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22 February 2005

DOM43368.E

Dominican Republic : Update to DOM33657.E of 3 February 2000 on the laws and protection available to women who are victims of domestic violence (2000-February 2005)
Research Directorate, Immigration and Refugee Board, Ottawa

Various sources reported that violence against women is an issue of significant concern in the Dominican Republic (ACAN-EFE 28 Sept. 2004; *Country Reports 2003* 25 Feb. 2004; Freedom House 14 Sept. 2004; Human Rights Watch June 2004, Sec. 3).

Human Rights Watch reported that, in 2003, 83 percent of female homicides were committed by the victims' current or past spouse (June 2004, Sec. 3). Government statistics included in *Country Reports 2003* showed that the situation had deteriorated during the previous years (25 Feb. 2004, Sec. 5). A survey conducted by an international research organization showed that 22 percent of Dominican women had experienced domestic violence and that about half of these victims had experienced such violence in the last year (Kishor and Johnson June 2004, Secs. 2.1 and 2.5).

Law No. 24-97, which was proclaimed in 1997, allows prosecution for various forms of domestic violence, including rape, incest and sexual aggression (*Country Reports 2003* 25 Feb. 2004; Inter Press Service 24 Nov. 2000; Participacion ciudadana May 2004). *Country Reports 2003* indicated that "penalties for [such] crimes range from 1 year to 30 years in prison and carry fines ranging from \$10 to \$2,000" (25 Feb. 2004, Sec. 5). Information on the number of prosecutions could not be found among the sources consulted by the Research Directorate.

In June 2001, the Government of Dominican Republic ratified the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women (United Nations 23 July 2004).

In May 2003, the Government adopted Law No. 88-03 to facilitate the creation of shelters and "safe houses" for women and children who are victims of violence (*Listin Diario* 23 Feb. 2004; *ibid.* 7 Nov. 2004; Participacion ciudadana May 2004).

In a press release issued in June 2004, the Minister of Women's Affairs said "[t]he government was actively working with law enforcement and judicial officials to seek ways of breaking down the gender prejudice that was prevalent in Dominican culture" (United Nations 16 July 2004). The government's actions have included: the creation of the Office of Gender Equity; the establishment of two reception centres for women - one for victims of trafficking and the other for victims of domestic violence; the setting up of five specialized offices responsible for coordinating activities; gender training and capacity building for the national police and staff of the Public Ministry; the production of radio programs, magazines, comic books and the organization of campaigns involving popular musicians and sports figures to raise awareness among the general population (*ibid.* 21 Apr. 2004; *ibid.* 16 July 2004).

However, sources mentioned that difficulties in the implementation of the laws and delivery of services remained (ibid.). Other sources noted a link between the "general pattern of gender discrimination in Dominican society" and violence against women (ACAN-EFE 28 Sept. 2004; Latinamerica Press 11 Aug. 2004). In an ACAN-EFE article, the president of the Foundation for Institutionalality and Justice was reported to have said that the government's method to combat violence against women "[had] been formulated without taking into account the reality of this systematic and ruthless violence against women" (28 Sept. 2004). She also mentioned that courts failed to punish perpetrators (ACAN-EFE 28 Sept. 2004).

In July 2004, the Committee for the Elimination of all Forms of Discrimination Against Women expressed concerns about the negative impact that a reform of the penal code might have on women's rights, especially with regards to the advances made since the proclamation of Law No. 24-97 (United Nations 23 July 2004). Information on the actual implementation of this reform could not be found among the sources consulted by the Research Directorate.

A survey conducted in 2004 found that 58.8 percent of female victims did not seek help from institutions nor friends or family, and that in 48% of these cases the reason for not seeking help was that there was "no use" (Kishor and Johnson June 2004, Sec. 2).

This Response was prepared after researching publicly accessible information currently available to the Research Directorate within time constraints. This Response is not, and does not purport to be, conclusive as to the merit of any particular claim for refugee protection. Please find below the list of additional sources consulted in researching this Information Request.

References

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Additional Sources Consulted

Oral sources : The Embassy of Dominican Republic did not provide information within the time constraints of this Response. Attempts to contact women's rights groups in the Dominican Republic were unsuccessful.

Internet sites, including : Heiros Gamos, Inter-American Commission of Women, Organization of American States (OAS), Latin American and Caribbean Committee for the Defence of Women's Rights (CLADEM).



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