

The Presentation of the Commonwealth of Dominica to the Human Rights Council as Part of its UPR

May 1, 2014

Introduction

Since attaining political independence in 1978, the Commonwealth of Dominica has been struggling with similar challenges to those faced by small developing nations throughout the world. In spite of the challenges, the Government of the Commonwealth of Dominica has been able to bring about significant improvements in the lives of its people. Over the past 14 years, there have been major strides in access to and delivery of quality education, healthcare, social services, protection of the rights of persons with disabilities, support to our indigenous people, women, and the elderly.

Access to education has been increased at the pre-Kindergarten, primary, secondary and tertiary levels. Today, almost all of our children have access to pre-Kindergarten education; universal access to primary and secondary education; and every student who completes secondary school has access to post secondary education at the Dominica State College. An unprecedented number of university scholarships have also been granted to Dominicans to pursue studies throughout the world.

Our primary healthcare system continues to provide access to health services throughout the island. Additionally, access to secondary and tertiary healthcare continues to be subsidized by the state to ensure that everyone can benefit from health services irrespective of socio-economic status. All senior citizens 60 years and older and all children 18 years and below, continue to enjoy free access to health services throughout the island. The elderly also receive

free home care through the “Yes We Care Program”. The program provides support to the elderly in the form of daily supplies and services by a government-employed caregiver.

Our indigenous people, the Caribs, continue to benefit from special healthcare, education, housing, agriculture tourism, and small business support programs and projects. As a result, our Carib people have attained equal access and in some cases greater access to government services and programs than the rest of the Dominican population.

Dominica’s ratification of the Convention of the Rights of Persons with Disabilities is an expression of the government’s commitment to ensure that all our people are treated equally. To this end, the government has appointed a special commission to implement the commitments under the Convention. The commission will soon begin its work and present recommendations for the implementation of government policies and actions to enhance the quality of life of our people with disabilities.

The Housing Revolution that is being implemented by the Government since 2005 has provided homes for hundreds of families throughout Dominica. The Government housing program has assisted families that would have otherwise not been able to provide for themselves. This includes single mothers and the indigenous population. Recently, the Government announced the implementation of a new affordable housing initiative that will make 1,000 houses available to families. This will complement the national sanitation project that aims to eliminate pit latrines and provide families with modern hygienic toilets and access to potable water.

The National Human Rights Report

The government is committed to the international principles of human rights and social justice and equity. These principles are enshrined in our Constitution. Notwithstanding our

limited financial resources, the Government of Dominica continues to protect the rights of our people to have access to basic services – food, shelter, education, healthcare, and employment. Fundamental rights continue to be protected in a democratic society where people are free to express themselves, associate, and to vote for a candidate of their choice. These values have become deeply rooted in the culture, traditions and way of life of our people. In a true democracy, these values are what drive the enactment of laws and the adoption of policies. Those who are elected to represent the people must always respect the wishes of the people in order to stay true to the social contract between the governed and those who govern. Social changes must therefore, be driven by the people in a manner that reflect their collective acceptance. It is the people who must determine what values they wish to maintain and the changes, if any, they wish to make.

Dominica recognizes its obligations under international instruments. However, resource constraints, both technical and financial, continue to make it difficult to meet some of the monitoring and evaluation requirements. The absence of a national human rights institution, to advance? the promotion and protection of human rights are in no way an indication of Dominica's unwillingness or failure to protect the rights of individuals. In fact, a number of actions have been taken within the limits of the country's resources. Dominica's human rights record clearly demonstrates that even with limited resources that we have been able to guarantee the rights of individuals. Training and technical assistance is necessary to ensure that these commitments are met. We therefore thank the Office of the High Commissioner on Human Rights (OHCHR) for its assistance with the training of our officers to meet the demands of reporting and implementing commitments made in UN conventions and treaties respecting the

rights of individuals. We look forward to the continued support and collaboration from the OHCHR.

Violence Against Women and Children

Dominica has made significant strides in the protection of women and children. On May 17, 2013, Dominica ratified the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children. Efforts are being made to ensure that all the commitments in the Convention have domestic effect.

At the domestic level, the Government of the Commonwealth of Dominica continues to provide resources for the protection of women and children especially those who are the victims of violence. The Departments of Social Welfare and Gender Affairs are two government departments dedicated to provide support to victims. Over the past 14 years, and even during an IMF austerity program of 2001 - 2006, the government did not compromise the support given to these departments. As a consequence, more women and children who are the victims of abuse are coming forward. The government will continue to provide support to the Ministry of Social Services, Community Development and Gender Affairs to ensure that women and children are protected.

Since 2011, children who have been placed at risk at home or have been abandoned by their parents have been provided with a place of safety. The facility provides accommodation for children and provides them with care and support to assist in their rehabilitation.

In 2006, the Government adopted a National Gender Policy to provide a framework for achieving gender equity and equality in every facet of our society. The policy also identified a number of measures to be implemented in an effort to further strengthen the implementation of the Domestic Violence Act as well as other policy initiatives in order to reduce violence and

discrimination against women. Recently, the National Gender Policy has been reviewed and updated to better reflect the changing needs of the Dominican population. The updated National Gender Policy calls for more resources for strengthening the machinery and other support mechanism to accelerate implementation. The Government will use its best efforts to provide the necessary resources.

A National Strategic Plan on Gender-based Violence has been prepared and will soon be submitted for consideration and approval. Additional resources will be necessary to support implementation. Work has continued on establishing an Intra-multi-sectoral approach to dealing with issues surrounding women and gender. Work has begun on heightening collaboration among partners to identify and strengthen initiatives undertaken by government and non-government partner agencies.

In 2011, a Central Registry on Domestic Violence was established and housed in the Bureau of Gender Affairs. Five agencies-the Bureau of Gender Affairs, Social Welfare Division, Legal Aid Clinic, Dominica Police Force and the Dominica National Council of Women- submit a record of all cases of domestic violence reported to them to be stored in the Central Registry. To date, efforts are being made to include the Ministry of Health as a stakeholder of the Registry, by incorporating the required information in the data gathering tools of the Sexual Assault Protocol and Surveillance System for the Accident and Emergency Units at the various hospitals.

Efforts are on-going towards continued public sensitization on the occurrence, consequences and avenues of assistance available. Activities include a *Blow the Horn Motorcade to end Gender-based Violence*; a *Silent Protest against sexual violence, especially child sexual abuse*; community outreach sessions and consultations on gender related issues; radio and television broadcasts on gender-related issues, distribution of relevant education materials/publication on

the subject and the erection of billboards which deal with these issues around the country.

Workshop/seminars have also been held with Police and community leaders to better understand the problem of violence against women and children and to provide assistance to victims/survivors of violence. Continued effort towards further strengthening of place of safety operated by the Dominica National Council on Women is being considered.

The Government continues to review all legislations related to violence against women and children in an effort to strengthen their provisions. We thank UNICEF, UN-Women and all the other UN agencies that continue to provide assistance to the people of Dominica to rid our society of violence against women and children.

Corporal Punishment

The Education Act no. 11, 1997 which sets out the policies for dealing with student behavioural and discipline problems, allows for the administering of corporal punishment. The contents of Section 49(2) states: “Corporal punishment may be administered where no other punishment is considered suitable or effective, and only by the principal, deputy principal or any teacher appointed in writing by the principal for the purpose in a manner which is in conformity with the guidelines issued in writing by Chief Education Officer.”

It is illegal for a teacher not authorised to do so to administer corporal punishment.

Furthermore, where authorised, the following guidelines must be followed:

- Corporal punishment should be given only as a last resort for serious offences. It should not be inflicted for failure to learn or remember or do homework. Corporal punishment may be given by the Principal, Deputy Principal or any teacher appointed in writing by the Principal in cases of persistent impertinence or rude behaviour towards the teachers and other staff members, physical violence, intemperance and any other serious forms of misbehaviour with other students.
- Where a strap is used for administering corporal punishment, such punishment shall take the form of strokes not exceeding four (4) on the palm of the hand or on the buttocks over the clothing. All other forms of corporal punishment are strictly forbidden.

- A student may only receive corporal punishment from the principal, deputy or designated teacher of the same sex.
- A teacher must be present as a witness when the corporal punishment is administered.
- Corporal punishment shall be so administered as not to cause bodily injury. A person administering corporal punishment should not do so while in a fit of temper or when he or she is emotionally upset.
- A check should be made of the student's medical record before corporal punishment is inflicted. (Corporal punishment shall not be inflicted on a student who is in ill health or whom the principal believes is unwell)
- The caning must be recorded in a punishment book, giving the name and class or form of the student, the date and time of the caning, number of strokes, and the nature of the offence. The name and signature of the person who had administered the corporal punishment, the witness and the signature of the principal should also be on record.
- The child's parents should be informed as soon as possible of the details of the offence and the number of strokes given.

Notwithstanding the ability to use corporal punishment at our schools, the Ministry of Education continues to implement and encourage alternative means of discipline geared towards curbing violence and anti-social behaviour at our schools. These efforts are yielding good results and hence reducing the use of corporal punishment.

The Death Penalty

Since colonial times, Dominica, like most of the English speaking Caribbean countries, have had the death penalty as part of its laws. In the case of Dominica however, there has been a self-imposed moratorium on the use of the death penalty since 1986.

The current law on the death penalty is based on the 2003 ruling of the Privy Council of England, the final court of appeal for Dominica, which now makes the death penalty the maximum penalty for murder, to be imposed only for the most serious killings, rather than as a mandatory penalty.

While the death penalty has not been used by Dominica since 1986, the popular sentiment in the country is for the reintroduction of executions for persons who have been convicted of murder. The Cabinet of Dominica has indicated that as a democratically elected government, elected by the people, to represent the people, that the laws that it introduces to the Parliament must reflect the sentiments and desires of the people as far as possible. The Government therefore has taken the position that the matter of the death penalty will remain within the jurisdiction of the judiciary and that the country will continue to be guided by the law as it exists. Furthermore, Prime Minister Roosevelt Skerrit has invited Amnesty International to assist with consultation on the death penalty.

Freedom of Expression

Dominica remains a very democratic country that respects and promotes freedom of expression by everyone. The number of publications and broadcasts from various media manifests this. Individuals and groups that are opposed to the government are allowed to freely express their views. These expressions, however, must be within the legal provisions that protect persons from libel and slander. Journalist, like ordinary citizens, must be held responsible within a democracy. Those who are aggrieved have rights that must be protected. Since independence, no one has been criminally charged for libel or slander.

Equal Access to employment, education and general services to the Carib People

Since 2000, the Government of Dominica has placed special emphasis on the island's indigenous people, the Caribs. A Ministry of Carib Affairs was created, headed by the Member of Parliament for the Carib Territory to facilitate the delivery of government services, programs and projects. A number of special programs and projects were created to ensure that they are on

equal footing with the rest of the Dominican population. Towards this goal, the residents of the Carib Territory have been the beneficiaries of affirmative action in healthcare, education, social services, agriculture and tourism.

Education

All of the indigenous population throughout Dominica whether they live in or out of the Carib Territory has equal access to education like the rest of the Dominican population. The recent construction of a new primary school in Salybia, a village within the Carib Territory, provides state of the art modern learning facilities for the children of the Carib Territory. Carib children have universal access to secondary school in the neighboring villages. The government provides transportation for all students to and from school. Post secondary education is also provided to Carib students at the Dominica State College. The government covers the tuition and transportation costs for the majority of these students. From since 2000, an unprecedented number of young people from the Carib Territory have received university scholarships to pursue studies at colleges and universities throughout the world.

Housing

The communal ownership of land in the Carib Territory since its establishment over 100 years ago, makes it difficult for the residents to acquire normal commercial financing for the construction of homes. In response to this challenge, the government has constructed 50 houses for families in the Carib Territory over the past 10 years.

Healthcare

Over the past 14 years, residents from the Carib Territory have received free access to healthcare both at the local health centers and at the main hospital in the capital city. Recent

investments in the local health center have improved healthcare services locally. Free health care is also provided to our indigenous people at the main hospital on the island.

Tourism and Agriculture

In an effort to bring economic activities and to enhance the traditional arts and craft industry in the Carib Territory, the government invested in special facilities for the showcasing and sale of their products. Farmers in the Carib Territory continue to be beneficiaries of assistance in agriculture. Improvements to farm access roads, the provision of agricultural inputs and grants for planting and rehabilitation of farms are among the support provided to farmers.

Small Business and Employment

Young people and adults of the indigenous population have and continue to receive assistance for the development of small businesses and employment under the National Employment Programme. The national Small Business Support Program and the Dominica Youth Business Trust have been providing support to entrepreneurs in the Carib Territory with focus being placed on the development of indigenous arts and craft.

Women in Parliament

Dominican women have been serving in Parliament for more than 60 years. They have served in the parliament as elected and appointed members both on the opposition and in government. They have also served as Prime Minister, ministers, Attorney General and Speaker of the House of Assembly.

Dominican women gained the right to vote and to contest elections in 1924, four years after the women in the United States of America. Fourteen years later, the first woman was elected to Parliament. Mrs. Elma Napier of Calibishie, Dominica, was the first woman to be elected to Parliament in the Caribbean in 1940. In 1958, Mrs. Phyllis Shand Alfrey was elected

as Dominica's representative to the Federation of the West Indies. She was also the founder of the first political party in Dominica, the Dominica Labour Party. Later on, Mrs. Mable Moir James was elected and became the first woman minister of government in Dominica serving as the Minister of Communications and Works.

In 1970, Ms. Mary Eugenia Charles later Dame Eugenia, emerged as a major player on the political landscape of Dominica. She went on to serve in the parliament for 25 years. Ms. Charles became the first female Prime Minister in the Caribbean in 1980 and served in that capacity for 15 continuous years.

Since independence in 1978, 8 women have been elected and 12 nominated to serve in the Parliament. During that time, women serving for 24 out of 35 years have dominated the Office of Speaker of the House of Assembly. The current Speaker, Hon. Alix Boyd-Knights is currently on her third term and is the longest serving.

Currently, there are two elected and one nominated women serving in the parliament on the government side. Two of the elected women are also serving as senior ministers. The Government continues to use its best efforts to provide support and opportunities to women in politics and subsequently in the Parliament. Hon. Alix Boyd-Knights continues to use her position as Speaker and as a leading women's rights advocate to encourage more women to serve.

Freedom of association

The Constitution of the Commonwealth of Dominica guarantees the protection to all individuals from discrimination based on their race, place of origin, political opinions, colour, creed, or sex. The Constitution also guarantees the right of Freedom of association to all. The

Government of Dominica has never in anyway used fear or intimidation to prevent defenders of any cause from exercising their rights guaranteed under the Constitution. Furthermore, there is no law in the Commonwealth of Dominica that requires individuals to state their sexual preference or conscientious position when associating.

The Government of Dominica is not prepared to introduce to the Parliament any legislation to decriminalize sexual relations between adults of the same sex. The Act, however, only criminalizes the act and not what may be considered to be physical manifestations or association. Hence, the claim that members of any group “are forced to operate underground because of fear that their members will be victimized” is unfounded. The Government has not entered into the privacy of adults to determine their sexual activities and as such, the State has not arrested or prosecute anyone under that law.

In 2012, the Government of the Commonwealth of Dominica joined Members States of the United Nations to support the Resolution Against Extrajudicial Killings. Extrajudicial killings based on race, ethnicity, religion or sexual orientation does not exist in Dominica. Our support of the resolution was in solidarity to people all over the world who continue to be punished without due process of law. It was in no way an endorsement of same sex relations. Hence, there is not a need for the Government of Dominica to take any follow up measures pursuant to the Resolution.

Support to people with HIV/AIDS

Since the establishment of the National HIV/AIDS Prevention Unit in the Ministry of Health in 2003 there have been a number of programs geared at creating greater awareness, care, understanding and tolerance for those whom have been infected and affected by the disease.

With assistance from our development partners much has been achieved. This has made it possible to provide drugs and treatment to persons infected and affected. Counseling, drugs and other treatment are provided to all people infected and affected by the disease irrespective of sexual orientation. The challenge of removing the stigma and the taboo associated with the disease has been very difficult the world over. Efforts continue to be made to educate the public.

The Convention of the Rights of Persons with Disabilities

The Government of Dominica remains committed to the full inclusion of persons with disabilities into the mainstream. Annually, the government provides a subvention to assist with the operations of the Dominica Association of Disabled People (DADP). Support to the Alpha Center, a school for physically challenged children continues to be part of government's annual budget. A further expression of the government's commitment to recognizing the rights of people with disabilities was the ratification of the Convention of the Rights of Persons with Disabilities on October 1, 2012. A special commission is being established to ensure that the government can meet its commitments under the convention within the limits of its resources.

Conclusion

The Government of the Commonwealth of Dominica remains committed to the protection of the fundamental rights and freedoms guaranteed to all irrespective of race, place of origin, political opinions, colour, creed or sex. The exercise of these rights and freedoms has become a fundamental part of our society. They are part of who we are as a people. The Government also aspires to provide education, healthcare, housing, the right to employment and access to water and sanitation as part of the rights of every individual in Dominica. Over the past

decade, we have made significant strides towards our goals. There still remains a lot of work to be done.

Our limited human and financial resources continue to make it difficult to meet our many commitments under the conventions respecting human rights. Ratification of conventions and optional protocols come with the burden of providing reports, plans of implementation and in most cases resources to implement and give domestic effect. As a small developing state, we continue to struggle to ensure that our people are provided with a decent quality of life in spite of the global pressures that come to bear upon us. It therefore becomes difficult to meet these demands within our constraints.

We therefore call on the OHCHR to continue to provide support to Dominica in order to meet its obligations. The Government of the Commonwealth of Dominica is prepared to work closely with the OHCHR. To this end, we invite the OHCHR to develop a program of assistance to provide technical support and training to Dominica to meet its outstanding and future obligations.