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National report submitted in accordance with paragraph 5 of the annex to Human Rights Council resolution 16/21*

Dominica

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Overview

1. The Government of the Commonwealth Dominica, in fulfilling the fundamental rights of its citizenry, strives to adhere and conform to the standards upheld internationally, in recognition of those human rights. It is however confronted with constant, new and emerging challenges in carrying out this mandate, though great effort is made in ensuring the protection and preservation of the rights of all Dominicans. One such challenge was being severely ravaged by natural disasters, specifically Tropical Storm Erica in 2015 and Hurricane Maria in 2017. These two storms caused damages and loss equivalent to 90% of GDP and 226% of GDP respectively. Hurricane Maria was a category 5 storm that took the lives of many and effectively shut down the country for weeks. It destroyed or damaged 90% of homes, businesses, farms, public infrastructure. This prompted Prime Minister Roosevelt Skerrit, in his address to the United Nations in September 2017, to declare that Dominica will take action to build the world's first Climate-Resilient country.

2. The Government will continue to work to fortify existing legislative and administrative frameworks and foster deeper collaboration and cooperation with human rights agencies, organizations and advocacy groups, in its quest to protect all persons within its jurisdiction.

I. Methodology and consultative process

3. This report was compiled in accordance with the general guidelines set for Preparation of Information under the Universal Periodic Review. The Ministry of Foreign and CARICOM Affairs was tasked with the preparation of this report. In light of this, a National Committee was set up made up of relevant persons who would aid in providing the necessary information required. Several meetings were held to brief the parties concerned on the process of the UPR and the methodology to be used in garnering the information. Input was solicited from the Ministry of Ecclesiastical Affairs, Family and Gender Affairs, Ministry of Health and Social Services, Ministry of Kalinago Affairs, Ministry of Justice, Immigration and National Security inclusive of the Labour Division and the Police Department, and the Ministry of Education and Human Resource Division, the Social Welfare Division and other key stakeholders and civil society organisations.

II. Implementation of recommendations from the previous cycle

93.1, 93.2, 93.3, 93.4, 93.5, 93.6, 93.7, 93.8, 93.9, 93.10, 93.11, 93.12, 93.13, 93.14, 93.15, 93.16, 93.17, 93.18, 93.19, 93.20, 93.21, 93.22, 93.24, 93.25

4. Numerous States made recommendations to the Commonwealth of Dominica to ratify key human rights Conventions that were still outstanding. The Government, in light of honouring its obligations and willingness to protect the rights of individuals, has started the process for Ratification of some of these treaties. While it is cognizant of the fact that setting up the National Human Rights Institution (NHRI) is recommended, owing to financial and technical constraints of its resources especially in light of recent economic setbacks created by natural disasters, this has not yet been realized. This does not however deter from Government's commitment to continue working with human rights defenders and to uphold existing international mechanisms. Cabinet approval will be sought to ratify the following Conventions and it is expected that Dominica will become a party to them before Dominica's actual review takes place in 2019:

- International Convention on the Elimination of All Forms of Racial Discrimination;
- Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and its Optional Protocol;

- International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families;
- International Convention for the Protection of All Persons from Enforced Disappearance;
- Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women.

5. A National International Atomic Energy Agency (IAEA) Committee of Counterparts has been set up to provide policymakers with guidelines with the objective of eventually ratifying those Treaties and conventions which are still outstanding. The Committee holds periodic consultations, the last being held in January 2019.

III. Thematic areas

A. Rights of specific persons or groups

93.48, 93.51, 93.52, 93.54, 93.55, 93.56, 93.57, 93.58, 93.59, 93.62

1. Women and Gender Based Violence

6. The Government of the Commonwealth of Dominica is committed to strengthening systems for prevention of and response to Gender Based Violence (GBV). The Ministry of Ecclesiastical Affairs, Family and Gender Affairs continues to facilitate several trainings that target frontline service providers in relevant agencies (Social Welfare Division, Dominica Police Force etc.) and strengthen mechanisms in place for affected persons. Important to mention also, post Hurricane Maria, UNFPA and the Bureau of Gender Affairs hosted three different training sessions for 63 front line workers including members of the Youth Council of Dominica, members of the Bath Estate Disaster Committees, Women Rights Activists, social workers and nurses on the topics Introduction to GBV, GBV Guiding Principles and GBV Survivor Centered Approaches as well as Psychological First Aid. Important to mention, is the increase in staff allocations at the Bureau of Gender Affairs; a qualified counselor has been added to the division since 2015. A Human Resources database has also been completed for the Ministry. Work is in progress for the filling of the necessary positions.

7. The Draft National Gender Policy 2018-2028 is currently being updated and advocates for the development and implementation of integrated measures to prevent, treat and alleviate the incidence of gender-based and wider forms of violence in the society including domestic violence, sexual violence. The draft policy also seeks to promote political and social participation, access to sexual health and reproductive health services. *The policy advocates to increase women's representation in cabinet, parliament and local government to a critical mass of 30% (and where this has already been achieved, strive for parity or 50%), e.g., through reserving seats for women in parliament as Senators. Additionally, it advocates that political parties should: Set a target of at least 30% (and where this has already been achieved, parity or 50%) of women on their lists of candidates for parliamentary and local government elections.* The Bureau of Gender Affairs continues to host trainings for women interested in politics. Currently the percentage of women in Cabinet is 27 percent and in Parliament it is 21.9 percent. Interestingly, 84.6 percent of Permanent Secretaries of Government line Ministries, comprise of women.

Progress made on tackling violence against women

8. The Sexual Offences Act was amended in 2016. Progress made thus far include:
- Criminalization of Marital Rape;
 - Harsher sentences for perpetrators of sexual violence;
 - Sexual grooming of a minor under sixteen years of age is now punishable by law. A person who is guilty of an offence under this section is liable on conviction to imprisonment for a term of fourteen years;

- Introduction of Mandatory reporting of suspected abuse of minors.

9. The Protection against Domestic Violence Act is currently under revision. The Organisation of Eastern Caribbean States (OECS) is seeking to harmonize family bills including the Domestic Violence Bill, so that the amendments take into consideration current issues and trends associated with the problem.

10. The Bureau has been engaged with media houses on the island to run public education programmes around gender-based violence and on the relevance of the Domestic Violence Act. The following are activities targeting public sector officials in the last two years:

- Understanding Domestic Violence with participants from public sector and civil society;
- Mainstreaming reporting on Gender-Based Violence (GBV);
- Crisis Management of Gender Based Violence;
- Emergency Management of Gender Based Violence post disasters;
- Gender Based Violence training with theatre practitioners.

11. The draft Updated National Gender Policy and Action Plan was completed in 2014 and was designed to foster gender equality within the context of national development. Dominica, however, having been confronted by adverse climatic conditions over the past five (5) years, particularly Tropical Storm Erika (2015) and Hurricane Maria (2017), therefore needed to update the policy to reflect some of these changes. The policy had to consider these changes in the context of the Sustainable Development Goals Agenda 2030. More specifically, the reviewed policy had to be consistent with the Government's National Resilience Development Strategy 2018-2030. During 2018, three (3) meetings were held to review the policy. It is now at its final stages and will be submitted to Cabinet shortly.

12. Between 2015 and 2018 the Bureau of Gender Affairs and UN Women implemented a "Social Mobilization to end Gender-based Violence in the Eastern Caribbean" project. Through this project, significant steps have been made in sensitizing the public on gender issues, supporting victims and advocates in countering the negative impacts of GBV especially domestic violence, and securing increasing allies in the fight for gender equality. Key achievements and activities contributing to these outcomes include:

(a) Noticeable increase in anti-violence student clubs and activities at schools (primary, secondary, state college) after various awareness-building interventions such as anti-violence murals at schools, youth peace camps, gender self-exploration tours, focus groups, gender and GBV awareness sessions, rallies and road-shows reached over 400 students.

(b) Use of international observances (16 Days of Activism, International Women's Day, Rural Women's Day etc.) to raise awareness on inequalities including GBV and violence against women – over 25 activities targeting approximately 1000 people.

(c) Significant increases in the number of people (mainly women) accessing counselling services through the Bureau of Gender Affairs (2016 showed a 68% increase from the previous year).

(d) Major capacity building interventions for related NGOs, advocates and government agencies in areas such as advocacy, gender planning and budgeting, victim empowerment, various consultations for men and women, training for clergy members etc.

(e) Support for improving the legal environment for women and victims including support for the review of the Sexual Offences Act and Domestic Violence Bill.

13. The Bureau of Gender Affairs and UNFPA implemented a project post Hurricane Maria – "Respond to life-saving sexual and reproductive health (SRH) needs of women and adolescent girls affected by Hurricane Maria and Strengthen System to prevent Gender Based Violence against women and girls".

14. Gender Based Violence tends to increase post disasters and although there were limited reported incidences of Gender Based Violence reported to the Bureau of Gender

Affairs, the Government's Post Disaster Assessment advocated for capacity building and psychosocial support for victims given that the causes of violence were prevalent post Hurricane Maria including impacts of loss of employment on the household, shelters that are not designed with gender considerations, and an increase in drug and alcohol use. Women and girls reportedly became increasingly vulnerable to different forms of GBV because of the breakdown in the social structure, lack of privacy especially in hurricane shelters, and in some cases, lack of security, and poor lighting in the immediate aftermath of Hurricane Maria. The Bureau of Gender Affairs and UNFPA sought to strengthen systems to prevent Gender Based Violence against women and girls through the aforementioned project. Achievements of this project include:

- Three training sessions were conducted for 63 front line workers including members of the Youth Council of Dominica, members of the Bath Estate Disaster Committees, Women Rights Activists, social workers and nurses on Introduction to GBV, GBV Guiding Principles and GBV Survivor Centered Approaches as well as Psychological First Aid.
- Strengthened Referral Pathway for survivors of Gender Based Violence - Fifteen (15) organizations were trained in the Gender Based Violence Referral Pathway. The Referral Pathway is a flexible mechanism that safely links survivors to supportive and competent services.
- Development of draft Standard Operating Procedures to be used to prevent and respond to Gender Based Violence (GBV) during and after Emergencies in the Commonwealth of Dominica.
- Distribution of IEC materials among communities including brochures, posters, t-shirts, bags, etc.
- Distribution of dignity kits to displaced women and men.

15. The Dominica National Council of Women as the main civil society umbrella organisation for women has a mandate to work towards empowerment of women and their integration in society. The organisation maintains a programming thrust around the elimination of Gender-based Violence. This includes training, advocacy, counselling of victims and facilitating shelter for those at risk of violence. Lifeline Ministries, a non-government agency with a focus on protection of children, provides emergency temporary shelters in private homes, and also assists with counselling. Over the last few years, one organization, 'Women Working for Women' has emerged to address child sexual offences and to advocate for legislative changes. More girls are affected by sexual abuse. Another inter-agency group, the NGO-Coalition has been active in advocating against gender-based violence especially in support of children and other vulnerable groups.

2. Children's rights

16. Children in Dominica are protected under the "*Children and Young Persons Act*". Children are dealt with in Juvenile Court and tried separate from adults. Section V of the Act confronts issues dealing with Child Pornography. Maximum sentences are handed down to perpetrators of acts of violence against children. The Act makes allocations for separation of children from abusive environments and many of them are placed in foster care. The "Chances" home in Jimmit provides a safe environment where children who are abandoned, neglected or otherwise abused can live a comfortable life.

3. Indigenous people

93.64, 93.79

17. The Commonwealth of Dominica has ratified the Convention Concerning Indigenous and Tribal Peoples in Independent Countries and efforts are ongoing to ensure its full implementation. A consultation was held on a proposed name change of Dominica's indigenous inhabitants from "Carib" to "Kalinago". This resulted in the successful passage in Parliament in 2015 of the legislation approving change of name to Kalinago. As such, the

laws have been updated to reflect this new development. The name of the reserve where the people reside was also changed and is presently called the Kalinago Territory.

18. A Ministry of Kalinago Affairs has been created, headed by a Minister for Kalinago Affairs and staffed with various persons all from the Kalinago Territory.

19. Kalinagos now have greater opportunity for education and a better way of life and are fully immersed into Dominican society. The Government continues to provide assistance to students up to the tertiary level. Kalinagos hold top positions such as lawyers, Magistrate, top surgeons at Dominica's main hospital and at the level of Permanent Secretary.

20. The Government through development aid partners such as the People's Republic of China, The Bolivarian Republic of Venezuela and the Republic of Korea, has successfully completed several Housing Schemes in all of the hamlets across the Kalinago Territory, considerably augmenting the housing sector in that area and enhancing the aesthetics of the Territory. Following the passage of Hurricane Maria, a new housing development was erected, helping to meet the needs of persons who were rendered homeless. Several grants were given to residents to help them meet the costs associated with rehabilitation of their homes and the UNDP in collaboration with the Government of Dominica also gave grants to persons whose households comprised of small children.

21. The Government, through the Kalinago Council, continues to provide assistance to manufactures of the Craft Industry, one such being a one-time grant, post the passage of Hurricane Maria. The Craft Industry is a sustainable avenue providing much needed earnings for persons who are engaged in this industry as full-time operators. Farmers, in particular cassava producers, receive subsidies to help in cultivation of this crop.

22. Establishment of the Kalinago Barana Aute, a Kalinago model village, was done to create greater awareness among Dominicans and visitors alike to Kalinago culture and heritage. The Barana Aute is manned by a full complement of staff who oversee its daily operations. It continues to bring in much needed currency and the trickling effects are felt across several sectors, from basket weavers to entertainment providers and the food industry, among others.

23. Noteworthy, is the Small Business Fund which has begun operating within the Ministry of Kalinago Affairs, with the overall objective of improving the socio-economic lives of the people.. Potential recipients with viable business plans can now access much needed funding under this programme, which is not otherwise available through financial institutions.

4. Migrants

24. Dominica continues to witness a large influx of migrants particularly of Haitian and Dominican Republic (Santo Domingo) origin. In December 2018, Dominica lifted the mandatory visa restriction on all Haitians coming into the country, as part of its commitment under the CARICOM Single Market and Economy (CSME), to which it is party.

25. These migrants are fully immersed in all spheres of Dominican society and contribute to the economy. They exercise the same rights as every other Dominican in school, church, culture etc. Some sectors they actively contribute to include building and construction, agriculture, hairdressing/barbering, clothing and textiles to name a few.

B. Economic, social and cultural rights

93.65, 93.66

1. Poverty alleviation and social protection

26. The Government of Dominica undertakes its mandate to provide a safe environment for all of its citizens where no one is left out – without food and water and the basic necessities of life. As such, several Public Assistance Programmes has been in operation for a few years, administered by divisions created under the Ministry of Finance, which provides much

needed public support to needy persons. Areas include medical assistance at home and abroad, housing, education, food and meeting everyday expenses.

27. The Government places keen emphasis on providing for the needs of the elderly, persons with disabilities and other vulnerable groups. One such outreach, ‘the Yes We Care’ programme, continues to provide support and free home care for the elderly. Under the ‘Yes We Care’ programme, EC\$300 dollars is given monthly as a stipend to individuals of pensionable age, that are 65 and over, who otherwise do not qualify to benefit under the current Social Security scheme. Persons with disabilities and other vulnerable groups (unemployed, persons with low socioeconomic status etc) also benefit from this programme once they are deemed qualified to do so. In December 2018, Government granted a one-time bonus of EC\$500 to individuals under this category. It also dispenses a cylinder of cooking gas every month to needy elderly persons over 70 years of age.

2. Education

93.69, 93.70, 93.71, 93.72, 93.73, 93.74

28. The right to an education is a basic fundamental right of any individual and as such the Government of Dominica fully upholds that right. The Government of Dominica continues to deliver quality education for all of its children. Access to education is free and government has provided Universal education from pre-kindergarten through primary to secondary level. The development of the ‘Child Friendly Schools Initiative is a programme of the Government of Dominica to ensure that all children irrespective of gender are nurtured in an environment where all children can succeed. In rural areas, not only is education free for all, but transportation to and from school is also provided for all students. A grant of \$500 is given to new students requiring support upon entering secondary school. Examples of assistance given by Government to college students include (i) meeting fees for tuition, (ii) transportation cost for some students from the Kalinago Territory to commute to the island’s State College in Roseau, (iii) a ‘Tablet per Child’ programme was piloted whereby all secondary and college students regardless of their socioeconomic status were given tablets, to assist in their research and studies.

29. The Government continues its ‘One University Graduate Per Household policy’ with a number of Dominicans being granted scholarships to pursue studies abroad and in collaboration with partners such as Cuba, the People’s Republic of China, Mexico, the University of the West Indies to name a few. Many Kalinago students have also seized the opportunity to pursue education via these mediums, in particular to attend the University of the West Indies (UWI) where a specific annual scholarship scheme has been put in place for the past years.

30. Teachers and students continue to be guided by the Education Act (Act No. 11 of 1997), under which enforcement of discipline in schools is to be administered in a fair and impartial manner without degrading and injurious punishment.

3. Health

93.66, 93.67, 93.68

31. Throughout the island, persons continue to access free health care through services provided by Health Centres. The Government continues to provide subsidized health care for persons accessing secondary and tertiary health services, irrespective of their socioeconomic status.

32. The Government of Dominica is currently rebuilding the Princess Margaret Hospital, the State’s main hospital, with funding from the People’s Republic of China. Work on the Marigot Hospital in the North-eastern district, will soon commence with assistance from the Government of Mexico. In its determination to become Climate Resilient, the Laplaine Health District Health Centre was upgraded to a ‘Smart Health Centre’, with amenities such as solar lighting introduced for greater resiliency.

33. Elderly or critically-ill patients especially in rural areas receive care by nurses and nursing assistants who provide home visits.

34. The State continues to provide assistance and medication to Cancer patients, through its public assistance programmes, many of whom seek further medical attention abroad. The Dominica Cancer Society strives daily to bring greater awareness and sensitivity about the disease which is increasingly claiming the lives of many Dominicans. Walkathons are regularly organized with many Dominicans fully participating, lending support to victims and their families. Radio programmes are also constantly being held with the hope of erasing the stigma sometimes associated with the disease.

35. The National HIV/AIDS Prevention Unit in the Ministry of Health and Social Services, created in 2003, caters to a number of programmes and activities geared at creating greater awareness, care, understanding, respect and tolerance for persons affected by HIV/AIDS. Counselling, medication and other treatments are provided to all people living with HIV/AIDS, irrespective of their sexual orientation. The total elimination of the stigma associated with the disease poses a challenge, but efforts to educate the public continue, and the populace are becoming more aware and accepting through campaigns, Walkathons, Talk Show programmes, issuing of leaflets/pamphlets in schools, workplaces etc. The Unit continues to hold free National “Know Your Status” testing which encourages individuals to be tested for the disease. The last “Know Your Status” was held at the end of 2018.

36. National activities are organized and held in commemoration of international observances of days declared by the World Health Organization and other United Nations systems.

4. Housing

37. Under the current Housing Revolution, and particularly since the passage of Hurricane Maria which shattered the economy, infrastructure and lives, the Government of Dominica has embarked on a journey to provide, safe, resilient and comfortable living conditions for its citizens. The genesis of such was Tropical Storm Erica, which displaced entire communities, deeming them unsafe for human habitation. This prompted the revisiting of Building codes to incorporate safer, sturdier structures that are seismic and hurricane resistant. Citizens therefore must comply with the more rigorous processes in ensuring that their building plans and structures are compliant with existing codes.

38. The Government in response has undertaken to revolutionize the housing sector, by relocating communities deemed unsafe and rebuilding and rehabilitating homes destroyed by these disasters. New modern, state-of-the art buildings, which are hurricane and seismic resistant, are being constructed throughout the island, with funding from the country’s Citizenship-By-Investment Programme.

39. The Petite Savanne Community, where over 800 residents were evacuated following the passage of Tropical Storm Erica in 2015, has now been relocated to the Bellevue Community. Under this Project, three hundred and forty (340) Residential Units (in apartment style and single houses) are nearing completion, a 28-Unit Commercial Complex comprising of a daycare, Early Childhood Education Centre, shops and boutiques and sports and recreation facilities will be erected. So far, over 100 residents have moved into their new homes. The project is set for total completion in May 2019.

40. Under the East and Southeastern Housing Project, spanning four constituencies, four hundred (400) apartments are currently being constructed. The buildings will also house a commercial complex for shops, boutiques. This project is two-thirds completed.

41. In the town of Portsmouth, the Northern Housing Project for Georgetown and Cotton Hill is moving ahead full throttle. Under this project, two hundred and twenty six (226) residencies, a new Police Station, new Fire Station, Administrative Building, Commercial Complex and sporting facilities to include basketball, tennis and indoor sports.

42. The Government of Dominica, with additional financing from the World Bank, through a loan of US \$115 million, of which US\$50 million is grant and through funds earned from the country’s Citizenship-By-Investment Programme, remains committed and dedicated to reaching its target goal of building 5,000 new homes for its citizens.

C. Civil and political rights

1. Administration of justice, including impunity and the rule of law

43. The Constitution of Dominica guarantees all individuals protection from discrimination based on race, place of origin, political opinion, colour, creed or sex. Under the Constitution, freedom of expression and the right of freedom of associations are provided.

44. The views expressed by individuals and groups must remain within the legal provisions on libel and slander. Responsible journalism is widely encouraged. The Government does not prevent defenders of any cause from exercising their rights and there is no law requiring individuals to state their sexual preference or conscientious position when associating. Specific sexual acts are criminalized when carried out in public domain, but not what might be considered physical manifestations or association. The Government of Dominica is not prepared to introduce at this time legislation to Parliament decriminalizing public sexual relations between adults of the same sex.

45. Justice in Dominica is governed by the Constitution and by various Acts inclusive of the Sexual Offences Act of 2016, the Domestic Violence Act, the Children and Young Persons Act, among others.

2. Fundamental freedoms and participation in public and political life

46. Dominica is a democracy and all Dominicans enjoy their full rights and privileges accorded to them. They are free to participate in political parties and activities of their choice without fear or favour.

47. Over the years there has been increased participation of women in the political field, serving at the top positions such as Prime Minister, Minister, Attorney-General and Speaker of the House of Assembly. In the Parliament of today, women constitute 21.9 percent of the total count, with the Government side having 27 percent of its representatives being women. This translates to 6 women in Government, one woman on the opposition side and the Speaker of the House of Assembly. The Government and other political parties in Dominica continue to support and encourage women aspiring to leadership roles in the Dominican society.

D. Challenges requiring international support

48. The Government of Dominica in striving to build back better a “Climate Resilient Nation” continues to thank all countries which have assisted and continues to assist in meeting this goal and solicits further support and collaboration.

49. Limited human and financial resources make it very difficult for Dominica, in honouring all of its international human rights commitments, especially with the ratification of treaties and conventions which have burgeoning financial and other implications including the review of and drafting of new legislation. The drafting of reports and other obligations, usually proves burdensome for a country with limited human capacity. Support could be provided with dedicated legal drafting and other technical assistance. Dominica thanks the OHCHR for the assistance provided over the years, especially in preparation of its report and continues to call on it and other organizations to provide technical support and training in meeting future obligations.