

# **Joint Submission from the United Nations Subregional Team for Barbados and the OECS for Dominica Second Cycle UPR**

ILO Decent Work Team and Office for the Caribbean (ILO)  
UNICEF Office for the Eastern Caribbean (UNICEF)  
UN Women Caribbean (UN WOMEN)

## **I. Background and framework**

### **B. Constitutional and legislative framework**

#### **UNICEF:**

- **Take appropriate legislative and administrative measures to strengthen framework to fight against domestic violence and physical abuse of children, and engage in an exchange of information with those countries that are developing best practices in these fields.**
  1. While Dominica has undertaken extensive reviews of their legal frameworks and administrative measures in view of reforms to their national laws, policies and practices, no active progress has been made for legislative reform.
  2. While a Cabinet approved protocol for the reporting of child abuse has been in existence for some time, it requires some updating. However, its enforcement must be set within a legal framework. To date, Dominica has reviewed and discussed the OECS model legislation which provides for mandatory reporting of child abuse, but is yet to move forward on the adaption and enactment process.

#### **UN WOMEN:**

- It is acknowledged that Dominica has made positive gains in adopting legislation and domestic policies which support gender equality and women's empowerment.

### **C. Institutional and human rights infrastructure and policy measures**

#### **UNICEF:**

- **Recommendation: Elaborate and draft a national plan of action to protect the rights of children.**
  1. Dominica has formally requested support of UNICEF to elaborate and draft a national plan of action for the children in Dominica. However, to date, the country has not been able to identify an appropriate mechanism for follow-through at national level.
  2. It should be noted that Dominica has not reached conceptual clarity on the model for the national plan of action for the children – whether the plan should be an integral part of their national development plans and frameworks, or a standalone plan. The key concern over the development of the former is that too often such national plans of action are not provided administrative and financial support for their implementation. Therefore, UNICEF is encouraging the Government of Dominica to ensure that the rights of its children are mainstreamed in national development planning processes.

#### **UN WOMEN:**

- It is acknowledged that Dominica has made positive gains in adopting domestic policies which support gender equality and women's empowerment. It is one of the first countries in

the Eastern Caribbean to have adopted a Gender Policy, with then UNIFEM support, and UN Women continues to support the policy's implementation.

## II. Cooperation with human rights mechanisms

### A. Cooperation with treaty bodies

#### UNICEF:

1. It is noted that Dominica accepted the recommendation to submit pending reports to relevant treaty bodies.
2. UNICEF has been providing ongoing support to the Government of Dominica in support of their obligation to report under the Convention on the Rights of the Child (CRC). Delays have resulted from administrative and political processes at the review and approval stages by Government.
3. The initial reports under the Optional Protocol to the CRC on the Involvement of Children in Armed Conflict and the Optional Protocol on the CRC on the Sale of Children, Child Prostitution and Child Pornography are outstanding.
4. While UNICEF has extended the offer of technical and financial support for undertaking the reporting process, Government has not yet taken up the offer, citing their limited administrative capacity to carry out the process at this time.
5. While National Monitoring Committees on the Rights of the Child, comprising both state and civil society representatives, have existed from time to time, these Committees often lack the necessary structure, support and accountability to effectively carry-out their stated mandate on the one hand, and the necessary political will to effect the necessary changes appears low, on the other.

#### UN WOMEN:

It is noted that Dominica has yet to submit a state report to the CEDAW Committee, despite the fact that the Government came before the Committee with the understanding that a formal report would soon follow. A draft report has existed for quite a while, but has yet to be cleared by Cabinet. The line Ministry responsible for the report continues to advocate for its adoption and formal submission to the CEDAW.

## III. Implementation of international human rights obligations, taking into account applicable international humanitarian law

### A. Equality and non-discrimination

#### ILO:

##### 1) Rights of women

Dominica ratified **Equal Remuneration Convention, 1951 (No. 100)** in 1983 and **Discrimination (Employment and Occupation) Convention, 1958 (No. 111)** in 1983. However, the ILO Committee of Experts provided their comments in the form of Direct Request regarding these two conventions in 2012:

*C100: Legislation, Work of equal value<sup>1</sup>*

- With respect to its previous comments regarding section 24 of the Labour Standards Act (1977), which does not give full legislative expression to the principle of equal remuneration for men and women for work of equal value, the Committee note the Government's indication that the Industrial Relations Advisory Committee has discussed the matter and that recommendations have been forwarded to the Minister for Labour consistent with the proposed CARICOM Model Legislation on equal remuneration of work of equal value.
- The Committee asks the Government to provide information on the status of the recommendations forwarded to the Minister of Labour, and express the firm hope that the Government will be able to report progress in giving fully legislative effect to the principle of equal remuneration for men and women for work of equal value in the near future.

*C111: Gender equality<sup>2</sup>*

- The Committee note that the National Policy and Action Plan for Gender Equity and Equality in the Commonwealth of Dominica, 2006, indicates that men and women in the employment and occupational structure participates in the economy according to established gender roles, with a strong representation of women in the public service at junior and middle administrative ranks, and in sectors with lower earning potential than men. It goes on to highlight the importance of access to land as the primary factor in an agricultural economy, and notes that women have lower access to land to credit than men.
- The Committee asks the Government to provide information on the specific measures taken to follow up on the recommendations set out in the National Policy and Action Plan for Gender Equity and Equality to promote women's equality of opportunity and treatment in education, employment and occupation.
- The Committee also requests specific information on any measures taken to improve women's access to decision-making and management positions, and positions with improved career prospects, in both the public and private sectors.
- Noting that the National Policy refers to the need for sex disaggregated data to inform all economic policy actions, the Committee hopes that training, as well as in access to land and credit, will be collected and analysed, and asks that such information be provided.

Further, technical review of labour legislation on Equal remuneration for work of equal value (based on the review of CARICOM Model legislation by the Industrial Relations Advisory Committee) is one of the proposed activities on the **DWCP, Priority 1**.

2) Rights of persons with HIV/AIDS

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<sup>1</sup> [http://www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100\\_COMMENT\\_ID:3085328](http://www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID:3085328)

<sup>2</sup> [http://www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100\\_COMMENT\\_ID:3083204](http://www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID:3083204)

Under the **Priority 3 of DWCP** “Promoting inclusive workplace policies on HIV and AIDS, other chronic illnesses and person with disabilities”, development of national workplace policy on HIV and AIDS and Design and conduct of education programme are proposed. Further, under the ILO Programme and Budget 2012-13<sup>3</sup>, Outcome 8: HIV/AIDS The world of work responds effectively to the HIV/AIDS epidemic, Dominica has the specific country programme outcome (CPO) “Tripartite constituents in Dominica develop a national workplace policy on HIV/AIDS”. A number of activities were carried out to achieve the CPO in 2012-13.

## B. Right to life, liberty and security of the person;

### UNICEF:

1. The Bureau of Gender Affairs is spearheading a data collection process on gender-based violence with the support of UN Women, but there are challenges with its operationalization.
3. Meanwhile, UNICEF is supporting the Ministry of Social Services and Community Development to improve national interagency collaboration on reporting in line with the existing protocol, as stakeholders have identified this issue as one of the most significant factors undermining their ability to effectively respond to child abuse in Dominica.
4. The Division of Social Welfare within the Ministry is becoming more active in its public outreach to primary stakeholders in the fight against child sexual abuse, and has joined a national coalition comprising other state agencies and civil society organisations to begin ensuring that children’s protection becomes a part of the institutions of everyday life in the neighbourhoods and communities where children, live, study and play.
5. In 2009, UNICEF commissioned a study among selected Eastern Caribbean countries (**Report attached**), including Dominica to assess the perceptions and opinions on child sexual abuse to inform a behavioural change campaign. Significant myths abound related to definitions of sexual abuse and who is a child and need for protection of men who are primarily income earners of households.
6. As a result a multi-media campaign to raise awareness on child sexual abuse, as part of a wider child protection initiative campaign, with three strands was rolled out comprising: i) *Believe*: targeting mothers and female caregivers to believe their wards, investigate claims, report and follow-through cases of abuse; ii) *Real Men*: educating men about actions that constitute child abuse; persuading them not to engage in child sexual abuse and encourage their male friends not to engage in any actions that could lead to child sexual abuse; iii) *Tell Someone*: targeting children and general public on what are acceptable and unacceptable touches/behaviors and to tell a responsible person if one is uncomfortable with a situation so that help can be obtained. These radio and television public service announcements have been endorsed by state child protection agencies and are aired free of cost at primetime by the state radio and television station. (**Outline of Campaign attached**). This process has since been integrated into a larger subregional campaign on Breaking the Silence Against Child Sexual Abuse.
7. Dominica has also benefitted from subregional exchanges on good and best practices in managing the issue of child sexual abuse. In June 2013, UNICEF spearheaded a subregional forum in which countries shared information on national developments. Jamaica’s

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<sup>3</sup> <http://www.ilo.org/public/english/bureau/program/download/pdf/12-13/pbfinalweb.pdf>

institutional development around children's protection was particularly noted as a best practice that countries could emulate.

### C. Administration of justice, including impunity, and the rule of law

#### **UNICEF:**

1. It is noted that the Government of the Commonwealth of Dominica recommendations regarding the reform of the juvenile justice system.
2. As part of the policy development process for the development of a National Policy on Juvenile Justice, UNICEF supported an in-depth situational analysis (SITAN) carried out in late 2012 to provide a detailed overview and assessment of the juvenile justice system in Dominica, highlighting areas of concern to be addressed in the National Policy and Action Plan.
3. The SITAN found chiefly that:
  - a. Although there is a general perception that juvenile crime is on the rise, according to available court data from 2008 to 2011, the number of juveniles charged with offences, and the number of offences involving juveniles per year, have remained relatively constant with minor variations.
  - b. The most common offence for which juveniles are charged is theft, followed by battery, wounding and malicious damage. Property-related offences (theft, handling or receiving stolen goods, robbery) make up roughly one third (33%) of all juvenile offences charged, while fighting or other physical offences (including battery, wounding, throwing missiles, using an offensive weapon) make up another third (33%).
  - c. Despite wide perception that drug offences are common, they make up only 9% of all juvenile offences charged from 2008 to 2011. The most common drug offence by far which juveniles are charged with is possession of cannabis. Juveniles are rarely charged with serious violent crimes, such as murder, grievous bodily harm, or sexual offences.
  - d. Of all offences charged to juveniles in the last five years, around 7% involved serious violent offences. Juveniles are more commonly charged with non-physical minor offences involving "antisocial" behaviour, which make up around 12% of all juvenile offences charged, than either drug offences or serious violent crimes. These types of offences include disorderly conduct, vagrancy, threats or intimidation and using insulting language.
  - e. Most offences are committed by males.
  - f. Common sentences ordered by the Juvenile Court include fines or compensation payments, formal warnings, probation orders, suspended sentences or referral to a diversion program (FOTA at the Social Centre). Imposition of prison sentences upon juvenile offenders are not common, and are usually reserved for serious cases or persistent repeat offenders.
  - g. As of October 2012, there were eight juveniles held in the Dominica State Prison, including one on remand, and in April 2013, only 3 or 4. In the past, the juvenile population has ranged from 15 to 20 inmates, although prison officials report that the juvenile population is declining.
4. Nevertheless, stakeholders emphasize that here is still much work to be done. The current legal framework, rooted in outdated laws, emphasizes punitive measures over alternative measures to promote diversion. Support programmes, services and

institutions to assist juveniles in conflict with the law and promote rehabilitation are few, and an absence of coordinated preventive strategies to target the causes of juvenile offending and prevent juvenile involvement in crime in the first place.

5. The May 2013 draft National Policy and Action Plan on Juvenile Justice supported by UNICEF set out a comprehensive policy framework and a detailed strategic action plan for improvement of the administration of the juvenile justice system in Dominica and agrees with the URP recommendations.
6. The Policy and Action Plan have been laid before the Cabinet of Dominica for review, approval and identification of the necessary resources for its implementation.
7. UNICEF also supported technical assistance for Government's preparation of a proposal for a purpose-built facility to appropriately manage the care and rehabilitation of under 18 offenders who given custodial sentences as a last resort.
8. Under the USAID-funded OECS Juvenile Justice Reform Project, training has been extended to all professionals working with children in the juvenile justice system.
9. However, UNICEF is also in the early stages of negotiating a post graduate certificate course to be run by the University of the West Indies for pre-and in-service training of such professionals, to ensure the sustainability and ongoing this training.

#### G. Right to work and to just and favourable conditions of work

##### **ILO:**

##### 1) Minimum age

Dominica ratified **Minimum Age Convention, 1973 (No. 138)** in 1983.

According to the Employment of Children (Prohibition) Act, the minimum wage for employment is 12, but according to the Employment of Women, young Persons and Children Act, it is age of 14. Further, during the school year, the Education Act prohibits employing any child under age 16.

In this regard, the ILO Committee of Expert provided its comments in 2012 in the form of Observation:

- The Committee notes with satisfaction that the Education Act (No. 11) provides for a minimum age for admission to work of 16 years of age: this Act prohibits employing a child of school age during the school year (pursuant to section 46(1)) and defines compulsory school age as 5 to 16 years of age (pursuant to section 1); however,
- The Committee previously noted that, according to section 7(1) of the Employment of Women, Young Persons and Children Act, no young person (under 18) shall be employed or work during the night in any public or private industrial undertaking, other than an undertaking in which only members of the same family are employed. However, the Committee observes that there is no other provision which prohibits the employment of young persons in work which is likely to jeopardize their health, safety or morals.
- The Committee requests the Government to take the necessary measures to ensure that the performance of hazardous work is prohibited for all persons under 18 years of age.

## 2) The worst form of child labour

Dominica ratified **Worst Forms of Child Labour Convention, 1999 (No. 182)** in 2001.

However, the ILO Committee of Experts provided a number of comments on its implementation in the form of Direct Request<sup>4</sup> in terms of

- All forms of slavery or practices similar to slavery. Sale and trafficking of children;
- Use, procuring or offering of a child for the production of pornography and for pornographic performances;
- Use, procuring or offering of a child for illicit activities;
- Determination of hazardous work;
- Monitoring mechanisms;
- Programmes of action to eliminate the worst forms of child;
- Penalties;
- Effective and time-bound measures - Prevent the engagement of children in the worst forms of child labour - Access to free basic education; and
- Identify and reach out to children at special risk - Carib Indian children.

The fundamental problem here is there is no data on working children in Dominica. Consequently, there is no policies/programme with regard to the worst forms of child labour.

## H. Right to social security and to an adequate standard of living

### **ILO:**

In 2009 UPR Recommendations contains 2 items on Poverty Reduction, which were accepted by the Government, namely:

1. Continue to implement strategies and plans for the socioeconomic development of the country, in particular for the reduction of poverty; and
2. Continue to fight poverty with the support of the international community.

However, the Government report is silent in terms of poverty reduction including social protection system is provided in the government report except a little concerned information given in the section of “the Right to Drinking Water and Sanitation” and “the Right to Education and Health Care”.

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According to US Embassy report<sup>5</sup>, the Government's third medium-term Growth and Social Protection Strategy has an overall goal of poverty reduction.

Information of social protection should be added to the report, if it's not in a separate section, by compiling with rights to education, food & water, and health.

**UNICEF:**

1. After a comprehensive programme of fiscal and economic adjustment in 2002-2003, Dominica's economy grew by 4.74 per cent in 2003 and, except for 2005, positive growth was sustained until 2009, when the ramifications of the global financial crisis took hold. Relatively small but constant economic growth has been sustained in recent years. The country continues the quest for economic growth and stability (with projected rates of 1.69% in 2013 and 1.87% in 2014).
2. Recent Country Poverty Assessments (CPA) identified persistent dimensions of poverty in Dominica, mainly related to health, gender, agriculture, education, and crime. Government interventions have addressed some risks related with those dimensions.
3. The 2009 CPA reported impressive progress towards the attainment of the MDGs in a number of areas: the incidence of indigence, universal primary and secondary education for males and females, universal access to primary health care and improved housing conditions. The same 2009 Poverty Assessment recorded a reduction in the poverty headcount from 39% in 2003 to 28.8%. Indigence declined as well from 11% of the population in 2003 to 3.1% in 2009. Correspondingly, unemployment was estimated at 14% compared with over 20% in 2003.
4. In 2006 the Government of Dominica decided to start a Growth and Social Protection Strategy (GSPS) to pursue growth and poverty reduction in a comprehensive manner. The GSPS is to be up-dated periodically to account for changing circumstances and promote economic growth, reducing the poverty levels and improving the living standards of the population. Apart from the initial 2006 GSPS, two more versions have been produced in 2008 and, recently, in 2012.
5. Dominica has an extensive social safety net programmes consisting of Government- and NGO-administered programmes. However, the existing interventions are not interconnected and operate in isolation, resulting in administrative and operational inefficiencies, low coverage and inclusion errors which reduce the potential effects of the programmes.
6. The Government of Dominica has undertaken various efforts to address the identified challenges. Apart from the GSPS, the Social Security Reform was completed. An important effort was also made to improve the efficiency and effectiveness of the targeting mechanism and to develop the management information system (MIS). However, the implementation of the system was put on hold, postponing the opportunity to drive a well-intentioned reform process.
7. The existing social safety net programmes are not child and gender sensitive and does not incorporate the risks and vulnerabilities of children's life cycle. UNICEF is exploring a partnership with the government of Dominica to assist in child and gender sensitive social protection reform.

J. Right to education

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<sup>5</sup> <http://www.dol.gov/ilab/reports/child-labor/dominica.htm>

## UNICEF:

1. The government of Commonwealth of Dominica has afforded some priority to the education of its population.
  2. From 2005 the Government of Dominica achieved universal access to primary and secondary education with spaces in schools for all students - free of cost. Preschool services are largely private sector operated. The government recently signaled its intention to work towards universal access by providing spaces for the xx% currently not attending preschool. Those 3-5 years not in preschool are largely from poor households which cannot afford the fees.
  3. Currently health screenings are done for all students in Kindergarten and Grade 6.
  4. Whilst Dominica is currently seeking technical and financial support to review its education system as a means of strengthening its efforts to improve the quality of education services. Dominica is one of nine Organization of Eastern Caribbean States (OECS) to adopt a sub-regional level Education Strategy that identifies seven key Strategic Imperatives:
    - Improve the quality and accountability of Leadership and Management
    - Improve Teachers' Professional Development
    - Improve the quality of Teaching and Learning
    - Improve Curriculum and Strategies for Assessment
    - Increase (and expand) access to quality Early Childhood Development Services
    - Provide opportunities for all learners in Technical and Vocational Education & Training
    - Increase provisions for Tertiary and Continuing Education
- [http://www.oecs.org/uploads/edmu/OECS-Education-Sector-Strategy-2012-21\\_web.pdf](http://www.oecs.org/uploads/edmu/OECS-Education-Sector-Strategy-2012-21_web.pdf)
5. Since 1996 Dominican primary school students have been provided with free textbooks and in 1999 the government implemented a textbook rental scheme for secondary schools.
  6. UNICEF has provided technical and financial assistance to support the review and updating of the draft policy<sup>6</sup> for Early Childhood Development. The policy is designed to ensure that all children under eight have equal opportunities for participation in high quality early childhood programming.
  7. UNICEF has also has provided technical and financial assistance to support the review of the early childhood curriculum and subsequent implementation<sup>7</sup> of a child centred model to more effectively address the needs of the young child. The process included an assessment of the quality of programming in early childhood environments, the teachers and practitioners received initial training in the use of the interactive curriculum and the environments re-arranged and enhanced with a more adequate supply of educational materials to support learning and development.
  8. UNICEF has provided technical and financial support to the implementation of a bottleneck analysis<sup>8</sup> in the Early Childhood Development, Primary Education and Secondary Education sectors in Dominica. This analysis seeks to bring the strengths and challenges in the sector to the fore and to identify strategies for addressing the challenges, to ensure that all boys and girls, particularly those in vulnerable communities have equitable access to quality development and education.

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<sup>6</sup> ECD Policy was reviewed and updated in 2009 and 2012.

<sup>7</sup> The HighScope Curriculum Reform programme was implemented in 2009.

<sup>8</sup> Bottleneck Analysis, 2013.

## L. Persons with disabilities

### **ILO:**

1. **Priority 2 of DWCP**, Strengthening the Labour Market Information System involves the specific Outcome that “Persons with disabilities have equal access to employment and relevant training opportunities” and proposes the development of national policy and sensitizing/awareness raising programmes. Information of the initiative and its outputs needs to be added.

### **UNICEF:**

1. The Convention on the Rights of Persons with Disabilities was ratified on 1 October 2012. Whist there is on-going advocacy on the rights of people with disabilities there is no policy in this regard. There is an Association of Disabled People which advocates on behalf of the disabled. More recently the government has indicated its intention to establish a National Disability Council. (**Constitution attached**)
2. There are no separate policies on the education of children with disabilities, however *inclusiveness* is one of fundamental principles of Child Friendly Schools and strategies are being used to integrate children with disabilities in mainstream classrooms to the extent possible. Integral to CFS implementation is children’s participation and a key component of training is towards combatting discriminatory attitudes towards children with challenges, including but not limited to disabilities, and supporting and promoting their participation in all aspects of school and wider social life.