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## **Report of the Working Group on the Universal Periodic Review\***

**Dominica**

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## Introduction

1. The Working Group on the Universal Periodic Review, established in accordance with Human Rights Council resolution 5/1 of 18 June 2007, held its sixth session from 30 November to 11 December 2009. The review of Dominica was held at the 11th meeting, on 7 December 2009. The delegation of Dominica was headed by H.E. Mr. Crispin S. Gregoire, Permanent Representative of Dominica to the United Nations. At its 14th meeting, held on 9 December 2009, the Working Group adopted the present report on Dominica.
2. On 7 September 2009, the Human Rights Council selected the following group of rapporteurs (troika) to facilitate the review of Dominica: Djibouti, Brazil and China.
3. In accordance with paragraph 15 of the annex to resolution 5/1, the following documents were issued for the review of Dominica:
  - (a) A national report submitted/written presentation made in accordance with paragraph 15 (a) (A/HRC/WG.6/6/ DMA /1);
  - (b) A compilation prepared by the Office of the High Commissioner for Human Rights (OHCHR) in accordance with paragraph 15 (b) (A/HRC/WG.6/6/ DMA /2);
  - (c) A summary prepared by OHCHR in accordance with paragraph 15 (c) (A/HRC/WG.6/6/ DMA /3).
4. A list of questions prepared in advance by Germany, the United Kingdom of Great Britain and Northern Ireland, Argentina, the Czech Republic, Denmark, Latvia and Sweden was transmitted to Dominica through the troika. These questions are available on the extranet of the Working Group.

## I. Summary of the proceedings of the review process

### A. Presentation by the State under review

5. Crispin S. Gregoire, Permanent Representative of Dominica to the United Nations, introduced the national report.
6. The delegation indicated that the Constitution of the Commonwealth of Dominica is the Supreme Law of Dominica and its First Chapter guarantees the protection of fundamental rights and freedoms.
7. The delegation indicated that the Constitution further provides in Section 16 (10), that any person alleging violation of any fundamental rights may apply to the High Court for redress. Appeal of any decision of the High Court may also be sought from the Eastern Caribbean Court of Appeal, and the Judicial Committee of the Privy Council, if necessary.
8. The delegation further highlighted that Dominica's human rights infrastructure is comprised of both legal and institutional aspects. The legal aspects include the guarantees enshrined in the Constitution, the provisions of the Laws of the Commonwealth of Dominica, and Dominica's international obligations. In terms of the institutional aspect, responsibilities are accorded to both governmental and non-governmental entities. The Ministry of Community Development, Information, Gender Affairs and Culture is the most active at the Cabinet level and employs a rights-based approach in the delivery of social services and the protection of vulnerable groups. While the Ministry of Community Development, Information, Gender Affairs and Culture bears responsibility for the

promotion and protection for human rights, many other ministries have portfolios that impact on the enjoyment of those fundamental rights and freedoms including ministries with responsibilities for education, health, housing, urban development, youth, sports, economic development, labour and national security.

9. The work of non-governmental organizations has contributed in a significant way to civil society's appreciation for the promotion and protection of human rights in the country. The National Association of Non-Governmental Organizations, established in September 1996, has actively promoted the rights of free association and the role of civil society in national governance. The Dominica National Council for Women is the leading non-governmental advocate for the rights of women, and monitors compliance with obligations.

10. The delegation stated that it has made commendable progress in the advancement and promotion of women's rights, gender mainstreaming, and the overall empowerment of women. In adherence to its commitments under the Convention on the Elimination of All Forms of Discrimination Against Women, the Inter-American Convention on the Prevention, Punishment and Eradication of Violence Against Women (Convention of Belem do Para) and other international conventions ratified by Dominica, successive Governments have been proactive in guaranteeing equality and non-discrimination in the treatment of women.

11. The delegation highlighted the ratification of the following treaties: Convention on the Rights of the Child (CRC) 1990; Optional Protocol to CRC on the involvement of children in armed conflict; Optional Protocol to CRC on the sale of children, child prostitution and child pornography; International Covenant on Civil and Political Rights (1993); International Covenant on Economic, Social and Cultural Rights (1993); Inter-American Convention on the Prevention, Punishment and Eradication of Violence Against Women (Convention of Belem do Para, 1995); Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery.

12. In addition, Dominica has taken legislative action and passed the following laws: the Protection against Domestic Violence Act 2001, the Labour Contract Act which embodies the principle of equality between men and women and prohibits differences in rates of pay for the same work based on the gender of the employee and the Social Security Act which provides for 12 weeks maternity leave. Also, male public sector workers are now entitled to paternity leave pursuant to an agreement between the main trade union and the government signed in December 2008. The amendment to the Title by Registration Act to accommodate low cost transfer of property between spouses. This has given a tremendous boost to married women's property ownership.

13. The delegation indicated that a National Gender Policy was completed in 2006 and ratified by the Cabinet in September 2007. This policy aims to achieve gender equality by eliminating discrimination against women in the policy arenas of health, economic development, violence-producing conditions, education and skills training, and power and decision-making.

14. A number of programmes and activities have been undertaken to give effect to the Convention on the Rights of the Child. In terms of policy, a protocol on Joint Police and Social Services investigation into child abuse cases is to be established. A review process for the Status of Children Bill, and the Child Adoption Bill is underway while a new piece of legislation, The Children and Young Persons Act, seeks to incorporate specific provisions of CRC into domestic legislation. The Education Act No. 11 of 1997 has been amended to provide early childhood education for children from 0 to 5 years instead of from 3 to 5 years as was previously the case. The Protection Against Domestic Violence, Act No. 22 of 2001, contains specific provisions covering various forms of violence against

children. In view of growing transnational crime in the Caribbean region, the Government of Dominica has been proactive in enacting legislation to make human trafficking a crime.

15. Dominica explained that the right to participation in cultural life is guaranteed in the Constitution and enshrined in the Culture Act of 1981. A National Cultural Policy was adopted by the Cabinet in May, 2001, which recognizes the richness and uniqueness of Dominica's cultural heritage. Dominica has ratified a number of conventions related to culture and preservation of culture. A National Cultural Council exercises oversight over the protection and promotion of Dominican culture.

16. The delegation highlighted that the nation's prime recognition of the elderly is asserted in the fundamental rights and freedoms that are to be enjoyed by all citizens under the Constitution of the Commonwealth of Dominica. According to the 2001 National Census, older persons constituted 13.4 per cent of the registered population of 69,625. In 1999, the Cabinet adopted a National Policy on Ageing, and The Dominica Council on Ageing, established in 1993, exercises oversight over the implementation of the national policy on aging, and provides advice and input into Government policy making.

17. The Government's strong advocacy in maintaining the fundamentals of total care for the elderly fostered the launching of a pioneering programme called the "Yes We Care Programme". This programme is a system of home and community-based care. It seeks to blend with the lives and requirements of the elderly in a harmonious way, heralding further for better synergy and cooperation among the many service providers. In 2007, the Government announced the policy of free health care for persons 65 years and older and for youth 18 and under. After review, the Government in 2008 decided to lower the age of persons who could benefit from free health care services from 65 to 60 years.

18. The delegation stressed that the Government continued to improve the facilities at the Stockfarm Prison. A new cell block was completed in 2008 which has helped to reduce the serious problem of overcrowding. Separate facilities for juvenile offenders have been established, and a skills training programme has been established for them. The inmate population at Stockfarm Prison includes both remanded and convicted prisoners, and the staff of the facility has received training in rehabilitation, and exposure to counselling, which are available for the benefit of the inmates.

19. The first reported case of HIV/AIDS was diagnosed in 1987. Over the last 2 decades, Dominica has maintained a prevalence rate of 0.75%. From 1987 to 2008, the cumulative number of HIV infections stood at 342 cases, with males in the 25-44 age group representing 71.2% of the infected population.

20. In 2003, Government launched the five year National Strategic Plan for HIV/AIDS which is guided by the principle that the life of every individual is precious and valuable and therefore all attempts will be made to preserve the well being of the individual regardless of his/her health status, sexual persuasion or other personal characteristics. On the basis of this principle the response focused on the provision of treatment and care for persons living with HIV and AIDS and the prevention of transmission of the virus (among the general population, vulnerable populations, and from mother to child).

21. With 45.4 per cent of Dominica's population under the age of 25 years, Government recognizes that youth development is critical to overall national development. The process of youth work in Dominica is based on achieving the Millennium Development Goals and adopting the Commonwealth Plan of Action for Youth Empowerment. The youth development programmes of Dominica seek to achieve "Youth Mainstreaming", a systematic approach to integrating youth affairs with all relevant stakeholders.

22. The delegation pointed out that a vibrant system of local government has existed for more than one hundred years. The 41 local government authorities serve as conduits

through which central government policy outputs, programmes, projects, and information impact on local communities.

23. The rights of Dominica's indigenous people, the Kalinago, are enshrined in the Constitution, and the Carib Reserve Act of 1978. The Kalinago people live in the Carib Territory under a communal land tenure system which is governed by the Carib Chief and the Carib Council.

24. Central to Dominica's development thrust is particular focus on the advancement of the indigenous peoples. At the United Nations, Dominica has been steadfast in its support of the Declaration on the Rights of Indigenous People and has been unwavering in its support for the United Nations Permanent Forum on Indigenous Issues (PFII).

25. The Government of Dominica has undertaken important initiatives to improve social development for the indigenous Kalinago people. The Ministry of Carib Affairs was formally established in 2005. Its creation, and the policy direction of its Minister, the Honourable Kelly Graneau, the elected Member of Parliament for the Carib Territory, has contributed to the heightened attention which Government accorded to comprehensive development of the Kalinago people. Much emphasis has been placed on improving housing conditions, and providing greater opportunities for training at the secondary and tertiary levels.

26. Government signed the Convention on the Rights of People with Disabilities on March 30, 2007. An initial consultation with the primary advocate for rights of the disabled, the Dominica Association of Disabled People and other key stakeholders was held in 2008 to familiarize implementing organizations with the obligations under the Convention and to assess the country's readiness for its implementation. Further discussions are planned with a view towards ratification of the Convention.

27. The Government of Dominica is committed to ensuring the right of every Dominican to quality education. The education system is governed by the 1997 Education Act, which makes education compulsory for any person between the five years and fifteen years of age. Dominica has attained Universal Secondary Education.

28. Dominica noted that it received a number of advance questions from Argentina, the Czech Republic, Denmark, Latvia, Sweden, Germany, the United Kingdom and the Netherlands.

29. The delegation referred to several questions raised by Argentina. It highlighted that corporal punishment in schools is hardly used, even though it is still in the law. Furthermore, the delegation noted that attempts are being made to have separate courts for juveniles. Concerning the minimum age for employment, the delegation noted that it is actually 16 years. The delegation addressed concerns regarding its indigenous people, the Kalinago, and noted that they are accorded the same rights as others. In terms of access to Government services, there is no discrimination based on ethnic origin. Furthermore, the delegation added that many laws have been enacted to towards elimination of violence against women. Dominica highlighted that the Ministry of Gender Affairs is working with the United Nations Development Fund for Women (UNIFEM) to satisfy the outstanding reporting obligations to the Committee on the Elimination of Discrimination against Women in 2010.

30. The delegation referred to several questions raised by the Czech Republic. The delegation highlighted that a standing invitation for the special procedures of the Human Rights Council was under consideration. Concerning the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and its Optional Protocols, the delegation noted that the cabinet in Dominica had to address the ratification of the Convention. The delegation highlighted that the Government had passed legislation to

implement measures to strengthen its human rights obligations. The delegation referred to the fight against discrimination against children with disabilities and Carib-Indian children and noted that Dominica was facing significant challenges in that regard. While there were two schools located in the capital that provided education to children with disabilities, children with disabilities in rural areas still had limited access to education. The delegation pointed out that Carib-Indian children did not face discrimination in Dominica.

31. The delegation referred to several questions raised by Denmark, concerning the improvement of the Rights of the Child, in relation to issues such as sexual abuse and corporal punishment. The delegation pointed out that there is a specific law in Dominica's Sexual Offences Act, which addresses sexual abuse. Dominica had a number of cases before the court and several perpetrators have been sent to prison. Concerning corporal punishment, the delegation noted that it is hardly used in the school system. Although the delegation noted that it is a problem in families. It pointed out that this is an arena Dominica still needs to work at, and that the Government will have to look towards possible amendments in this regard.

32. The delegation referred a question raised by Latvia concerning standing invitation for the Special Procedures of the Human Rights Council. The delegation noted that this is an issue for the cabinet of Dominica to decide on. It highlighted that Dominica is open for the Special Procedures and that Dominica has no problems with Special Rapporteurs to their country.

33. The delegation referred to two questions raised by Sweden. The delegation pointed out that Dominica has not executed the death penalty since 1986. It furthermore noted that Dominica has a very low murder rate and that all death penalties have been commuted to life sentences. The delegation highlighted however that an abolishment of the death penalty remains problematic, and that it would require a referendum. Sweden asked Dominica about the Sexual Offences Act, which criminalizing consensual sexual activity of person with the same sex. The delegation noted that this is a challenging area and that the delegation recognized that it is discriminatory. However, the delegation noted that this is an issue that the cabinet has to deliberate on. The delegation admitted that there is a certain element of discrimination in the society towards same sex relationships.

34. The delegation referred to questions raised by the United Kingdom about the role of civil society in the preparation of the national report. The delegation noted that the preparation process had been a little hasty and that consultation with civil society had been limited. Dominica had only been able to have consultations with a few non-governmental organizations and community-based organizations. The delegation noted that it would have preferred to have broader consultations with non-governmental organizations. Furthermore, it pointed out that Dominica aims towards creation of a national human rights institution in the next five years.

## **B. Interactive dialogue and responses by the State under review**

35. During the interactive dialogue, statements were made by 28 delegations. The text of the recommendations made during the interactive dialogue appear in section II of the present report.

36. Cuba congratulated Dominica on the measures taken to protect vulnerable groups such as children and the elderly, including the guarantee to free access to health care for those groups. Furthermore, Cuba noted that Dominica has reported important progress in the empowerment of women and the promotion of their rights and noted the legislation promulgated in these matters. It stressed the important efforts made by the Government to protect the rights of people affected by HIV/AIDS. Cuba made recommendations

37. The United States of America welcomed Dominica's actions outlined in their national report and presentation, to confront the problem of discrimination against people infected with HIV. The United States inquired as to the results, thus far, of efforts to reduce the level of discrimination against persons with HIV and how Dominica will sustain or expand these efforts. The United States made recommendations.

38. Algeria welcomed Dominica's efforts to promote the right to education, particularly for poor children. Algeria noted the establishment of specific programs, the allocation of funds and the free distribution of textbooks to help poor children, which shows a determination to give full effect to the right to education. Algeria was aware of the climatic and economic difficulties which affect efforts to ensure the full and effective implementation of economic, social and cultural rights. Algeria finally recalled that environmental, social and economic vulnerability have made Dominica among the poorest countries within the Eastern Caribbean. Algeria made several recommendations.

39. Venezuela noted the efforts underway to promote and protect human rights, particularly the indigenous populations, which is the largest in the Eastern Caribbean. Venezuela referred to the ratifications by Dominica of Conventions 169 on Indigenous and Tribal People and its support of Declarations about Indigenous People rights, enshrined in its Constitution.

40. Belarus welcomed the efforts of Dominica as a State party to the Convention on the Rights of the Child and requested information as to the steps taken to protect children as envisaged by Dominica and seen as priorities for the near future. Belarus asked how severe the problem of trafficking in persons was in Dominica. It expressed the view that Dominica could make more progress in combating contemporary forms of slavery by acceding to the major international instruments on trafficking. Belarus made recommendations.

41. Turkey welcomed the efforts undertaken by the Dominican authorities to address human rights issues. It praised the national policy and action plan for gender equality adopted in June 2006 as well as the law of 2001 on protection against domestic violence, which contains specific provisions covering various forms of violence against children. Turkey was aware that challenges and problems in Dominica remain. It requested more information on the national action plan designed to coordinate public and private sector activity in highlighting the needs of children. Turkey indicated that it was convinced that Dominica will continue to address its commitments to promote and protect human rights.

42. Maldives stated that it understood the severe technical and financial capacity constraints faced by Dominica and the knock-on effects this has on the promotion and protection of human rights. It also stated that improved reporting under those conventions for which Dominica is a party, the ratification of core treaties, selective engagement with Special Procedures, and the establishment of national human rights institutions, are essential building blocks for progress in human rights. Maldives made a recommendation.

43. France expressed concern that the incidence of domestic violence in Dominica remains worrying, with over 20 per cent of women having allegedly been victims of ill-treatment by their spouses. France recalled that perpetrators of marital rape cannot be prosecuted until the spouses have been legally separated and that police response in such cases is not fully satisfactory either. France asked what measures were being envisaged by the authorities to remedy to this situation. It also recalled that Dominica has not submitted any periodic reports to the Human Rights Committee, to the Committee on Economic, Social and Cultural Rights, and to the Committee on the Elimination of Discrimination against Women. France noted that only one report, to the Committee on the Rights of the Child, has been submitted in 2001. It wanted to know the difficulties which have prevented Dominica from reporting to the treaty bodies in keeping with its obligations. Finally, France raised concerns about discrimination against the indigenous Caribbean minority and asked



what measures have been envisaged to remedy the situation. In addition, France made several recommendations.

44. Nicaragua noted that Dominica has a regulatory and administrative framework able to guarantee the defence and promotion of citizen's human rights. Nicaragua recognized the achievements made in the social and economic spheres and congratulated Dominica for its efforts to build a society free of violence giving special value to respect and equality for women and children. Nicaragua made recommendations.

45. The United Kingdom noted that, as with all countries, there are areas where more work would further aid implementation. It noted that Dominica has recognised a need to further update and strengthen legislative, institutional and procedural frameworks in order to reflect current international human rights norms. It welcomed Dominica's commitment to making the necessary reform in the shortest possible time and acknowledged that limitations on progress may be imposed by capacity constraints, particularly human resources. The United Kingdom acknowledged Dominica's vulnerability to natural disasters and the devastating effects on infrastructure and livelihoods. The United Kingdom made recommendations.

46. Mexico recognized the efforts made by Dominica to ratify international conventions on the trafficking of persons, migrants and refugees and conventions of the International Labour Organization (ILO) as well as regional instruments of return and child adoption. Mexico identified as a challenges facing Dominica the complete harmonisation of domestic legislation with international instruments to which it is a party, including the Convention on the Rights of the Child and the Convention on the Eliminations of all Discriminations against Women, with their respective Optional Protocols. Mexico asked about progress in this area. Mexico made recommendations.

47. China appreciated the efforts of Dominica in recent years and the achievements in safeguarding the rights of women and children and improving their status, in combating human trafficking, and in other areas. China recalled that the government provides free medical care for persons over 60 and below 18, and has taken positive measures to protect the right of detainees and to facilitate their reintegration, especially juvenile offenders into society. China noted that in areas such as combating HIV/AIDS, protecting the rights of indigenous and disabled people, and improving the scope and equality of education, some difficulties and challenges still exist. China appreciated efforts to address the above mentioned problems. China noted that Dominica faces difficulties and requires technical assistance with regard to the submission of reports to human rights treaty bodies and requested information on the specific challenges and the nature of the assistance required from the international community.

48. Slovenia noted that, according to the summary of stakeholders' submissions, corporal punishment of children is still lawful in the home as well as public and private schools. It inquired whether Dominica planned to prohibit corporal punishment of children in all settings. It noted that Dominica has not ratified some of the core human rights instruments, such as the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD) and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT) and asked whether Dominica planned to ratify these two instruments. Slovenia also noted that Dominica does not report regularly to treaty bodies (five reports being overdue to the Committee on the Elimination of Discrimination against Women since 1982) and asked how the international community could help Dominica to fulfil its reporting obligations. Slovenia made recommendations.

49. Germany stated that there were reports about the wide use of corporal punishment which gave cause for concern. It asked how Dominica was addressing this issue. Germany also made recommendations.

50. Canada welcomed Dominica's continued press freedom, and its protection of the right to organize and bargain collectively. Canada noted recent reports alleging excessive force and punishment while making arrests, as well as poor conditions of prisons and detention centers. Canada raised concerns about the lengthy pre-trial and judicial inefficiency. Canada was also concerned with the continued problems of domestic violence against women, and child abuse, especially of girls. Canada noted the challenges regarding the situation of persons with disabilities as well as the lack of opportunities available to them, especially children. Canada was finally concerned about violence and discrimination based on sexual orientation and gender identity. In addition, Canada made several recommendations.

51. The Netherlands noted that, in spite of the number of programmes that are offered by several organisations, the widespread occurrence of domestic violence against women remains an area of concern. The Netherlands was also concerned about reports of child abuse in the home and school environment. It noted, among others, that the Committee on the Rights of the Child remained concerned about child abuse and the widespread use of corporal punishment in Dominica and made several recommendations in this regard. The Netherlands was also concerned about reports of the high incidence of teenage pregnancies. The Netherlands made recommendations.

52. Chile took note of the commitment of Dominica to the protection and promotion of human rights and encouraged their continuing efforts in that respect.

53. Sweden commended the efforts that Dominica has undertaken to harmonize its legislation with regard to children, and congratulated Dominica for the National Policy and Action Plan for gender equality and equity from 2006. Sweden was grateful that Dominica addressed its question about the Dominican Sexual Offences Act. Sweden was however concerned about this act that criminalizes consensual sexual activity between persons of the same sex. Sweden recalled that these sexual acts are punishable by between 5 and 25 years of imprisonment, and for some of them, psychiatric hospital treatment is prescribed. Sweden was also concerned about reports indicating that social discrimination against homosexuals is a common occurrence. Sweden thanked Dominica for the clarifications on the issue of death penalty. Lastly, Sweden expressed its concern about the situation in Dominica when it comes to discriminatory laws and practices against women in the areas of marriage, choice of partner, divorce, child custody, and transmission of nationality and inheritance. Sweden remained also concerned about the existence of child labor in rural areas, and about limitations in the freedom of expression. In addition, Sweden made several recommendations.

54. Italy acknowledged with appreciation that, since 1986, there has been a *de facto* moratorium on executions of people sentenced to death. It invited Dominica to consider the adoption of legislation on the abolition of the death penalty. Italy expressed deep concern at the widespread use of corporal punishment and noted that corporal punishment is mentioned in the Education Act of 1997 and that the Magistrates' Code of Procedure allows the whipping of a male child or young person. It noted that, in 2009, the United Nations Children's Fund (UNICEF) referred to surveys according to which more than 90% of children experienced corporal punishment at home and school. Italy made recommendations.

55. Spain recognized the advances in human rights matters, especially with the approbation of National Policies and Action Plans for gender equality and encouraged Dominica to continue its efforts within its national institutions. Spain asked if Dominica could explain if specific legislation exists that recognizes the particularities of the Kalingo indigenous population and what measures Dominica has taken to improve the access of indigenous children to education or health. Spain highlighted that Dominica is a country affected by a mixed migratory flow and questioned about the actual situation of Haitian

illegal immigration? Spain noted the signature of the Convention on the Rights of Persons with Disabilities and asked what measures are taken in order to prevent and eliminate discriminations against children with disabilities and in order to increase their assistance at school. Spain made recommendations

56. Bolivia welcomed the presentation of the national report, which showed Dominica's commitments to human rights and expressed the need for technical cooperation from the international community. Bolivia recognized the important work done in close collaboration with civil society organizations and the plans to provide protection for women against discrimination and domestic violence and to protect children from abuse. It highlighted the national health plans, free education at primary and secondary levels, as well the recognition of indigenous population rights. Bolivia made a recommendation.

57. Azerbaijan made several recommendations on the ratification of core human rights instruments, on the establishment of a national human rights institution, on the abolition of death penalty and on legislation for refugees. Azerbaijan made recommendations.

58. Argentina noted the respect for human rights by the Dominican Government, the improved mother-child health illustrated by the rate provided by the Statistic Division of the United Nations. Argentina noted as positive the conception and approval of the national action plan for gender equality. Argentina made recommendations.

59. Latvia noted with appreciation Dominica's good human rights record, its commitment to the promotion and protection of human rights and the openness with which it approached the UPR dialogue. In particular, Latvia appreciated the response given by Dominica in its introductory statement regarding the issue of sending invitations to the Special Procedures. Latvia made a recommendation.

60. Jamaica appreciated the efforts of the Dominica to promote and protect the human rights of all its citizens, especially those persons who constitute vulnerable groups such as women, children, the elderly and persons with disabilities. Jamaica indicated that the indigenous Kalinago people, although comprising a small segment of the population, are of great historical and cultural importance. Jamaica commended Dominica for having introduced universal secondary education and hoped that the plans for universal tertiary education will soon be realised. It noted that several reports to treaty bodies are overdue and that this was a reflection of the constraints faced by many developing countries and underscores the need for technical and capacity-building assistance if they are to adequately meet their commitments.

61. Trinidad and Tobago thanked Dominica for its sustained efforts in strengthening the provision of human rights for its citizens. It noted that Dominica boasts a multiparty, parliamentary democracy with a strong tradition for the rule of law, which is reflected in the country's respect for all facets of human rights and, more importantly, is exemplified in the adherence of Dominica to the principles that define modern democratic statehood. Trinidad and Tobago acknowledged that challenges still exist with respect to a variety of issues such as ensuring fair and equitable treatment for the indigenous Kalinago peoples, ensuring gender equity and reducing corruption. It noted, nonetheless, that despite resource constraints, efforts are being continually made at the level of policy and practice, to redress any existing inequities with the establishment of a Ministry of Caribbean Affairs headed by a Kalinago, the existence of a Gender Bureau and the establishment of a commission to implement the Integrity in Public Service Act of 2004.

62. Djibouti noted with satisfaction that many measures have been taken in order to improve access to justice. It particularly welcomed the Legal Aid Programme, established in 2003, which allows marginalised families to access legal advisory services. It welcomed the initiatives taken to combat all forms of human rights violations. It highlighted, in particular, the recent activities to eradicate violence against women, such as the Protection

against Domestic Violence Act. Djibouti stated that it is fully aware that Dominica is facing many challenges in promoting and protecting human rights and called upon the international community to provide technical assistance to Dominica in order to achieve the millennium development goals. Djibouti made recommendations.

63. Bangladesh stated that it fully understood the formidable challenges Dominica faced due to it being a small island developing country which is exposed to serious environmental, social and economic vulnerabilities. These factors impede the efforts of the country in realising the human rights of its people. Concerns expressed by the treaty bodies especially in the areas of health, education, safe drinking water and other concerns, can only be effectively addressed if root causes, as identified are taken care-off. Without resources, Dominica will not be able to provide health care, education, access to safe drinking water, adequate housing and employment. It will not be able to make progress in the areas of political rights highlighted by many states. Dominica is doing its part and the international community must extend a helping hand in complimenting Dominica's efforts.

64. Dominica thanked the President and was grateful to all the speakers that have spoken and stated that they were well aware of all the human rights reality and welcomed all the questions and recommendations put forward.

65. The delegation referred to a few broad categories of questions and recommendations in its response. On the question of ratification of human rights conventions that have not yet been ratified, the delegation mentioned the Convention on Elimination of Racial Discrimination and stressed that Dominica will be looking at this convention very seriously. The Convention on Torture was also an important one and Dominica will look at the other human rights conventions that have not yet been ratified.

66. The delegation indicated that Dominica will be making every effort to produce the report for the Committee on the Elimination of Discrimination against Women in 2010. The delegation agreed that that was an arena that needed to be addressed.

67. As far as amendment of legislations, the issue of the death penalty was not the easiest issue to deal with because there was a societal value attached to that and given the increasing crime in the country, even though Dominica has the lowest crime in the Caribbean Community (CARICOM), the issue of the death penalty was one that the delegation could agree, at the minimum, to a moratorium. As stated before, there was a *de facto* moratorium on the death penalty and no one was executed since 1986. The delegation believed this will continue. As to whether the death penalty can be abolished, was an issue for the Government to decide and the delegation could not make any comment in this regard.

68. In respect of the other challenges, Dominica's highest priority was to fight poverty and giving equal treatment to people in all the arenas and in other sectors whether in health or education. Dominica called on the international community to continue to engage with us it address those social developments. The delegation referred to the problem of HIV/AIDS and welcomed the support from international entities – such as the Global Fund, and bilateral support received from many countries. Dominica's problem was that in a few years time when the funding ran out, with the commitments that have been made, Dominica will be expected to shoulder that burden. That will be an enormous challenge.

69. The delegation was very pleased that they have reached this far in this engagement with the Human Rights Council on the human rights equation and Dominica endeavoured to work very closely with the Council. Dominica was open to having engagement with Special Procedures mandate holders. There were no major human rights problems and it was open to having the international community come in and help to understand the problem and to address them whether it is in the area of legislation, such as getting technical assistance to deal with amending its laws or writing new laws. Dominica was

committed to continuing engagement with the Human Rights Council and will work effectively to change or improve the human rights situation in the country.

## **II. Conclusions and/or recommendations**

**70. The recommendations formulated during the interactive dialogue and listed below enjoy the support of Dominica:**

- 1. Consider the possibility of acceding to the Palermo Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (Belarus);**
- 2. Consider the possibility (Argentina) of ratifying the International Convention for the Protection of All Persons from Enforced Disappearance (Argentina, France);**
- 3. Ratify the International Convention on the Elimination of All Forms of Racial Discrimination (Azerbaijan, Chile, France, Slovenia);**
- 4. Accede to the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women (France);**
- 5. Ratify the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Chile, Slovenia) and its the Optional Protocol (Chile);**
- 6. Continue the process of signing and ratifying the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights (Chile);**
- 7. Consider ratifying the core human rights instruments (Azerbaijan);**
- 8. Take further steps to bring legislation into line with international human rights norms and standards (Spain) and, if necessary, seek technical assistance from United Nations agencies and organizations to do so (United Kingdom);**
- 9. Continue in its efforts to fulfil its commitments in the area of human rights and persevere in seeking technical assistance from the Office of the United Nations High Commissioner for Human Rights (OHCHR) for developing and drafting national reports for the treaty bodies to which it is a party (Bolivia);**
- 10. Request OHCHR to dispatch a technical assistance team to advise the Government on treaty reporting using the common core documents; the advantages of interaction with special procedures, including country visits; and on the necessary steps for the establishment of a national human rights institution (Maldives);**
- 11. Establish a national human rights institution that fully abides by the Paris Principles (Azerbaijan, United Kingdom);**
- 12. Create an independent human rights institution (Spain);**
- 13. Continue the implementation of measures aimed at the promotion of the rights of children and senior citizens (Cuba);**
- 14. Continue strengthening the efforts undertaken to help young people and adolescents (Cuba);**

15. Continue its efforts to promote and protect the rights of women, as part of its action plan for gender equality (Algeria);
16. Elaborate and draft a national plan of action to protect the rights of children (Belarus);
17. Continue its process of consultation with civil society in its follow-up to this review (United Kingdom);
18. Make a plan for the submission of all overdue reports to treaty bodies (Slovenia);
19. Enact measures to stop violence against women in the framework of the national strategy for gender equality and against domestic violence (Chile);
20. Fully implement the World Programme for Human Rights Education and develop a national action plan in this field, including activities of human rights training for all public officials and law enforcement agents (Italy);
21. Call for technical and financial assistance from the international community, in particular the United Nations programmes and institutions, to help it overcome the economic challenges and those posed by its vulnerability to natural disasters (Algeria);
22. Seek additional assistance from various United Nations institutions in order to fully comply with international commitments to protect and promote human rights (Mexico);
23. Draft a strategic plan for technical assistance and submit it to OHCHR in order to obtain the necessary assistance (Nicaragua);
24. Extend an open and ongoing invitation to United Nations human rights special procedures mandate-holders (Chile, Latvia);
25. Continue strengthening the positive efforts already under way to promote gender equality. (Cuba);
26. Create public campaigns to combat social discrimination against those who suffer with HIV (United States);
27. Continue strengthening efforts to combat discriminatory attitudes towards children with disabilities and promote their participation in all aspects of social and cultural life (Germany);
28. Continue to pay special attention to the protection of the rights of the most vulnerable groups such as persons with disabilities (Djibouti);
29. Increase the efficacy of police actions to combat domestic violence, in particular through awareness campaigns (France);
30. Take measures to ensure that excessive force is not employed while apprehending and detaining criminals (Canada);
31. Do not house all prisoners together, but rather separate them on the basis of the nature and severity of their crime (Canada);
32. Establish greater support systems in the form of more secure housing for women seeking shelter from abuse (Canada);
33. Take measures to reduce the length of pre-trial detention and to have more judges trained and employed to ease some of the existing backlog (Canada);

34. Strengthen measures and take further concrete steps to deal with domestic violence against women by, inter alia, giving adequate follow-up to complaints, providing sufficient resources for proper evidence gathering and ensuring the prosecution of offenders (Netherlands);
35. Strengthen measures to protect children who are victims of abuse, following the recommendations of the Committee on the Rights of Children, UNIFEM and UNICEF, among others (Netherlands);
36. Consider a moratorium on the imposition of the death penalty, as a step towards completely abolishing it (Argentina);
37. Consider setting up a juvenile justice system, bearing in mind the minimum standards for administration of justice for minors under the guidelines of the United Nations for preventing juvenile delinquency (Algeria);
38. Put an end to immunity from prosecution for spouses within marriage in order to effectively combat impunity (France);
39. Separate children from adults in detention in line with the recommendations of the Committee on the Rights of Children, enhance training programmes on relevant international standards for all professionals involved with the system of juvenile justice and ensure the full implementation of juvenile justice standards of the Convention on the Rights of the Child (Germany);
40. Take a proactive approach to encouraging employment of persons with disabilities (Canada);
41. Continue promoting social policies aimed at meeting the needs of its people, especially its indigenous populations, for which it is important to have appropriate technical assistance and international aid in order to continue strengthening capacity in this area (Venezuela);
42. Take all necessary measures to ensure access to safe drinking water and adequate sanitation facilities throughout the country (Germany);
43. Take measures to reduce the number of teenage pregnancies, to provide a sufficient level of youth health services, especially in rural areas, taking into account the recommendations of the Committee on the Rights of the Child, among other bodies (Netherlands);
44. Foster equal and unconditional access to health care and education for all inhabitants of the country (Chile);
45. Continue to fight poverty with the support of the international community (Bangladesh);
46. Continue to fight HIV/AIDS with the support of the international community (Bangladesh);
47. Continue its efforts to promote and protect the right to education and make additional efforts to make access to education easier for all (Algeria);
48. Introduce school programmes for children with learning or other disabilities (Canada);
49. Continue its efforts to ensure a quality education for every citizen of Dominica and especially for the most disadvantaged children (Djibouti);

50. Continue to promote quality education for all by allocating adequate resources, without any discrimination (Bangladesh);

51. Implement the United Nations Convention relating to the Status of Refugees and cooperate with the Office of the United Nations High Commissioner for Refugees (UNHCR) in drafting national refugee legislation (Azerbaijan); make every effort to comply with the recommendations of UNHCR and the ILO Committee of Experts on migration, refugees and asylum, especially to prevent the criminalization of those who enter or leave the country without authorization (Mexico) and consider the possibility of adopting domestic legislation to implement its international commitments and establish procedures for refugees (Argentina).

71. The following recommendations will be examined by Dominica, which will provide responses in due time. The response of Dominica to these recommendations will be included in the outcome report to be adopted by the Human Rights Council at its thirteenth session:

1. Ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights aiming at the abolition of the death penalty (Chile, France);

2. Conclude discussions which would facilitate the expeditious ratification of the Convention on the Rights of Persons with Disabilities (Mexico) and to continue the process of signing and ratifying this instrument (Chile);

3. Promote and amend legislation to guarantee the protection of citizens who have been discriminated against based on their sexual orientation, gender identity or the fact that they are infected with HIV/AIDS (Mexico);

4. Prohibit corporal punishment of children in all settings (Slovenia), to remove all provisions from laws that allow corporal punishment and explicitly prohibit corporal punishment by law in the family, schools and other institutions (Italy) as a method to discipline children (Chile);

5. Include anti-discrimination legislation with regard to sexual orientation, gender identity and HIV/AIDS and to reform the law on sexual offences of 1998 (Spain);

6. Consider utilizing the Yogyakarta Principles on the Application of International Human Rights Law in relation to Sexual Orientation and Gender Identity as a guide to assist in policy development (Canada);

7. Implement public education and promote awareness programmes and sensitivity training on violence and discrimination based on sexual orientation and gender identity to law enforcement, judicial and other authorities (Canada);

8. Undertake measures to promote tolerance and non-discrimination on grounds of sexual orientation or identity in line with the Yogyakarta Principles (Sweden).

72. The following recommendations did not enjoy the support of Dominica:

1. Repeal those legal provisions on sexual offences which criminalize sexual relations between consenting adults of the same sex (France) and decriminalize sexual activities between consenting adults of the same sex (Spain);

2. Abolish the death penalty (Azerbaijan, Spain, Sweden).



**73. All conclusions and/or recommendations contained in the present report reflect the position of the submitting State(s) and /or the State under review. They should not be construed as endorsed by the Working Group as a whole.**

## **Annex**

### **Composition of the delegation**

The delegation of Dominica was headed and composed by H.E. Mr. Crispin S. Gregoire, Permanent Representative of Dominica to the United Nations.

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