade has been created which is responsible for the drilling of wells and installation of submersible or winch pumps for water extraction.

b) *Programme of Reforestation and Implementation of Gardens (Horticultural)*: In the period from January to November 2001, the Office of Social Development in coordination with the department of environment and reforestation of the State Sugar Council (CEA), conducted reforestation projects in the sugar refinery complexes of Palavé in Guanuma, Naya, Guasumita, El Caño, triple Ozama, complexes 4, 5 and 6, Yagua, Los Jobillos. At the latter, schoolchildren were involved, and gardens were installed in Alcarrizos in Palavé, Yacó Palamara and Arroyo Indio. These activities involved leading members of the community as well as children, adults and adolescents.

c) *Sanitation and Pest Control Campaigns*: These were conducted in order to control diseases such as dengue and malaria in various sugar mills in the country. The State Sugar Council (CEA) will conduct an ongoing programme of fumigation and rat control. In 2001 a total of 10,490 families were served, in about 90 of the most populated mills.

d) *Construction of 700 latrines at 6 sugar refineries in the Country*: The project includes the construction of 200 latrines in San Luis, 100 in Boca Chica, 100 in Santa Fe, 100 in Porvenir, 100 in Consuelo and 100 in the Quisqueya refinery. The cost of the project is 4,977,366.50 pesos which will come from the directorate of the State Sugar Council (CEA). The first phase started with 100 latrines in San Luis for an initial 711,025.37 pesos, with the work more than 60 per cent completed.

e) *Rehabilitation of two dormitory barracks and construction of 39 latrines in Triple Enriquillo*: The project includes the rehabilitation of two dormitory barracks, i.e. roofs, doors

and windows, besides the construction of 39 latrines to improve the living conditions of residents of this community located in the town of Sabana Grande de Boyá, in the province of Monte Plata. The amount of the project is 1,018,895.00 pesos; resources for the commencement of work have already been earmarked by the management of the State Sugar Council (CEA). This project was requested by the World Food Programme (WFP), an agency that works in close collaboration with the State Sugar Council. In addition, there is the rehabilitation of a building for the installation of a health centre at Cinco Casas refinery, in the division of Guanuma, Monte Plata:

- i) At the request of BRA Dominicana, the State Sugar Council (CEA) has rehabilitated a local facility for a health centre that will be equipped with medical equipment, medicines and medical personnel by the international humanitarian aid organization, to provide services to about 15 sugar refineries of the province of Monte Plata. The project includes repairing a facility for the local health centre, the construction of a warehouse and a house for physicians. The amount of the project is 2,552,519.29 pesos which, will come from the directorate of the State Sugar Council (CEA). Housing and Dormitory Repair Programme at the margarita complex of the Consuelo refinery in San Pedro de Macoris:
- ii) At the request of the residents of the margarita complex, addressed to the Executive Directorate of the State Sugar Council (CEA), repairs were made to their homes, together with the complete rehabilitation of the sugar mill. The project involves the repair of 18 houses (4 duplex and 14 Savica type) and two sleeping barracks, complete with zinc roofs, cement floors, repair of walls, correction of structural damage and paint. The total project amount is 1,423,179.38 pesos, and work has begun with community support and resources provided by the management of the State Sugar Council (CEA). Project for the installation of water purification stations in the sugar refineries and villages throughout the country:
- iii) With the cooperation of European Development Funds through the International Investment Corporation and trade delegations, Ets. Luke Thomas and Altech, this project will allow the installation of pilot plants in the sugar refinery complexes of Guanuma, Paloma and San Luis in Ozama (Kilombo).
- iv) The first water purification plant was opened in the community of Gautier in Boca Chica. It is estimated that in the coming days new plants will be opened in the neighbourhood of the Kilombo district of the Ozama sugar mill. The cost of each plant is 2.0 million pesos. Subsequently, other communities will be selected from the 220 sugar mill complexes of CEA without access to drinking water. All communities that require the service will be attended to.

258. The foregoing shows the willingness of the Dominican State in meeting the obligations and commitments of the Covenant, as the affirmative actions undertaken in favour of people living in the sugar mill complexes is a way to ensure their economic, social and cultural rights. For this reason it is important to emphasize the role of international assistance, which has been very helpful domestically in financial and technological areas, as these resources are scarce in our country. In the last four years of the 2004-2008 administration, the country has opened to the world, reaching out across borders and continents. In this regard, international treaties and conventions, bilateral and multilateral, have been renewed and new international treaties and conventions have been signed, through the Ministry of Foreign Affairs, to support the

achievement of basic socio-economic rights of the Dominican population, especially the lower-income sectors, so that this assistance has been of great help and benefit.

G. Article 12 - Right to the enjoyment of the highest attainable standard of physical and mental health

259. The Dominican Republic believes that it is the duty of the State to act as indicated in article 8 (17) of our Constitution which states as follows: "The State shall encourage the progressive development of social security so that every person shall be able to enjoy adequate protection against unemployment, sickness, disability and old age." The State must likewise act in accordance with the provisions of international treaties and conventions to which the Dominican Republic is a party as well as our internal laws, apply policies and measures with a view to guaranteeing the right to a healthy standard of physical and mental health, and protect and assist persons who find themselves in the most disadvantaged situations.

260. Accordingly, the Dominican government has several institutions whose task it is to support and carry out activities aimed at the fulfilment of the obligations contained in the Covenant.

261. Among the institutions which are active in pursuing the full realization of the right to health is the National Council for Children and Adolescents (CONANI), which has a centre for comprehensive attention to children and adolescents named "Angels of CONANI" that conducts a programme of special care for children and adolescents with severe disabilities, especially those from low income families. Its mission is to provide comprehensive care, encouraging the social and family integration of children and adolescents with severe disabilities, and it seeks over the medium and long term to become a Model Centre for care of children and adolescents with such conditions, working from a human rights approach, with the participation of families and community. The conditions which are addressed at the centre include: psychomotor retardation, mental retardation, cerebral palsy, Down's syndrome, brain damage from Kernicterus, measles syndrome, sequels of meningitis, autism, hydrocephalus and sequels of Poliomyelitis. At the main centre located in Santa Domingo and at the Santiago centre, some 250 inpatient children are treated for periods of six months to two years. A similar number will be able to receive ambulatory care when the programme reaches its third phase. Differences between families and between the conditions of the children play a factor in determining priorities for admission and for ambulatory care.

262. Similarly, our State has a State Secretariat of Public Health and Social Welfare (SESPAS), which has, through the directorate of epidemiology, implemented vaccination campaigns against diseases which could affect the population, thus preventing the spread of these diseases undermining the health and welfare of persons residing in our country.

263. The statistical data on children immunized against diphtheria, whooping cough, tetanus, measles, poliomyelitis and tuberculosis are as follows:

- a) Tuberculosis: 101 per cent
- b) Diphtheria: 86.6 per cent
- c) Whooping cough: 86.6 per cent
- d) Tetanus: 86.6 per cent

- e) Poliomyelitis: 85.6 per cent
- f) Measles: 105 per cent (not disaggregated by urban or rural zones).

264. With regard to health, we must also stress the application of the operational plan of commitment to Zero Tolerance, which is an invitation to everyone in the nation to mobilize in a commitment for better health for our population, with our country thus assuming a commitment to reach by the year 2015 the Millennium Development Goals jointly agreed to by all member countries of the United Nations at the millennium summit in the year 2000.

265. These objectives and goals include important commitments relating to health, including reduction of maternal mortality and child mortality and the main communicable diseases, as well as malnutrition.

266. In the years 1997 – 2000, the State Secretariat of Public Health and Welfare promoted a national campaign for the reduction of infant and maternal mortality, which involved important organizations of civil society and community organizations. Its results are largely positive, significant reductions in these problems having been achieved. This experience showed that mobilization and pooling of efforts by the State and society can achieve significant impacts over the short term.

267. The General Law on Health (42-01) and its regulations establish the foundations for creating the National Health System based on the social generation of health. They set as priorities the prevention and control of major health problems and define the organization of two sub-systems: The sub-system for care of persons and the sub-system of collective health. The first has as its primary responsibility providing individual care and the second has responsibility for prevention and control of priority problems. This legal framework assigns to the State Secretariat of Public Health and Welfare the responsibility of providing executive guidance to the National Health System and the direct responsibility for organizing, financing and managing interventions of prevention and control which constitute the collective health sub-system and promoting social participation in the creation of health.

268. With regard to infant mortality, the rate in our country is 31 per cent, with breast-feeding being the exclusive practice, and we are contributing to improve that indicator. Breast-feeding encourages the spacing of pregnancies and has a positive impact on the family economy. By reducing the incidence and gravity of infectious diseases, breast-feeding could rapidly reduce infant mortality by approximately 13 per cent, while improved supplementary nutrition would reduce infant mortality by 6 per cent. Nearly 50 to 60 per cent of deaths under the age of 5 are due to malnutrition caused by inappropriate food supplements, inappropriate feeding after breast feeding, and low birth weight. The impact increases in unhygienic environments.

1. HIV/AIDS

269. The Dominican Republic has recognized over the years that the HIV/AIDS pandemic is growing and the impact it may have and has already had on the health, labour, social, political and economic sectors of all nations in the world and especially in the Caribbean, the region to which our country belongs and which ranks second worldwide in prevalence of this disease.

270. Accordingly, we have developed, implemented and carried out programmes and policies aimed at establishing foundations to address the situation from different perspectives: Regulatory rules on care, prevention and respect for human rights of persons living with HIV/AIDS.

271. The State Secretariat of Public Health and Social Welfare (SESPAS), through the Directorate of sexually transmitted diseases and AIDS (DIGECITSS), has carried out programmes of prevention of HIV/AIDS and is now the executing agency for actions designed to combat this disease.

272. In response to the imperative need for multi-sectoral work in order to combat HIV/AIDS, the Presidential Council on Aids (COPRESIDA) was created in 2001 by Decree 32-01. This entity has as its main functions defining policies on HIV/AIDS in the country, establishing multi-sectoral strategies with governmental and non-governmental organizations, managing funding for programmes to combat the epidemic, and contributing to the application of Law 55-93 on AIDS. The first effort of COPRESIDA has been to carry out the Project on Control and Prevention of HIV/AIDS, funded through a loan agreement between the Dominican Republic and the World Bank for 25 million dollars, whose main focus is prevention of HIV/AIDS.

273. We reproduce what is said out in article 12 of Law 55-93: “The Ministry of Labour, in coordination with trade union organizations, will promote information, education and communications regarding the Ministry and all modes of transmission and prevention of AIDS among employers and managers of all public and private companies operating in the country.

274. Our country recognizes that one of the fundamental rights of all citizens is the right to life, to health, and to have the State cover basic needs through various mechanisms.

275. In the case of HIV/AIDS, regulations concerning human rights are of the upmost importance and must be taken into account as an essential complement so that actions directed at prevention and care will be truly effective.

276. Accordingly, and in view of this situation, the Dominican State is fostering the necessary scenario so that persons living with HIV/AIDS may obtain access to the health services they deserve.

277. COPRESIDA, in coordination with the main organizations combating AIDS in the country, has developed a joint proposal for the Global Fund against HIV/AIDS, malaria and tuberculosis, for the purpose of obtaining funding to provide comprehensive necessary care and antiretroviral medicines for 6,000 patients with HIV/AIDS in the Dominican Republic. The project was formally launched upon the signing by our country with the Global Fund. Similarly, COPRESIDA, in coordination with the DIGECITSS, has developed a five-year proposal with the William B. Clinton foundation to provide comprehensive care and antiretroviral medicines for 20,000 patients with HIV/AIDS. This project is now in the final phase of negotiation and approval.

278. In response to the precautionary measures imposed on the Dominican Republic by the Inter-American Commission on Human Rights, we have complied in so far as possible not only with the supply of antiretroviral treatment for persons benefiting from these measures but are also including the treatment for other persons living with HIV/AIDS since they did not benefit from the precautionary measures. We have also been repairing both the infrastructure and the normative arrangements needed to be able to provide quality service to all persons needing it.

279. In that regard, in October 2003, a hearing was held before the Inter-American Commission on Human Rights at the request of the Dominican state, which concluded with three key points: The need to convene a meeting of all actors involved to achieve a unified response, to draw up a revision of the lists of patients for whom laboratory work had been done and for whom antiretroviral treatment was being provided, and finally an invitation to members of the Inter-

American Commission on Human Rights to visit the Dominican Republic in order to verify the accuracy of the arguments presented. All of the foregoing has been done, and we have kept the Commission informed.

280. As a response to the immediate need to provide antiretroviral medicines to persons benefiting from the precautionary measures, a contingency plan was drawn up on the basis of the Clinton proposal. As a result, antiretroviral medicines for 500 people were received.

281. Similarly, we have recently created a Comprehensive Care Coordination Unit (UCAI) in order to expedite the coordination of all matters relating to comprehensive care for HIV/AIDS patients, including antiretroviral treatment.

282. The antiretroviral treatment requires a whole system of control of supply and follow-up. Accordingly, the State Secretariat of Public Health and Social Welfare together with COPRESIDA have developed rules which are necessary to establish the criteria under which the treatment is given to HIV patients deserving it. In this regard, rules of care have been developed for HIV/AIDS patients, as well as antiretroviral therapy protocols for adults, adolescents and children, which are in accordance with the international standards of the World Health Organization and the Pan American Health Organization.

283. Health centres have been designated to administer the antiretroviral treatment. These are: Hospital José Ma. Cabral y Báez, Santiago; Hospital Ricardo Limardo and CEPROSH, Puerto Plata; Centro Sanitario de Santo Domingo Hospital Luis E. Aybar, Virological Institute, Casa Rosada, Hospital Robert Read Cabral, the latter centres in Santo Domingo. These centres are geographically located to respond to priority needs for comprehensive care of the patients as an initial phase of the national response to HIV/AIDS care.

284. The Dominican Republic has adopted Law 55-93 on AIDS which was innovative at the time of its adoption and remains one of the existing bodies of rules on HIV/AIDS in the region. It is a non-discriminatory regime and seeks above all to safeguard and protect the rights of persons living with HIV/AIDS in the Dominican Republic.

285. A preliminary draft to reform this law is under consideration at present and nearing its final stage. The law will be adapted to current human rights standards and the changes in the pandemic over the last ten years, and national needs to effectively carry out our national response to the pandemic.

286. The Project on Prevention and Control of HIV/AIDS, coordinated by COPRESIDA and financed partly with resources from the World Bank, has recently funded a process of restructuring with the following main goals:

- a) To provide greater flexibility in the financing of national activities in response to HIV/AIDS;
- b) To adjust the goals and structure of the project to the National Strategic Plan for 2005-2015 to provide direction to the national response over the next ten years in the context of the country's commitments to reach the millennium development goals;
- c) To support the development and strengthening of the national response to HIV/AIDS.

287. The work done by World Bank teams and COPRESIDA has included defining new components for the project, namely:

- a) Strengthening and development of the national response;
- b) Activities contained in the biennial operational plans executed through governmental organizations;
- c) Activities contained in the biennial operational plans executed through civil society;

288. In addition, the restructuring of the project has included:

- a) Defining new indicators for the project (see annex).
- b) Defining new development goals for the project (see annex).
- c) Significant changes to increase flexibility in the use of resources to fund activities under the national response, including:
 - i) Eligibility to obtain ARV medicines;
 - ii) Funding for activities to strengthen and develop the national response;
 - iii) Flexibility in execution of national response activities through civil society organizations.
- The formulation of a new operations manual adapted to the new modality of implementation of the project.
- Formulation of biennial operational plans and acquisition plans in the context of the National Strategic Plan for the period 2006-2007 (see annex)

289. It should be noted that, as part of the redistribution of resources under the restructuring of the project and based on the definition of new project components, a new distribution of resources has emerged, as follows:

Rate of execution projected by year (including counterpart)

<i>Component</i>	<i>%</i>	<i>World bank</i>	<i>Dominican government</i>	<i>Total project</i>	<i>Fiscal year</i>		
					<i>2006</i>	<i>2007</i>	<i>2008</i>
Strengthening & development of national response	25%	3,655,020	913,755	4,568,775	2,284,387	1,370,632	913,755
Activities in biennial operational plans executed through governmental organizations	35%	5,117,028	1,279,257	6,396,285	1,918,885	3,198,142	1,279,257
Activities in biennial operational plans executed through civil society	40%	5,848,032	1,462,008	7,310,040	2,558,514	3,289,518	1,462,008
TOTALS	100%	14,620,079	3,655,020	18,275,099	6,761,787	7,858,292	3,655,020

Merits Of The National Strategic Plan Approach Strategy

290. COPRESIDA has implemented the adoption of a new approach strategy for mitigation and reduction of the HIV/AIDS epidemic, introducing an innovative strategy, segmented by population groups, defined by conditions of vulnerability and specific socio-demographic characteristics, thus determining a focused strategy of specialized interventions in accordance with the phases of the epidemic, the needs of the populations and the specific daily life environments of each of the population groups. This approach strategy has implied implementation of essential policies, strategies and premises, as follows:

a) A broad mechanism of coordination common to all actors involved in the national response, cooperatively and comprehensively integrating their activities in the formulation, execution and evaluation of the national strategic plan for 2005-2011 and for the prevention and control of STDs and HIV/AIDS, together with training and the use of resources and application of social expenditure on health for the execution of the same.

b) A national response constituted, pursued and sustained by coordinated and active participation, together with co-management, by the organizations of public governmental services, organizations of non-governmental public services, organizations of civil society with or without missions in the field of health, including Community-Based Organizations (CBOs) and Faith-Based Organizations, and international technical cooperation agencies and/or international institutions which finance their operations.

c) To ensure consistency between the National Health Plan (PLANDES 2005-2015) and the National Strategic Plan 2005-2015;

d) Develop and use a matrix for formulation of interventions common to all actors, making it possible to track fulfilment of the Millennium Development Goals (MDGs);

e) Support, strengthen and harmonize mechanisms of coordination of the actors involved in the national response (Country coordinating mechanism of the donation of the Global Fund; United Nations Theme Group for AIDS; Theme Group for follow-up to the Millennium Development Goals, etc.).

f) Develop a technological platform and computer applications for management that are common to all actors;

g) Develop institutional capacities of the actors of the national response, identifying weaknesses and implementing solutions to enhance their managerial performance and facilitate processes of social auditing and to consolidate the processes of decentralization of decision-making and management of financial resources;

h) Ensure decentralization of activities and active participation by governmental organizations and civil society nationwide;

i) In terms of direct results, the new approach strategy translates into:

i) Cost savings in interventions

ii) Specialization of interventions by population group

iii) Availability of finished information for decision-making

iv) Etc.

291. COPRESIDA has forged ahead with the above-described process of building the national strategic plan and the process of forming and promoting strategic partnerships (Alianzas Estratégicas de Base Poblacional – AEBPs) based on population groups currently stands as follows:

a) Ten such AEBP strategic partnerships have been formed and their respective management committees have been established. In several cases, their modalities of operation and lines of intervention have been defined. A total of over three hundred civil society organizations have been formed, as follows:

- i) National Youth Alliance (Alianza Nacional de Jóvenes);
- ii) National Alliance of Children and Adolescents (Alianza Nacional de Niños, Niñas y Adolescentes);
- iii) HIV/AIDS Gender Alliance (Alianza de Genero VIH SIDA);
- iv) Human Rights Alliance (Alianza de Derechos Humanos), made up of organizations working with persons deprived of liberty;
- v) Alliance of Sugar Refinery Workers (Alianza de Bateyes);
- vi) Alliance of Immigrants (Alianza de Inmigrantes);
- vii) Alliance of Gays, Transvestites and other Men Who Have Sex with Men (Alianza de Gays, Travestis y otros Hombres que tienen Sexo con Hombres - AGTH);
- viii) Alliance of Persons with Disabilities (Alianza de Personas con Discapacidad) (formation under way);
- ix) Alliance of Sex Workers (Alianza de Comercio Sexual).

b) An operational instrument for AEBP strategic partnerships has been designed, including a detailed description of the roles they play in the implementation of activities under the national response through the organizations that make up the partnerships. (see annex).

Achievements In The Implementation Of The Operational Plan (April – June 2006)

292. Listed below are relevant aspects and significant achievements of the implementation of the operational plan during the period April – June 2006, classified by population groups:

Youth and Adolescents

a) Sex Education and Counselling Programme

- i) The Sex Education and Counselling Programme (Programa Educativo Afectivo Sexual –PEAS) is currently developing a certificate programme on counselling, prevention and intervention regarding risks related to STDs, HIV and AIDS among adolescents and young people, addressed to guidance counsellors and psychologists in the public educational system. It is part of the initiatives being taken to strengthen the Programme. Thus far, the preliminary course at the fourth level has been completed. For this certificate programme, there will be participation by 640 guidance counsellors from two of the country's regional education offices.

b) Model United Nations Summer Camp

- i) As part of the effort to consolidate a youth-to-youth approach within the Dominican educational system, the National Alliance of Youth and COPRESIDA organized the second edition of the “2006 Road to Leadership” Summer Camp of the model UN unit of the Ministry of Education. Training was provided to 369 young leaders and 75 school technicians who participate in the model at the national level. These participants have the responsibility to coordinate and develop activities pertaining to prevention of HIV/AIDS as part of the Millennium Development Goals.

c) Sports against HIV Programme

- i) As part of the creation of provincial sports networks, training activities were held in the provinces of Dajabón, National District, Nagua and Salcedo during April and May involving 590 young leaders from those provinces.
- ii) Together with these actions, a training workshop was held for members of the SEDEFIR medical unit dealing with basic aspects and management of symptomatology. This activity was carried out in coordination with the knowledge management unit and involved 55 SEDEFIR sports physicians who provide service to the medical unit.

d) Members of Youth Street Associations (“Naciones”)

- i) As part of the COPRESIDA initiative with members of youth street associations in the neighbourhoods of Cristo Rey, Los Guandules and Guachupita, a training programme is being developed on prevention of STDs and HIV/AIDS and on sexual and reproductive health. There is participation by 45 young people from Guachupita, 35 from Los Guandules, 40 from Cristo Rey and 30 from Ensanche la Fe.

e) Women

- i) Workshop: “Impact strategies to review the UNGASS commitments”, aimed at developing a policy map concerning the United Nations General Assembly to review the UNGASS commitments on HIV/AIDS and to define a strategy to be adopted by the organizations involved. As a result of the meeting, the Santo Domingo Declaration was adopted and a civil society follow-up group was formed before and after the event.
- ii) Periodic coordination and consolidation meetings for the partnership have been held, addressing topics such as operationalization and follow-up for 2007/2007; the role and objectives of InterAlianza; development of a guide to evaluate projects placed under COPRESIDA as part of the national response to HIV and AIDS.
- iii) Setting in motion of the operational plan of the Gender and HIV/AIDS Alliance 2006/2007 through the formation of provincial committees; exchanges with other alliances through the InterAlianza forum.

- iv) Formation of nine provincial committees of the Gender and HIV/AIDS Alliance in the provinces of El Seybo, La Romana (Health Region V), Santiago de los Caballeros (Health Region II); Barahona, Bahoruco, Independencia and Pedernales (Health Region IV) San José de Ocoa and Azua (Health Region I)
- v) Expanding the membership of the Gender and HIV/AIDS Alliance through establishment of committees with local impact.
- vi) Inclusion in the strategy of membership expansion at the national level and design of the plan of local impact for Health Regions I, VI, III, and VII of the country.
- vii) Participation in discussion and coordination fora of the United Nations System and COPRESIDA with a view to strengthening the national response to HIV/AIDS.
- viii) Participation by the provisional coordinating committee in the forum known as InterAlianza, which brings together all the alliances created pursuant to the national response whose goal is to support the definition and strengthening of this forum.

People living with HIV/AIDS (PLHIV)

a) Clinical Services

- i) 3,600 PLHIVs are receiving ARV (3,356 [88.9%] adults and 244 [11.1%] children).
- ii) 6,500 PLHIVs are under clinical observation (77.9 per cent of the total population receiving comprehensive care without ARV).
- iii) Preparation of new comprehensive care units for PLHIVs in provincial hospitals (Simón Strider Hospital, Azua, Higuey Provincial Hospital, Batey La Lechería and Mano Guayabo, La Victoria Prison Compound).
- iv) Expansion of available special follow-up testing services (CD4/CD8 y CV) and basic laboratory facilities of the Network of Clinical Services of the National Comprehensive Care Programme (PNAI) at the Dr. Defilló National Laboratory (average turnover of 2,500 CD4 tests and 1,500 viral load tests).
- v) Diagnostic survey of the situation at clinical services for the comprehensive care network in the sugar-mill complexes with a view to extending coverage of comprehensive care services.
- vi) 50 laboratory services set up to carry out ELISA testing at blood banks of IDSS/State Secretariat of Public Health and Welfare/Red Cross.
- vii) Setting up of voluntary HIV testing for the general population at the Dr. Defilló National Laboratory of the State Secretariat of Public Health and Welfare.

b) Equipment and Supplies

- i) Acquisition and distribution of surgical equipment for clinical and bio-safety laboratories of mother-and-children hospitals for the San Lorenzo de los Minas Mother and Child Centre and the Nuestra Señora de la Altagracia Maternity Hospital.
- ii) Acquisition of 733 reactive kits for the ELISA test at blood banks of IDSS/State Secretariat of Public Health and Welfare/Red Cross (25 per cent of these distributed).
- iii) Acquisition and distribution of 50,000 rapid tests for screening pregnant women, of the National Programme for Reduction of Vertical Transmission (Programa Nacional de Reducción de la Transmisión Vertical - PNRTV)
- iv) Acquisition and distribution of 4,500 confirmatory tests for women, PNRTV.

c) Infrastructure and Equipment

- i) Progress in physical adaptation and equipment of new comprehensive care units in provincial hospitals, PRNTV:
 - La Victoria Prison Compound (95 per cent).
 - San Isidro Hospital (85 per cent).
 - IDSS Santiago, Monte Llano, Ureña units (65 per cent).
 - Units of provincial hospitals of Monte Cristi, Dajabón, La Vega, Valverde Mao, SPM (40 per cent).
 - Unit of provincial hospital of Higuey, Azua, National Police (30 per cent).

d) Clinical Laboratories and Blood Banks

- i) Formation and definition of plan of work of the National Commission for Development of National Networks of Clinical Laboratories and Blood Banks (SESPAS/ COPRESIDA/ CERSS).
- ii) Diagnostic survey of the situation of the Networks of Clinical Laboratories and Blood Banks at the national level.

Training

Comprehensive care:

- a) Training in clinical services for medical personnel of comprehensive care units.
- b) Training of personnel of the National Laboratory and services on conducting the viral load test using the RT-PCR technique.
- c) Training of health care personnel in clinical care services and laboratory services within the marketing management certificate programme of the health Services (10 participants).

d) Training and refresher training on conducting screening tests and HIV confirmation for 85 bio-analysts of HIV laboratory services at the national level (first phase completed / Antonio Musa Hospital, SPM, Nuestra Señora de la Altagracia Hospital, Higüey, Ricardo Limardo Hospital of Puerto Plata, Nuestra Señora de la Altagracia Hospital, National District).

Universities:

a) Development of comprehensive programme of training on STDs, HIV and AIDS for students in Health Sciences. (At present, 400 medical students are being trained.) (Co-financed by National Response Programme to Combat HIV/AIDS, Global Fund)

b) Technical assistance and counselling for continuing medical education programmes on STDs, HIV and AIDS for teachers and students in Health Sciences (for development of proposals for extracurricular courses on STDs, HIV and AIDS).

Dominican Medical College:

a) Development of 3 activities in continuing medical education for specialized and regional societies of the Dominican Medical College.

Primary Health Care

a) Start-up and selection of 72 medical interns for Social Medical Internship in Primary Health Care Programme focusing on STDs, HIV and AIDS.

Social Monitoring Programme

a) Development of a programme of training in social monitoring for peer counsellors and educators (80 counsellors and 38 support group leaders trained during the quarter).

b) Design of a social auditing tool (suggestion boxes to be installed at National Comprehensive Care Programme comprehensive care units services nationally).

c) Development and approval of proposal for radio broadcast campaign for PLHIVs to promote comprehensive care services.

Stigma and Discrimination Cross-cutting Component

a) Systematizing and disseminating experiences

- i) Progress made on drafting final report of Base Line Assessment corresponding to pilot project for reduction of stigma and discrimination, with a view to publication and distribution.
- ii) Internal monitoring and evaluation system of the component established, enabling, among other things, queries regarding the number of activities carried out and the population addressed according to sex and population base.
- iii) Over 200 standardized questionnaires administered for ongoing monitoring and evaluation of impact of interventions conducted by the component with different populations.

- iv) Periodically updated data base validated, corrected and put in use. The data base incorporates information compiled from standardized questionnaires. The data base will be available for consultation by the COPRESIDA technical team (activity coordinated with the Technology Unit).
- v) Topics proposed for discussion at instructional forum, with the aim of contributing to internal communication of the institution and building shared positions with respect to different socio-cultural aspects of HIV/AIDS.
- vi) Contents of informative brochure on reducing HIV/AIDS stigma and discrimination made available in marginalized communities among young people.
- vii) The experiences of COPRESIDA in the area of HIV/AIDS stigma and discrimination were presented at the international conference on “Health Research Ethics in the Americas”, Miami, 4 - 5 May 2006.
- viii) Three scientific summaries presenting the results of validation of the psycho-educational module for reduction of stigma and discrimination, the initiative of the Journalists’ Network in the Northeast region of the country, and gender differences in the psycho-social burden of felt stigma, were accepted for presentation on posters and CDs at the XVI International AIDS Conference, Toronto, 13 – 18 August 2006.

b) Cross-cutting interventions

- i) As part of cross-cutting psycho-educational activities coordinated with the various components COPRESIDA in the period from April to June 2006, awareness was raised among 2,161 people (1415 women and 746 men) from different population bases, including adults of both sexes (suppliers of health services, lawyers, people with disabilities, counsellors and peer educators, journalists and social communicators, etc.), persons deprived of liberty, and adolescents and young people living with HIV and / or AIDS.
- ii) Support and technological advice was provided to different components of COPRESIDA in initiatives for research, monitoring and evaluation of its activities, with special emphasis on the design of instruments for gathering data and on skills training.
- iii) The team of facilitators / experts in managing stigma and discrimination, previously trained, was expanded and strengthened, in order to respond promptly to demands for training and psycho-educational interventions from different components of COPRESIDA.
- iv) Participation by a member of the component in the “Basic Demographic Analysis” certificate programme organized by the National Statistical Office, which will make it possible to incorporate a demographic perspective in studies and interventions relating to phenomena of stigma and discrimination.

c) Progress in the Luis Eduardo Aybar Comprehensive Care Unit Project

- i) Successful conclusion of the skills training programme for personnel of the Luis Eduardo Aybar Hospital, composed of ten psycho-educational workshops which provided awareness-raising to 473 people (393 women and 80 men), including nurses, medical residents, specialist physicians, psychologists and counsellors, members of the Community Committee, and administrative and logistical support personnel working at this health care centre.
- ii) Launching of interventions with the multi-disciplinary team of the Comprehensive Care Unit of the L.E. Aybar Hospital, who participated, together with users of the Unit and the rest of the pilot project team, in a workshop on appropriate management of work-related stress and prevention of burnout syndrome in treating persons living with HIV/AIDS.
- iii) Activities were designed and programmed for the creation and training of a street theatre group made up of users of the Comprehensive Care Unit of the L. E. Aybar Hospital.

d) Children

- i) The Alliance for the National Response to HIV/AIDS, with the cooperation of COPRESIDA, held several days of work and discussion, followed by formation of a coordinated working forum emphasizing respect for and recognition of the rights of children and adolescents, including:
 - A set of by-laws to organize the alliance's internal relations.
 - Definition of approaches to intervention which determine the strategic course of the national strategic plan for the children-and-adolescents populations group.
 - Formation of a project evaluation team made up of a technical focal point, an administrative focal point, and a COPRESIDA focal point.
 - Formulation of a plan of work for the next 18 months for the children-and-adolescents population group.
- ii) (ii) Formulation of consolidated version of Public Policies for Children, which has been circulated to multi-sectoral teams of the Alliance for Children and Adolescents, UNAIDS, UNICEF, the National Council for Children and Adolescents (CONANI), resulting changes to be incorporated by COPRESIDA.

e) Persons with Disabilities

- i) Formation of the Alliance of Persons with Disabilities, representing eight organizations whose mission is in the field of persons with disabilities (CIMUDIS, FENADID, ASODIFIMO, SEE, PROBIEN, CONADIS AND FUDCI).
- ii) Mutual support agreement with the Dominican Foundation of the Blind and COPRESIDA for dissemination of Law 55-93 in Braille and audio for persons without sight.

- iii) 298 adults and 45 adolescents with disabilities were informed about HIV/AIDS issues through prevention workshops, including: Basic aspects of HIV/AIDS, Self-esteem, Disability and HIV/AIDS, HIV/AIDS-related stigma and discrimination, and Basic aspects of Law 55-93 and human rights.

f) Gay Men, Transsexual Men and other Men Who Have Sex with Men

- i) Establishment of the National Alliance of Gays, Transvestites and other Men Who Have Sex with Men, the GTH Alliance (Alianza Nacional de Gays, Travestis y otros Hombres que tienen Sexo con Hombres - AGTH), with the following civil society groups: Amigos Siempre Amigos, Inc. (ASA), Aliados de ASOLSIDA (ALAS), Este Amor, Los Muchachos de la Mesa de Atrás, and Red de Voluntarios de ASA (REVASA).
- ii) Creation and contracting of the National Consultancy for the GTH population group.
- iii) Formulation of strategic lines of work of the GTH Alliance.
- iv) Development of plan for institutional strengthening and joint development of the GTH Alliance POB.
- v) Constitution of the Trans. Siempre Amigas (TRANSSA) group, comprised of transsexuals, transvestites, transgender persons and its inclusion in the GTH Alliance.
- vi) Holding of the Expression of Diversity Forum.
- vii) Debate in the mass media on topics of HIV/AIDS in the GTH population and the twofold stigmatization of that population.
- viii) Distribution of condoms to GTH population begun.
- ix) Public launching of GTH Alliance.

Bateyes (Sugar refinery communities)

293. The achievements and activities presented below correspond to progress in the initiatives undertaken by the Alliance of Bateyes with support from COPRESIDA and through sub-projects financed by the Global Fund project, interventions that have been coordinated under National Strategic Plan, namely:

- a) Gathering of information for study on knowledge, attitudes and practices of young people residing in 120 sugar refinery communities in the country;
- b) Sociological and observational survey of the situation of knowledge of HIV in sugar refinery communities;
- c) Mapping of the situational analysis of current interventions for prevention in sugar refinery communities;
- d) Establishment of training unit for community advocates and training of trainers for sugar refineries of the State and of the private sector;

- e) Implementing the training programme of 120 community advocates for the National Response to HIV in the area of sugar refineries of the State and of the private sector;
- f) Implementing the training programme of 120 community advisors for pre- and post-National Response to HIV advising in the area of sugar refineries of the State and of the private sector;
- g) Implementing the training programme of 2,400 peer educators in sugar refineries of the State and 188 in the private sector incorporated into the National Response to HIV.
- h) Implementing the strategy of information-education-communication intervention for 120 sugar refineries of the State and 25 of the private sector, including distribution of condoms and study of Law 55-93.
- i) Design and implementation of the plan of referral and counter-referral in private sector sugar refineries.
- j) Initial implementation of comprehensive development plan for sugar refineries with the plan of productive development launched by Fondo Patrimonial para la Empresa Reformada in the framework of the inter-agency agreement for development of sugar refineries.

Persons deprived of liberty

294. As part of the national timetable of awareness-raising activities among persons deprived of liberty, in the period from April to June activities were held at 5 prisons:

- a) Elías Piña Prison: 92 persons
- b) La Victoria Prison: 450 persons
- c) Haras Nacionales Prison: 45 persons
- d) Valverde Mao Prison: 215 persons
- e) Najayo Prison: 39 persons

295. As part of the promotional and preventive activities, a total of 500 persons (male) were addressed during the aforementioned period, as follows:

- a) Najayo prison for men: 150 persons
- b) La Victoria: 300 persons
- c) Valverde Mao: 212 persons

296. These promotional activities include lectures on correct condom use, carrying out pre-test counselling for the completion of a subsequent screening and strengthening basic knowledge of HIV and AIDS.

297. We have implemented a system of free distribution of condoms for HIV prevention in 5 of the 32 prisons nationwide. In the April-June period, 10,000 condoms were distributed among the inmates and correctional officers. For this distribution, the characteristics of the new model prison are taken into account, distributing condoms through the social worker on days of conjugal visits and, under the old distribution model, distributing face to face.

298. PLHIVs who have been deprived of their liberty have been identified in 3 of the facilities mentioned above, and are being provided with comprehensive care in the comprehensive care units of the State Secretariat of Public Health and Welfare which serve as central regional hospitals. In total, eight persons deprived of their liberty have been incorporated into the National Comprehensive Care Programme.

Coordination and co-financing of the national response

299. COPRESIDA is pursuing an effort to articulate a more effective national response to HIV/AIDS through a coordinated, multi-sectoral and participatory strategic plan, specifically with regard to recognition of the activities of the World Bank – Dominican Republic operation in the area of HIV/AIDS, which have been funded with resources from the World Bank and other sources. A noteworthy aspect of this effort is the formulation and implementation of an instrument proposed by COPRESIDA and discussed with representatives of 40 agencies in an initial evaluation, following submission of a form which focuses on eight priority areas, namely: a) legal basis; b) human resources; c) financing and administration; d) system and information technology; e) organizational structure; f) infrastructure and equipment; g) monitoring and evaluation system and h) inter-agency agreements.

300. This effort is evidence of a clear determination to develop common strategies among all actors in the national response regardless of the source of financing, avoiding duplication of efforts and resources, in areas such as the following:

- a) Developing a matrix for the formulation of joint interventions by all actors and both funding sources;
- b) Developing a technological platform and computer applications for common management to be used by all actors, co-funded by different sources of funding;
- c) Institutional development among those responsible for the strengthening of the national response to HIV/AIDS, identifying shortcomings and possible solutions in order to strengthen management capacity and support the process of decentralization of decision-making and management of financial resources;
- d) Decentralization of activities and of the presence of actors responsible for activities throughout the national territory, specifically initiatives pursued as part of the process of reform of the health sector in connection with HIV/AIDS.

301. Finally, another important aspect in the co-participation of different funding sources, in which projects funded by the World Bank and the Global Fund have been actively involved, has been the development of joint initiatives with the Joint and Co-sponsored United Nations Programme on HIV and AIDS (UNAIDS) through training in the use and management of the National Response Information System against AIDS (CRIS) for more than 10 agencies involved in the fight against HIV/AIDS.

302. In addition to all of the activities carried out by the Dominican State through various entities, an effort has been under way in recent years to modernize health centres as well as to implement programmes of personnel training in the area of health in order to provide better service with higher quality to the neediest persons, taking into account the Millennium Development Goals. Accordingly, although as a nation we have work to do in perfecting our ability to ensure that all persons residing in our country may fully enjoy the right to physical and

mental health, we are sparing no effort to ensure the complete coverage that is needed in order for these basic needs of the population to be met.

H. Articles 13 and 14 – Right to education; education free of charge

303. The Dominican State shares the conception applied by the Ministry of Education to the effect that education is a fundamental factor in order to return to the path of social development in human terms.

304. With a view to protecting that right, article 8(16) of our Constitution provides as follows: “Freedom of education. Primary education shall be compulsory. It is the duty of the State to provide a basic education to all inhabitants of the national territory and to take necessary steps to eliminate illiteracy. Both primary and secondary education, as well as education provided by agricultural, vocational, artistic, business and crafts, and education in home economics, shall be free of charge. The State shall pursue the broadest possible dissemination of science and culture, appropriately ensuring that all persons will benefit from the results of scientific and moral progress.”

305. The General Law on Education 66-97 provides that education is a permanent and inalienable right of human beings. Every person has the right to a complete education that will enable him to develop his own individuality and perform a socially useful activity, appropriate to his vocation and consistent with the national interest, without any form of discrimination by reason of race, sex, religious belief, economic and social position or any other ground. Education will be based on respect for life, respect for fundamental rights and the pursuit of truth and solidarity.

306. As a result of the foregoing, the Ministry of Education seeks to reverse the dynamic which deepens inequalities. Within its own sphere of action, namely the classrooms of Dominican schools, it seeks to bring about the necessary socio-cultural change to foster a new form of relationships between actors and socio-educational sectors with a view to equity, equality and social justice between men and women, with an impact on conventional-traditional power relations that favour exclusion.

307. This commitment is therefore assumed by the Ministry and is expressly embodied in educational policies and in institutional provisions established to that end. It incorporates attention to inequalities for racial, gender and other related reasons into the cross-cutting activities, the teaching practice of its teachers and its teaching resources, educational policies and institutional provisions applied by the Directorate General of Curriculum, the socio-cultural promotion area of the Department of Education, Gender and Development, with these endeavours taking shape through agreements reached at conventions, congresses and global events.

308. One of the challenges faced in the process of building a new culture of citizenship is that of providing alternatives that are inclusive, tolerant and peaceful in meeting the demand for ethical education, an endeavour which directly involves national educational policies in decisions committing formal education to the aim of guaranteeing education for all^{1[2]} through strategic activities of access, qualitative improvement, educational innovation and meaningful learning, based on social reality, especially in curriculum development, commitments leading to the

^{1[2]} JOMTIEN Resolutions, 1991, World Conference on Education for All.

creation of a cross-cutting theme of Education in Human Rights as part of the definition of the National Plan of Education in Human Rights (2004 – 2008).^{2[3]}

309. The transformation of the curriculum is a socio-educational process which began with the application of ordinance 1-95, which was aimed at enhancing the quality of education by putting in place a new curriculum responsive to the characteristics of our society and flexible enough to attend to a variety of needs in the majority of the population with regard to levels, modalities and curriculum areas. It would incorporate cross-cutting areas which are broader than the traditional areas. This was a major challenge, bringing about deep and comprehensive changes in Dominican education which were approved with the entry into force of Law 66-97, which defines the basis of the educational policy of the Dominican State, outlining its principles, goals, purposes, contents, strategies, activities and resources in order to promote meaningful learning.

310. Among the activities contemplated are the following:

1. Definition of the cross-cutting dimension of human rights education

311. Constitutes a focus upon ethnic-racial, cultural and gender inequalities.

2. Curriculum Revision

311. This revision is being carried out in order to comply with the international agreements and conventions to which our country is a signatory and the rules which govern Dominican education. Part of these efforts is the revision of curriculum areas which has been carried out through a consultancy with various professional experts and experts in education and gender. Its purpose was to identify existing biases relating to racial and gender discrimination in the curriculum and in textbooks at the basic and middle levels of education, in order to present proposals aimed at overcoming the shortcomings discovered in this process.

312. A commitment has been made to apply the proposed actions with a view to eliminating the biases found through the consultancy. A process has been developed for training in order to disseminate the results of the curriculum review through a session of workshops with the technical and teaching personnel of the areas reviewed, both at the central headquarters and at the 17 regional offices of education and the educational districts of the southern zone of the country and the capital. The purpose of this session was to enable participants to present strategic proposals for application in the classroom.

3. Teaching resources for teachers and students, 2003 - 2006

313. The following are noteworthy:

- a) Educational Folder: Educating for Diversity
- b) Set of poster charts illustrating Dominican phenotypic and racial diversity
- c) 1 set of 10 poster charts each.
- d) 31 regional and district workshops held
- e) 4,000 students and 643 teachers and technical staff attended

^{2[3]} National Plan for Human Rights Education, 204.

4. Incorporating the Manual of Multi-cultural Education, 2006

314. Teachers provided with support materials and consultancy with a view to implementing a methodology to eradicate racism and xenophobia (Ministry of Education – Jesuit Service for Refugees and Migrants - SJRM).

5. Development of the project: 2006 – 2008

Multi-cultural Education Monitoring Centre

315. The Monitoring Centre has the following characteristics:

- a) In three educational regions of the southern border area.
- b) Pedernales, Himani and Elías Pina Ministry of Education / AIDE and ACTION
- c) Folder for teachers. One set of 5 poster charts illustrating Dominican cultural, phenotypic and racial diversity, referring to local context. 1,000 folders.
- d) A phase is in preparation to train lead teachers and provide for training of trainers in multi-cultural education in the contexts of high-emigration populations.
- e) Participation by 12 – 15 management organs of educational centres; 54 teachers of selected schools, 196 students at this stage (average in each region).
- f) Attention to inequalities for reasons of race and gender in schools of border areas”

6. Certificate Programme in Afro-Iberoamerican Studies

316. In 2003 – 2004, the University of Alcalá de Ornares and the Catholic University of Santo Domingo held a training session for technical staff and teachers on ethnic and racial identity and diversity, and a study period on African descent and racial discrimination. It was attended by 53 technical staff of the 18 regional education offices and 21 teachers from selected schools in the National District. 21 monographs on the subject were produced.

7. Evaluation of teaching resources

Regulations have been established for the evaluation of textbooks and teaching resources: ORDENANZA 2-2003. Criteria have been defined for evaluating and approving these resources, stressing aspects relating to non-discrimination for racial reasons.

8. Programme of adult education

% of Dominican-Haitian migrant women
Ministry of Education
Directorate General of Curriculum

RESOLUTION

Resolution number ... incorporating into the curriculum of Dominican Education, the dimension of education on human rights.

Considering that the inclusion of this dimension is based on respect for life, respect for the fundamental rights of the person, the principle of democratic co-existence, and the search for truth and solidarity.

Considering the promotion of equity among humans as subjects of rights in the face of barbarism which is the socio-cultural component that has influenced conduct, values and attitudes that impede a democratic life expressed in human terms.

Considering that education, as a means of individual development and a key factor in social development, is a service of national public interest and is therefore the responsibility of all. The State as the duty and obligation to provide a quality education and should afford opportunities for education in quantity and quality, which may be provided by governmental and non-governmental entities subject to the principles and standards established in the present law on education.

Considering that education should contribute to creating and strengthening an awareness of identity, an appreciation and strengthening of nationhood within a framework of international co-existence, enshrining human rights and fundamental freedoms, pursuing universal peace as a basis for recognition and respect of the international law.

Considering that cross-cutting dimensions favour the advancement of values, provide the opportunity to reflect upon points of view, and ways of seeing the world and of assimilating it. They facilitate forms of socialization in personal, individual and collective life, strengthening social functions.

Considering that education in human rights is an essential component in the activities of students, teachers, and parents which supports an ideology of equality, democracy, participation, respect, co-existence and full citizenship.

Considering that educational aims geared to the comprehensive development by people –women and men – of skills conducive to harmony and peaceful co-existence in historical and social contexts.

Considering that cooperation and brotherhood amongst Dominican men and women in the knowledge and practice of participatory democracy is a form of co-existence which permits all citizens to exercise the right and duty to intervene actively in the adoption of decisions aimed at the common good.

Mindful of the various conventions and world conferences, such as Education for All of Jomtien (1990) and Dakar (2000) which in its goal number 5 proposes “to eliminate disparities between genders in primary and secondary education from 2000 to 2005 and by the year 2015 to achieve a quality between the genders in regard to education...”

Mindful of the Universal Declaration of Human Rights (article 26), International Covenant on Economic, Social and Cultural Rights (article 13), the Convention on the Rights of the Child (article 29) and, more recently, the Vienna Declaration and Programme of Action (section D, paragraph 78 to 82).

Mindful of the General Law on Education No. 66-97 of 9 April 1997.

Mindful of Ordinance 1-95 as amended by Ordinance 3-99 which establishes the Curriculum for Initial, Basic, Intermediate, Special and Adult Education of the Dominican Educational System.

Mindful of Ordinance 1-96 as modified by 1-98 which establishes the system of Curriculum Evaluation for Initial, Basic, Intermediate, Special and Adult Education.

Having heard the views of the Deputy Minister of Education, the Director of Technical Pedagogical Affairs, the Director General of Curriculum and the Legal Counsel of the Ministry of Education.

The Minister of Education, pursuant to the powers vested in her by article 89 of the Law on General Education Number 66-97 of 9 April 1997, adopts the following resolution:

Alejandrina Germán
Minister Of Education

RESOLUTION

Article 1. The dimension of “Education for Human Rights” is hereby incorporated into the curriculum of Dominican education.

Article 2. The dimension of Education for Human Rights is given effect, incorporating human rights into the Dominican curriculum and all of its programmatic areas, levels and modalities.

Article 3. This dimension will guide educational policies, plans and projects of Dominican Education in regard to education on human rights.

Article 4. The Directorate General of Curriculum is instructed to implement this dimension throughout the educational system.

Article 5. Any situation not provided for in this resolution shall be resolved by the President of the National Council of Education, the competent organ.

Adopted in Santo Domingo de Guzman, National District, Capital of the Dominican Republic, on ...of the month of ... of the year two thousand six (2006).

Alejandrina Germán
Minister of Education

317. With regard to education, emphasis should also be placed on the intermediate level, which comprises an initial cycle of two years of common education, followed by another cycle of two years in one of the three following modalities: General, technical, vocational, or arts.

318. The structure of intermediate education and the chronological distribution by school year are set out in tables 4.1 and 4.2 below.

Table 4.1 Structure of intermediate education

<i>Levels</i>	<i>Modality</i>	<i>Concentrations</i>
First two years (General)		
Second two years	General	
	Technical Vocational	Industrial Agricultural Services
	Arts	Theatre Arts Music Visual Arts Applied Arts

Source: Ministry of Education, Intermediate Curriculum, www.educando.edu.do.

Table 4.2 Distribution of time in the school year

<i>Intermediate level</i>	<i>N.º of hours (per week)</i>	<i>Total hours (per grade)</i>	<i>Total hours per two-year stage</i>
First 2 years	30 hours	1,290	2,580
General and Arts	30 hours	1,290	2,580
Technical-Vocational	35 hours	1,505	3,010

Source: Ministry of Education, Intermediate Curriculum, www.educando.edu.do.

319. The curriculum at the intermediate level was extensively revised in the late 1990s. As with other areas of curriculum, the formal documentation available on the website of the Ministry of Education reflects that the current perception of the curriculum at the intermediate level is similar to that of many developed countries. And, as has been the case in many countries, the system of intermediate education is so designed that it does not prepare students either to go on to higher education or to enter the labour market. However, as will be further explained below, the concerns of the OECD team were focused upon the technical-vocational curriculum. The PRO-ETP project, financed by the European Union, has focused on updating curricula of the technical-vocational programmes at the intermediate level.

320. Approximately 90 per cent of the intermediate level students are in the first and second cycle of the general studies of modality. Less than 10 per cent enter the technical-vocational modality in secondary schools.

321. All students take the same courses in the first cycle of the intermediate level. Since there is no standardized evaluation at the end of this cycle, there are no data indicating whether the students have acquired the knowledge built into the curriculum, especially in fundamental areas such as mathematics and reading, before they enter one of the modalities of the second cycle or leave school in hopes of finding a job.

322. The curriculum corresponding to the general modality of the second cycle at the intermediate level is conceived as a basis for students entering higher education.³ However, many of these students do not continue on to higher education. It is estimated that only 17 per cent of the population of the country aged 18 to 24 go on to higher education, a percentage comparable to the

³ Ministry of Education, intermediate curriculum, 12.1. *Function of the modality*, page 92.

majority of Latin American and Caribbean countries, where it ranges from 14 per cent to 33 per cent, except in countries like Argentina, Uruguay and Chile⁴, where the percentages are higher. It is reasonable to assume that a large number of students finish the second cycle (or give up their studies before finishing it) without any preparation to enter the labour market.

323. It is also important to note that the educational system of the Dominican Republic includes a subsystem of adult education, designed for those who did not receive formal education or who left the formal educational system, as well as for those who have finished the basic and intermediate levels and are seeking to obtain an additional vocational qualification. Adult education includes literacy, basic education and four years of intermediate education (two cycles). The basic education for adults has a duration of five years and is divided into three cycles: the first two cycles are of two years each and the final cycle is one year. At the conclusion of the second cycle, adults who pass the National Examination receive a certificate which attests to the fact that they have completed basic education and are in a position to go on to the intermediate level. Adults who finish the intermediate level must take the National Examination necessary for the granting of a secondary school diploma and give evidence of their aptitude to go on to higher education.

324. Moreover, the Dominican Republic is seeking to fulfil the second of the Millennium Development Goals, which provides that by the year 2015 all children will be able to finish a complete cycle of primary education. That provision is established on a constitutional basis, which expresses the obligation of the state to provide education to all the population, and is contained in the General Law on Education of 1997, which gives the Dominican State the responsibility to provide one year of free, compulsory initial education and eight years of basic education. For the Dominican Republic the second Millennium Development Goal has been defined in the following manner: "Ensure that, by 2015, everyone in the population who is 15 years of age will have completed a quality basic education of nine years".

325. To achieve this, specific goals have been identified, including the following:

- a) Ensure that from the 2007-2008 school year, 100 per cent of boys and girls aged 5 are attending a quality preschool and that all who are 6 years old are entering the first year of basic education;
- b) Reorganize and institutionalize the educational system placing schools at its core;
- c) Resolve civil registry problems that are preventing many students from completing basic education and establish legal mechanisms making it mandatory to enrol children in school early on and to keep them in school until they finish basic education or reach the age of 16, at least;
- d) Increase the supply and improve the quality of intermediate education as an incentive to complete primary education and as an answer to the educational demand that will be generated by consolidating a quality basic education;
- e) Reduce to a minimum the number of repeating students, school-leavers and overage students in order to ensure that children finish basic education on time and in order to prevent unnecessary overburdening of schools;

⁴ SEESCYT 2005^a.

- f) Strengthen adult education so that more citizens can complete basic education as a way of stimulating interest among adults in the education of children and in order to attend to the needs of many overage students;
- g) Working with universities and pedagogical institutes, redefine the new strategy for the training of teachers and school managers and for educational research and innovation;
- h) Mitigate the social risks which affect adequate performance in school;
- i) Mobilize Dominican society in favour of education.

326. In order to achieve these goals, specific interventions have been programmed at all levels and in all modalities of the educational system in order to improve infrastructure, raise the quality of teacher performance, and bring about a substantial improvement in learning.

327. With regard to participation in education, the differences between men and women are not significant for the incoming quintile. The largest inequalities are to be found in rural and urban areas and among the poor in urban zones and the rest of the population in those same zones. According to the Inter-American Development Bank (2003)⁵, 25 per cent of heads of households in rural areas have not had primary education but the same is found in only 11 per cent of homes in urban areas. There is also a marked contrast in the urban population, where 23 per cent of heads of households in the poorest quintile never attended primary school, compared with 3.8 per cent of heads of households in the richest quintile. With regard to gender, the percentage of women without education remains high in the country: 10.3 per cent, while for men it is 9.3 per cent.

328. The literacy of women over age 15 was 12.2 per cent. Nationally, in rural areas, the gap favours women between the ages of 20 and 25 and there is also an advantage for the age group 15 to 19, while in urban areas progress towards equality may be seen only in the 20 to 24 age group.⁶

329. According to UNESCO⁷, in the year 1990, 75.1 per cent of children had finished their primary studies, with a higher percentage for girls within that total (79.1 per cent as against 71.4 per cent for boys). ENDESA 2003⁸ reveals that 85.6 per cent of boys are attending primary school, while that indicator is higher for girls: 87.4 per cent. The indicators of the Ministry of Education on national school enrolment for the years 1996 and 2002 show that in primary education the female/male ratio was 0.97 for the 1996-1997 school year and declined to 0.94 for the 2005-2006 school year. This means that the number of girls who enrol yearly in primary education is slightly below the number of boys. At the secondary level, however, the female/male ratio goes up to 1.24 for the same period. At the university level, for the year 2002-2003, that proportion is 1.68, namely 168 women for each 100 men.

330. The probability of a student entering school on time, remaining in school, progressing through the grades and completing a level depends not only on the school environment but also on the student's background. The evidence shows that boys and girls living in poverty,

⁵ Centre for Social and Demographic Studies, 2003, Demographic and Health Survey, 2003.

⁶ United Nations Development Programme, Dominican Republic, 2004, Millennium Development Goals, 2004.

⁷ UNESCO, *Gender and Education for All. The Leap to Equality*, 2003.

⁸ Centre for Social and Demographic Studies, 2003, Demographic and Health Survey, 2003.

specifically those belonging to vulnerable social sectors, drop out of school more often and are more often absent from school, which implies poor performance.

331. In a poor society with large social differences, efforts to ensure universality of quality basic education and growth of intermediate education should be accompanied by policies and programmes designed both to make improvements in the school environment and to deal with the economic and social vulnerability of many students.

332. In order to provide incentives for school enrolment and attendance, stress is being placed on certain support measures such as the school breakfast programme (now universal) in order to make it more effective, and other programmes will be expanded in response to various needs. Children from low-income families will be provided with food, uniforms and backpacks to encourage their enrolment and attendance in school. An incentive will also be provided to mothers to ensure that their children attend school.

333. With respect to educational statistics we may point to the following:

Number of centres by sector, level and gender, 2005 – 2006

<i>Level</i>	<i>Sector</i>	<i>Total</i>	<i>Female</i>	<i>Male</i>	<i>Female/Male Ratio</i>
Initial	Private	93,617	46,449	47,168	0.98
	Public	112,438	54,702	57,736	0.95
	Semi-public	5,458	2,773	2,685	1.03
	Total	211,513	103,924	107,589	0.97
Basic	Private	274,232	136,303	137,929	0.99
	Public	1,246,363	601,658	644,705	0.93
	Semi-public	26,756	13,517	13,239	1.02
	Total	1,547,351	751,478	795,873	0.94
Intermediate	Private	115,409	63,237	52,172	1.21
	Public	353,753	196,045	157,708	1.24
	Semi-public	11,937	6,440	5,497	1.17
	Total	481,099	265,772	215,377	1.23
Adults	Private	5,294	3,800	1,494	2.54
	Public	108,854	57,216	51,638	1.11
	Semi-public	3,390	2,727	663	4.11
	Total	117,538	63,743	53,795	1.18
Special	Private	1,186	698	488	1.43
	Public	3,289	2,077	1,212	1.71
	Semi-public	419	189	230	0.82
	Total	4,894	2,964	1,930	1.54
Total		2,362,395	1,187,831	1,174,564	1.01

Source: Statistical Department, Ministry of Education

* Includes Technical-Vocational]

Number of centres, sections and classrooms by sector, 2005 – 2006

<i>Sector</i>	<i>Centers</i>	<i>Section</i>	<i>% Enrolment</i>	<i>Students/Teachers</i>	<i>Students/Centers</i>	<i>Classrooms</i>
Public	11,183	64,046	77	25.1	163.1	31,284
Private	1,927	22,467	21	19.9	254.3	
Semi-public	242	1,803	2	21.7	198.2	
Total	13,353	88,316	100	23.7	176.9	

Source: Department of School Cartography

* Refers to cards

I. Article 15 – Right to take part in cultural life

334. Cultural activities sponsored by the State are intended to foster programmes which enhance knowledge and appreciation of local and national culture, and strengthen national identity and the cultural rights of different ethnic groups living in the country as required by our Constitution in article 8 (16), Paragraph 2 which states that: “The State shall ensure the broadest possible dissemination of science and culture, adequately ensuring that all persons may benefit from the results of scientific and moral progress.”

335. All policies concerning culture formulated by the National Cultural Council, which is the highest authority within the national system of culture, are addressed to all people without distinction or discrimination of any kind.

336. With regard to availability of funds, it is provided that annual public expenditure on culture should gradually increase to a minimum of 1 per cent of total public expenditure for the current year.

337. Annual public expenditure on culture will maintain a proportion of up to 70 per cent for current expenditures and at least 30 per cent for capital and research expenditures. If the country’s plans for cultural development should require greater capital investments, the State may turn to external financing or aid, for which arrangements will be made.

338. Accordingly, with the aim of supporting initiatives by private individuals which tend to promote culture among the Dominican population, Law 41-00, creating the Ministry of Culture, provides as follows:

a) Prizes which are awarded in public contests by official cultural entities or foundations and private cultural entities shall be exempt from income tax;

b) The Ministry of Culture, in consultation with relevant organs, will conduct the necessary studies to propose a comprehensive policy of fiscal incentives, sponsorship and tax exemptions with respect to culture. New sources of financing for culture will also be investigated.

339. The institutional infrastructure established to implement policies designed to promote popular participation in culture are organized in the following manner:

- a) Superior decision-making body: National Council of Culture;
- b) Senior management body: Ministry of Culture;
- c) Technical organ for cultural heritage: Office of the Deputy Minister for Cultural Heritage;
- d) Technical and administrative organ: Office of the Deputy Minister for Administration;
- e) Technical organ for creativity and popular participation: Office of the Deputy Minister for Creativity and Popular Participation;
- f) Decentralized organs:
 - i) Provincial Cultural Development Councils;
 - ii) Municipal Cultural Development Councils.

340. Promoting cultural identity as a factor conducive to mutual appreciation between individuals, national and regional groups is a latent exercise in the Dominican Republic, since Dominican culture and its various manifestations comprises the basis of nationhood and the activity that is characteristic of Dominican society as a whole, as a process generated individually and collectively by Dominican men and women. There are also very different customs and traditions in different regions of the country. These manifestations, which constitute an integral part of Dominican identity and culture, are also nurtured by the highest values of universal culture and mutually enrich each other.

341. The cultural diversity emanating from many ethnicities creates avenues for respectful dialogue within the Dominican social structure; it is therefore not a factor conducive to distinctions, exclusions or restrictions in seeking access to cultural services and products.

342. Moreover, Law 41-00 promotes cultural identity and protects the diverse but authentic lifestyles of Dominicans against discrimination. Article 38 provides that the Ministry of Culture “will organize and promote without discrimination of any kind the dissemination and promotion of cultural expressions of all Dominican citizens”.

343. The aforementioned law is based on the following principles:

- a) The State shall in no event exercise censorship over the form and ideological and artistic content of cultural activities and projects and shall ensure the free circulation and dissemination of all types of cultural, scientific and technological information;
- b) Every person has the right to freely participate in the cultural life of the community, to enjoy the arts and to participate in scientific progress and the benefits deriving from it;
- c) Every person is entitled to protection of the moral and material interests accruing to him by reason of the scientific, literary or artistic products of which he is the author;

d) Respect for human rights, peaceful co-existence and understanding between peoples, participatory democracy, solidarity, multiculturalism, pluralism, tolerance, equality between the sexes and international cooperation based on a just economic order are fundamental cultural values.

344. In the interests of responding equitably to needs relating to cultural development in the more disadvantaged areas of the national territory, Law 41-00, in article 5 (5), provides that one of the fundamental objectives of the Ministry of Culture shall be to develop special programmes on projects in the border areas of the country.

345. Similarly, article 53 provides that it is the duty of the State to work towards the establishment of conditions necessary so that cultural workers may achieve a decent standard of living, and status and social recognition consistent with their professional mission, and so that they may have the resources and means necessary for the improvement and effective exercise of their work.

346. It should also be stressed that the Ministry of Culture has pursued a series of activities which have had a significant effect in preventing discriminatory actions. In this regard, the general guidelines for its cultural activity are as follows:

a) Promoting the values of identity, pluralism and diversity as the foundation for cultural citizenship;

b) Devising mechanisms which consolidate the processes of decentralization and regionalization, which are indispensable to the national system of culture;

c) To promote processes which enhance the meaningfulness of the values of national and cultural identity of the Dominican people;

d) Involving communities and encouraging them to participate in the cultural process as a fundamental means for reaching cultural democratization;

e) Devising plans to disseminate cultural rights and strategies to broaden citizen opportunities and the building of citizenship;

f) Designing cultural programmes which take into account Dominican communities abroad and which strengthen national and cultural values in border communities.

347. The Ministry of Culture has been emphasizing cultural rights in national and international fora, so that every member of society can have equal access to the cultural goods and services of the Dominican nation. Among the more important activities pursued to that end are the following:

a) The creation of regional and provincial counsellors for the development of cultural activities in such communities, and the designation of operational units as directly accountable to the Ministry of Culture within each of the regions of the country;

b) Preservation, protection and promotion of folk ensembles recognized by UNESCO as part of the intangible heritage of mankind;

c) At the meeting of cultural officials of Ibero-American countries to discuss topics on the agenda of the forum of Ministers of Culture to be held in Uruguay, a proposal of the Dominican Republic was adopted to include culture among the goals for combating poverty;

d) An International seminar on cultural industries has been held, with the participation of representatives from different groups of civil society and public and private institutions;

e) The regional book fairs have been continued, with the third regional fair being held in the Province of La Romana, in the eastern part of the country.

348. With regard to the professionalization of culture and the arts, article 51 of Law 41-00 provides that, through the Ministry of Culture and in coordination with the decentralized organs, a policy shall be pursued to provide human resources training geared to the professionalization of cultural agents and managers, ensuring the training of cultural agents and managers at a higher technical level, with a view to integrating the cultural management process at all levels and in the different existing modalities.

349. The Ministry of Culture, through the Directorate General of Education and Training, will have the function of coordinating training and continuing education for managing agents and socio-cultural impresarios at the national level. For the fulfilment of its goals and functions the Directorate General for Education and Training will coordinate its activities with the Ministry of Education, the National Council of Higher Education and all institutions of higher education, whether national or foreign, state or private.

350. Along the same lines, it should be stressed that it is the duty of the State to foster the establishment of conditions necessary for cultural workers to achieve a decent standard of living, status and social recognition in keeping with their professional mission and to have the resources and means necessary for the improvement and effective exercise of their work.

351. The Ministry of Culture has for the first time in Dominican history defined a cultural policy which highlights the African contribution, but it also supports all initiatives to that end from civil society, as it has done by endorsing the creation of Casa de Africa and supporting research on the African roots of the Dominican people, giving impetus to the Sebastian Lemba Institute of African Studies and supporting the commemoration of the 500th anniversary of the arrival of Africans, highlighting the value of a series of African traditions which have become an essential part of our culture.

352. Cultural values emanating from Africa may be seen in various communities throughout the nation, especially in those where the Cimarron fugitive slave culture took root. Because of their fugitive status, the Cimarrones took their culture to Villa Mella, a community near the national district where various traditional African rituals are observed. In May of 2001, UNESCO recognized these manifestations of culture and proclaimed the cultural space of The Brotherhood of the Holy Spirit of the Congos of Villa Mella, Dominican Republic, a masterpiece of the oral and intangible cultural heritage of humanity.

353. Another more recent initiative has been the draft proposal for the constitutional reform in the sector of culture. On 9 January 2007, the Review Commission, in the presence of the President of the Republic, Dr. Leonel Fernández Reyna, considered the preliminary draft which devotes a Chapter to Culture and Cultural Rights in the Constitution, these being concepts which now appear indistinctly in the Constitution.

354. In this proposal, the Ministry of Culture proposes that cultural rights be placed in the Constitution in a section of their own which would be entitled: Culture and Cultural Rights, and the proposed articles would contain the following:

a) The Dominican State, through appropriate organs, guarantees the full enjoyment of culture and access by all Dominicans, in keeping with their potential and talent, to facilities for discoveries, inventions, artistic creations, cultural and scientific creations, without discrimination of any kind, protecting copyright and intellectual property;

b) Every citizen has the right to cultural goods, to protection thereof, and to the promotion of their cultural rights and to invoke the support of the State in order to assert their right to culture.

355. One of the most important measures is the creation of the National Commission for an Information Society (CNSIC) and its auxiliary organs through Decree No. 212-05. Article 2 provides that its main function will be to support, foster and lead the creation of cooperation networks between the public, private and academic sectors, as well as to conduct studies and transfer of knowledge, disseminate information and new technologies to society and the entrepreneurial community, and communicate, disseminate and promote the use of Information and Communications Technologies in Dominican society.

356. The Dominican State has made a firm commitment to stimulate a broader dissemination of science and culture, appropriately ensuring that all people benefit from the results of scientific and moral progress.

357. Within this context, new laws have been enacted, notably Law 139-01 on Higher Education, Science and Technology and the Copyright Act, which aims to ensure that every author can benefit both morally and materially from the product of his intellect, his scientific work and his literary or artistic creativity.

358. Dominican cultural legislation also includes, in addition to the provisions in the Constitution, a body of laws, international treaties, presidential decrees, rules, regulations and administrative provisions.

359. These documents set out the creation of organs that make up the National System of Culture, from the General Archive of the Nation created in 1930 to the Ministry of Culture created at the end of the twentieth century, to cite two of the most important ones.

360. Copyright is one of the issues addressed in the international agreements signed by the country that is currently receiving most public attention.

361. The National Copyright Office (ONDA) and the Dominican Telecommunications Institute (INDOTEL) are the government institutions responsible for executing public policies in the area of copyright protection.

362. The national cultural heritage, book distribution and reading, preservation of the Dominican carnival, and tax incentives are some of the other subjects addressed in the legislation currently in force.

363. A substantial part of that legislation is in the process of review and updating, in order to respond to the demands of current national and international reality.

364. The Ten-Year Cultural Plan provided for the creation of a specialized technical organ which would deal with updating and adapting the legal foundations which govern the National System of Culture.

365. In conclusion, we can say that with regard to culture the Dominican Republic has made great strides, its competent organs striving to continue developing affirmative policies in order to continue promoting cultural and scientific development. To that end, our country is a signatory to various international conventions and treaties, as set out in the second periodic report submitted by our country (see E/1997/6/Add.7, paras. 97 to 98).

Annex

COMMENTS BY THE DOMINICAN REPUBLIC ON THE FINAL OBSERVATIONS OF THE COMMITTEE ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS ON THE SECOND PERIODIC REPORT OF THE DOMINICAN REPUBLIC (E/C.12/1/ADD.16)

1. The Dominican State is grateful for the observations of the Committee concerning paragraphs 1 to 10 recognizing the positive aspects of the Dominican Republic's realization of the economic, social and cultural rights contained in the Covenant during the period covered by our second periodic report.
2. The Dominican State reiterates its readiness to continue exerting efforts through its ministries and through international organizations in order to continue effectively to guarantee the fundamental rights of all persons residing in our country.
3. With regard to the observation of the Committee in paragraph 11 we believe that, like any other nation, the Dominican Republic is over time developing a process of transformation and implementation of new policies and measures, which are innovating and improving the protection of the economic, social and cultural rights of all persons residing in our country; the foregoing may be perceived in our third period report, which clearly brings out the major improvements we have made with respect to the rights protected by the Covenant.
4. With regard to the observations in paragraph 12, it is true that the Dominican Republic has gone through difficult times in the development of its economy, which had a major impact upon persons making up different sectors of society, impeding the realization of their economic rights; however it should be stressed that at present despite the world crisis that is under way, our country is living in peace and experiencing economic progress compared with past years, with the Government currently taking effective measures to reduce poverty, as may be noted in the third country report under the Covenant.
5. This does not mean that as a result of the progress achieved the Dominican State is unaware of the current world situation. Our government is taking necessary measures to ensure that our population is not excessively affected, implementing policies of savings and oversight.
6. With regard to the main areas of concern expressed by the Committee in paragraphs 13 to 27, they Dominican Republic has made sizeable and significant strides in regard to human rights, concerning economic, social and cultural rights, as may be noted in our third periodic report pursuant to the Covenant. We therefore hope that the Committee may appreciate the same and that its concerns may be allayed, since the content of the report sets out policies and measures aimed at guaranteeing and protecting the exercise of the rights contained in the Covenant.
7. With regard to the suggestions and recommendations of the Committee in paragraph 28, we wish to indicate that the Dominican State, with a view to reducing poverty, has been carrying out programmes and a plan of action in favour of the most vulnerable people in our society, which may be noted in the third periodic report, specifically under article 11 of the Covenant.
8. As indicated by the Committee in the suggestions and recommendations in paragraph 29, the Dominican State has taken these into consideration, since, as a means to punish any judge who acts in an arbitrary manner against a person seeking to assert his rights, the necessary measures have been established as explained in our third report under the Covenant in paragraphs 42 to 44.

9. With regard to the suggestion contained in paragraph 13 of the Committee, our third periodic report may be seen to contain quantitative and qualitative data which yield a clear picture of the situation in the country with respect of the application of economic, social and cultural rights, as was recommended. Accordingly we can point out as examples paragraphs 54, 122 and 200, among many others that may be found in the third periodic report.

10. In view of the suggestion and recommendation contained in paragraph 31, we wish to refer the Committee to the third periodic report under the Covenant, wherein paragraph 33 mentions the new legal provisions concerning discrimination which were adopted by our country through the Penal Code.

11. With regard to the suggestions and recommendations in paragraph 32, the Dominican State, as addressed under article 7 of the Covenant in our third periodic report (paragraphs 80 and 81), has made clear the existence of measures and legislation aimed at protecting women workers on the job in cases of discrimination or arbitrary dismissal due to pregnancy, and inequality of pay between women and men. Likewise, the Supreme Court has rendered decisions recognizing the legality of consensual couples based on lawful criteria and showing continuity over time.

12. With regard to maternal mortality, the efforts of the Dominican State may be seen in the discussion under article 12 of the Covenant in the third periodic report, in paragraphs 265, 266 and 302. As set out in paragraphs 142, benefits are granted to women in connection with social security. Also discussed in paragraphs 82 to 101 are all of the measures that have been adopted for the protection of women and in order to strive for gender equality between women and men. All of the foregoing demonstrates the concern of the State for the condition of women in our country, since women generally tend to be one of the most vulnerable sectors in Dominican society.

13. In accordance with the suggestions and recommendations of the Committee in paragraph 33, the Dominican state, recognizing the importance of education as a point of departure for a country's development, addressed the need to restructure the academic curriculum in order to strengthen the educational system and has implemented measures favourable to persons residing in our country to support education and provide incentives to learning, as may be noted in the third country report under articles 13 and 14 of the Covenant.

14. The Dominican State is considering and deliberating upon the suggestions and recommendations made by the Committee in paragraph 34. However this does not mean that Haitian nationals residing illegally in the country are not attended to or not benefiting from basic services such as health, housing, food, etc. They exercise their economic, social and cultural rights, since they settle in dwellings, freely turn to hospitals when ill, often engage in informal business and work in various activities in the country. Consequently, the Dominican State takes a permissive approach to these aspects, endeavours to ensure the rights of persons immigrating from Haiti to the Dominican Republic, as well as any other national of another country who may be present illegally in the Dominican Republic. Nevertheless, the Dominican Republic, like any other country, must apply its immigration policy in order to regulate the flow of illegal immigrants into the country, since doing otherwise would lead to catastrophic consequences, as it would allow the overpopulation of our country and the financial resources earmarked for dealing with this would not suffice to satisfy the needs of all persons residing in the country.

15. With regard to the suggestion and recommendation made by the Committee in paragraph 35, we must note that the Dominican State, in order to fulfil its international commitments especially under Covenant, has pursued a series of affirmative actions in favour of

persons living in *bateyes* to enable them to live adequately and with the basic services necessary for day to day life, as discussed in paragraphs 253 to 258 of the third periodic report.

16. Regarding the suggestions and recommendations of the Committee in paragraph 36, the Dominican State reiterates what is set out in paragraphs 75 to 79 of the third periodic report in regard to the Covenant. The National Committee on Wages routinely conducts a review of minimum wage rates every two years. In that regard, as indicated in paragraph 50 of our third periodic report, the National Committee on Wages raised the non-sectoral minimum wage in 2004; in that same year the minimum wage of workers in the sugar industry was also raised. At the present, due to the world crisis that is affecting the country, the present Government is considering a possible wage adjustment as a means of cushioning the current shock.

17. With regard to the suggestion and recommendation of the Committee in paragraph 37, we wish to explain that all workers, including those working in free trade zones, have the right freely to join unions and hold strikes in accordance with the provisions of our national labour legislation, and in compliance with the international obligations assumed through the Covenants and agreements as discussed in the third periodic report (paragraphs 49 and 50). Similarly, paragraphs 104 to 108 deal with the conditions of safety that the employer must provide for the worker and the decent working conditions to which the worker must be entitled when present at the worksite.

18. With regard oversight mechanisms, paragraph 110 of the third periodic report addresses the entity that is entrusted with ensuring that workers' rights are respected and fully complied with.

19. The Dominican State welcomes the application of the new Social Security Law 87-01, thus fulfilling the recommendation and suggestion of the Committee in paragraph 38, since the introduction of this law has revolutionized social security; as indicated in our third periodic report under the Covenant in paragraphs 35 to 37 and 129 to 143, this body of rules is applicable to all persons residing in our territory, thus providing better protection to persons living in the country.

20. In view of the suggestion and recommendation of the Committee in paragraph 39, the Dominican State has taken important steps with a view of guaranteeing the rights of street children in all respects, as may be seen in paragraphs 176 to 178 of the third periodic report, thus complying with the Covenant on Economic, Social and Cultural Rights. In addition, by means of radio or television broadcasts, information is provided about the rights of women, children and adolescents, so that parties may know where to turn in the event that there is an infringement of their rights. The foregoing is done by CONANI and the State Secretariat for Women, with the assistance of the office of the State Prosecutor.

21. In response to the suggestion of the Committee in paragraph 40, we refer to paragraphs 182 to 190 of our third periodic report, discussing the work done by the Dominican State so that people living in the most disadvantaged conditions may enjoy an adequate standard of living in their day-to-day life, such as healthy drinking water supply.

22. In response to the suggestions and recommendations of the Committee in paragraph 41, our third periodic report under the Covenant, specifically paragraphs 12, 191 to 194 and 201, describes the endeavours of the Dominican State to continue protecting the right to housing of persons living in our territory. With regard to the issuance of title, with the aid of the institution referred to in paragraphs 211 and 212, procedures have been simplified so that persons may hold

title to their own land for construction, and action is being taken for the delivery of title as indicated in paragraphs in 175 and 231 to 233.

23. In response to the suggestion of the Committee regarding the establishment of a State Secretariat for Housing, the Dominican State would indicate that this is the National Housing Institute (INVI), whose functions and policies were modified in order to contemplate the right to housing of persons, as explained in paragraphs 216 to 218.

24. With regard to the suggestion and recommendation of the Committee in paragraph 42, bearing in mind general observation number 7, we refer again to the previous paragraphs concerning measures taken with respect to housing, adding moreover that there exist procedures in the country to stay evictions in order to allay the concerns of the population until the exhaustion of the procedures for eviction provided by law, as described in paragraphs 206 to 209 and 211.

25. In light of the advances made by the Dominican Republic with respect to the human rights protected under the Covenant, the Dominican State believes that it has fulfilled in its third periodic report the recommendation made by the Committee in paragraph 43, in particular with respect to the right to housing, so that the Committee may once again evaluate the changes occurred with regard to housing.

26. The Dominican Republic, carefully considering the suggestions and recommendations of the Committee in paragraph 44, has adopted legislative measures and policies of affirmative action for the benefit of person infected by the HIV/AIDS virus, as discussed in our third periodic report under the Covenant in paragraph 24, 51, 81 and 269 to 301, detailing the measures taken both in regard to preventing discrimination in the workplace, and also with regard to dissemination campaigns aimed at educating the population about the virus and measures and actions carried out in favour of persons who have been infected by HIV/AIDS.

27. In conclusion, and in response to the suggestions and recommendations of the Committee in paragraph 45, the Dominican State hopes that it has satisfactorily carried out its duties by providing a fuller treatment in its third periodic report under the Covenant on Economic, Social and Cultural Rights, endeavouring in this way to address all of the points raised by the Committee in its observations on our second periodic report.
