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Draft report of the Working Group on the Universal Periodic Review*

Dominica

* The annex to the present report is circulated as received

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Introduction

1. The Working Group on the Universal Periodic Review (UPR), established in accordance with Human Rights Council resolution 5/1 of 18 June 2007, held its nineteenth session from 28 April 7 to 9 May 2014. The review of Dominica was held at the 7th meeting on 1 May 2014. The delegation of Dominica was headed by H.E. Mr. Vince Henderson, Ambassador and Permanent Representative of Commonwealth of Dominica to the United Nations Headquarters in New York. At its 14th meeting held on 6 May 2014, the Working Group adopted the report on Dominica.
2. On 15 January 2014, the Human Rights Council selected the following group of rapporteurs (troika) to facilitate the review of Dominica: Mexico, Sierra Leone and Germany.
3. In accordance with paragraph 15 of the annex to resolution 5/1 and paragraph 5 of the annex to resolution 16/21, the following documents were issued for the review of Dominica:
 - (a) A compilation prepared by OHCHR in accordance with paragraph 15 (b) (A/HRC/WG.6/19/DMA/2);
 - (b) A summary prepared by OHCHR in accordance with paragraph 15 (c) (A/HRC/WG.6/19/DMA/3).
4. A list of questions prepared in advance by Germany, Liechtenstein, Mexico, Netherlands, Portugal, Slovenia, Spain and United Kingdom of Great Britain and Northern Ireland was transmitted to Dominica through the troika. These questions are available on the extranet of the UPR.

I. Summary of the proceedings of the review process

A. Presentation by the State under review

5. The head of the delegation stated that, in spite of challenges since political independence in 1978, the Government of the Commonwealth of Dominica had been able to bring about significant improvements in the lives of its people. There have been major strides in access to and delivery of quality education, healthcare, social services, protection of the rights of persons with disabilities, and to support indigenous people, women and the elderly. The Government is committed to human rights, social justice and equity, which are enshrined in Dominican Constitution, and continues to protect the rights to have access to basic services. Fundamental rights have become deeply rooted in the culture, traditions and way of life of the people of Dominica. He also pointed out that those who were elected must always respect the people's wishes and therefore, social changes must be driven by the people in a manner that reflect their collective acceptance.
6. Dominica recognizes its international obligations but resource constraints, both technical and financial, make it difficult to meet some of the international requirements. According to the Ambassador, the absence of a national human rights institution was not an indication of Dominica's unwillingness to protect the rights of individuals as even with limited resources the country has been able to guarantee the rights of individuals. Nevertheless, training and technical assistance is necessary. In that regard, he thanked the Office of the High Commissioner for Human Rights (OHCHR) for its assistance to meet the demands of reporting and implementing commitments made in UN conventions. Dominica looked forward to the continued support and collaboration from OHCHR.

7. Access to education has been increased at the pre-Kindergarten, primary, secondary and tertiary levels, and almost all children have access to pre-Kindergarten education and universal access to primary and secondary education. An unprecedented number of university scholarships have also been granted to Dominicans, including young people from the Carib territory, to pursue studies throughout the world, especially in Venezuela.

8. Primary healthcare system provides 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 his or her socio-economic status. The “Yes We Care Program” provides support and free home care to the elderly.

9. On the right to housing, the Housing Revolution, implemented by the Government since 2005, has provided homes for hundreds of families, including single mothers and indigenous population. Recently, the Government has announced the implementation of a new housing initiative that will make 1,000 houses available to families and will complement the national sanitation project aimed at providing families with modern hygienic toilets and access to potable water.

10. The head of the delegation explained that the Government had appointed a special commission to implement the commitments under the Convention of the Rights of Persons with Disabilities (CRPD), ratified in 2012. Such a commission will soon begin with its work and will present recommendations to implement policies to enhance the quality of life of people with disabilities. The Government of Dominica remained committed to the full inclusion of persons with disabilities.

11. Dominica has made significant strides in the protection of women and children, serving as an example the ratification in 2013 of the Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children. The Government is reviewing all legislations related to violence against women and children in an effort to strengthen their provisions. At domestic level, resources are provided to protect women and children, especially those who are victims of violence. Since 2011, children at risk or abandoned have been provided with accommodation, care and support.

12. The National Gender Policy adopted in 2006 has been updated and the Government will use its best efforts to provide the necessary resources for its implementation. The aim of the policy is to achieve gender equality and to strengthen the implementation of the Domestic Violence Act in order to reduce violence and discrimination against women. A National Strategic Plan on Gender-based Violence will also soon be submitted for approval but additional resources will be necessary for its implementation. In 2011, a Central Registry on Domestic Violence was established in the Bureau of Gender Affairs, in which a record of all cases of domestic violence reported is stored.

13. Efforts are also on-going towards continued public sensitization on gender-related issues. Activities include a *Blow the Horn Motorcade to end Gender-based Violence*, a *Silent Protest against sexual violence, especially child sexual abuse*, as well as workshops and seminars with Police and community leaders on violence against women and children.

14. The Education Act no. 11 of 1997 allows for the administering of corporal punishment but it is illegal for a teacher not authorised to administer corporal punishment. Furthermore, where authorised, several guidelines must be followed. The Ministry of Education encourages alternatives means of discipline, which are reducing the use of corporal punishment.

15. The head of the delegation highlighted that there had been a self-imposed moratorium on the use of the death penalty since 1986. However, the popular sentiment in the country is for the reintroduction of executions for cases of murder. Therefore, the

Government has taken the position that the death penalty will remain within the jurisdiction of the judiciary and will continue to be guided by the existing law. 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, in which the death penalty is the maximum penalty for murder although to be imposed only for the most serious killings.

16. Freedom of expression is promoted by Dominica but the views expressed by individuals and groups opposed to the Government must be within the legal provisions protecting persons from libel and slander. Journalist thus must be held responsible within a democracy. Nevertheless, since independence no one has been criminally charged for libel or slander.

17. Since 2000, the Government has placed special emphasis on indigenous people, the Caribs. A Ministry of Carib Affairs was created to facilitate the delivery of Government services, programs and projects. The residents of the Carib territory have been the beneficiaries of actions in healthcare, education, housing, social services, agriculture and tourism development, and small business support programs. As a result, Carib people have attained equal, and in some cases greater access, to Government services than the rest of the Dominican population.

18. Most in detailed, the delegate indicated that residents from the Carib territory had received free access to healthcare and recent investments had improved healthcare services locally. Likewise, the indigenous population throughout Dominica has equal access to education, and in particular Carib children have universal access to secondary education and post- secondary education is also provided to Carib students since 2000.

19. Moreover, the Government has constructed 73 houses for families in the Carib territory over the past 10 years yet the communal ownership of land in the Carib territory makes it difficult for the residents to acquire normal commercial financing for the construction of homes since they have no individual title and land ownership.

20. Similarly, the Government has invested in special facilities for the showcasing and sale of the products of Carib territory. Farmers in the Carib territory benefit from assistance in agriculture and members of indigenous population receive assistance to develop small businesses and employment under the National Employment Programme and the Small Business Support Program and the Dominica Youth Business Trust.

21. On the issue of women participation in political life, Dominican women gained the right to vote and to contest elections in 1924. Consequently, they have been serving in Parliament for more than 60 years 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. 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. 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 Ambassador ensured that the Government would continue to support women in politics.

22. The Dominican Constitution guarantees the protection to all individuals from discrimination based on their race, place of origin, political opinions, colour, creed or sex as well as guarantees the right of freedom of association. The head of the delegation indicated that the Government had never used fear or intimidation to prevent defenders of any cause from exercising their rights and that there was no law requiring individuals to state their sexual preference or conscientious position when associating. The Act only criminalizes the act and not what may be considered to be physical manifestations or association, and the State has not arrested or prosecuted anyone under that law. That being said, the

Government is not prepared to introduce however to the Parliament any legislation to decriminalize sexual relations between adults of the same sex.

23. In 2012, the Government of the Commonwealth of Dominica joined Members of the United Nations to support the Resolution against Extrajudicial Killings in solidarity to people who continue to be punished without due process of law. Hence, there is not a need for the Government to take any follow up measures pursuant to that Resolution.

24. 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 affected by the disease. Counselling, drugs and other treatment are provided to all people infected by the disease irrespective of sexual orientation. However, the challenge of removing the stigma and the taboo associated with the disease has been very difficult but efforts continue to be made to educate the public in Dominica.

25. 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 Government also aspires to provide education, healthcare, housing, employment and access to water and sanitation. Over the past decade, Dominica has made significant strides towards achieving these goals but there still remains a lot of work to be done.

26. The head of the delegation concluded that, as a Small Developing State, Dominica continued to struggle to ensure that its people were provided with a decent quality of life but limited human and financial resources make it difficult to meet international human rights commitments. Ratification of treaties comes with the burden of reports, plans of implementation and resources to give domestic effect. Therefore, he called on OHCHR to provide support and to develop a program of assistance to provide technical support and training to Dominica in order to meet outstanding and future obligations.

B. Interactive dialogue and responses by the State under review

27. During the interactive dialogue, 48 delegations made statements. Recommendations made during the dialogue are to be found in section II of the present report.

28. Malaysia welcomed the update on progress made by Dominica in the implementation of recommendations received during the first review and efforts made in combatting violence against women and children, despite the challenges in preparing its report. It further recognized the challenges hindering Dominica from advancing the human rights of its people due to its financial constraints. It encouraged the country to continue implementing programs on HIV/AIDS and to continue its efforts to improve human rights.

29. Maldives commended progress made in promoting human rights since the last review, including extending a standing invitation to all Special Procedures, the ratification of the CRPD and the announcement of the establishment of a National Disabilities Council. It acknowledged the attention paid to the rights of the child. It believed that small states like Dominica required financial and technical assistance to strengthen national human rights mechanisms.

30. Mexico recognized the efforts made by Dominica to take part in the review, which demonstrated its commitment. It valued the de facto moratorium on the death penalty observed by Dominica since 1986 but expressed concerned that this penalty was still part of the national legal framework. It trusted that the review will help Dominica to overcome challenges and remained available to share its experience with the country.

31. Montenegro appreciated that Dominica had extended a standing invitation to all human rights Special Procedures and acknowledged efforts to implement the National Policy and Action Plan for Gender Equality and Equity. Montenegro asked about activities envisaged by Dominica to change or amend legislation to ensure that hazardous work is prohibited for all persons less than 18 years of age.

32. Morocco noted the difficulties that prevented Dominica from presenting a written report for review. However, Dominica's commitment to the UPR was demonstrated by its participation in the review. The delays in submitting reports to other human rights mechanisms were as a consequence of prevailing challenges. It noted that Dominica did not have a national human rights institution because of a lack of resources. It congratulated Dominica on efforts regarding the right to education.

33. The Netherlands commended the progress made by Dominica on the advancement and promotion of women's rights, gender mainstreaming and the overall empowerment of women, and hoped that this would be sustained and lead to equal rights for women. It expressed concern about the situation of LGBT persons in Dominica, mainly when it comes to the unsafe environment for human rights defenders advocating equal rights for LGBT persons.

34. Nicaragua noted the challenge that the second review had posed on Dominica and despite not having a national report, it indicated it was aware of progress made by the country, in particular with regards to women, the rights to education and health. While being aware that Dominica was a country with a small economy and many social and economic challenges, Nicaragua urged Dominica to continue making efforts to strengthen its national policies to guarantee human rights.

35. Paraguay welcomed the decision of Dominica to reform the legal framework to address domestic violence and physical ill-treatment of children. It encouraged Dominica to document these and other challenges in a report to the Committee on the Elimination of Discrimination against Women. It took note of the ratification of the CRPD and Dominica's plans to establish a National Council on Disabilities. It acknowledged improvements in the health sector.

36. Portugal welcomed that since the last review Dominica had extended a standing invitation to the Special Procedures of the Human Rights Council. It further welcomed the review of the legal framework to combat domestic violence and physical child abuse, as well as the achievement of universal free-of-cost access to primary and secondary education.

37. Singapore noted that despite challenges faced by Dominica as a Small Island Developing State, progress had been made in the promotion and protection of human rights. Singapore took positive note of achievements in improving public health and the emphasis placed on the promotion of gender quality and to combat gender-based violence, noting in particular the legislative framework in place to protect women against violence.

38. Slovenia commended Dominica for its efforts to address domestic violence and physical abuse of children, and for its positive gains regarding gender equality and women's empowerment. It encouraged Dominica to continue fighting discrimination and prejudice against LGBTIs. While noting that the death penalty as the capital punishment was not applied in practice since 1986, Slovenia was concerned that it continued to be retained.

39. Spain recognized efforts made by Dominica, including extending an open and standing invitation to the Special Procedures of the Human Rights Council. It commended Dominica for the adoption of policies to protect women but noted that violence against women continued to be prevalent. It expressed concern at cases of corporal punishment in

prisons and detention centres, as well as in educational centres. Spain noted that unemployment rates and basic social indicators showed a gap between the Kalinago population and other citizens.

40. Cuba acknowledged efforts made by Dominica to promote and protect human rights, in particular the adoption of national policies on gender equality and women empowerment as well as improvements on the health sector reflected in a decrease of the under-5 child mortality. It highlighted Dominica's broad national cultural policy, improvements on the right to education, which is universal and free, and efforts to protect the rights of people with HIV/AIDS.

41. The State of Palestine commended Dominica's efforts to enhance the situation of human rights despite constraints. Dominica has adopted legislation and policies supporting gender equality and women's empowerment. It also commended efforts to integrate information and communication technologies into the education system.

42. Thailand noted that Dominica became party to several international human rights instruments and encouraged similar action to other key international human rights treaties. It acknowledged the social and safety net programmes and encouraged the integration of all programmes to maximize their potential effect. Thailand expressed appreciation for efforts to improve the rights of children. It also expressed its willingness to share experiences on the protection of human rights. It encouraged the international community to provide assistance and technical cooperation, upon request.

43. Trinidad and Tobago empathised with the challenges faced by Dominica in seeking to safeguard its ecological integrity, while improving the standards of living of its citizens within the framework of equitable and sustainable development. It noted the continued steps taken in maintain the self-autonomy and the rights of the Kalingo people.

44. The United Kingdom of Great Britain and Northern Ireland welcomed the progress made in the advancement of women's rights, gender mainstreaming and women's empowerment, as well as efforts to fight poverty and the ratification of a number of conventions. It expressed concern that Dominica committed to ratify other treaties but had not done so, which might have been as a consequence of capacity constraints. It encouraged Dominica to establish a formal moratorium on executions with a view to eventually abolishing the death penalty.

45. The United States of America stated that despite efforts, domestic violence remained a serious problem with support systems for survivors and resources for enforcement agencies being insufficient. A critical gap exists in the legal framework to keep children away from the worst forms of child labour. It remained concerned about the criminalization of consensual same-sex activity between adults. Also, LGBT victims of violence and harassment often avoid reporting the abuse.

46. Uruguay appreciated efforts made by Dominica to participate in the review, a clear indication of its commitment with the UPR. Uruguay highlighted progress made in the national agenda for the promotion and protection of human rights since the last review, noting in particular the open invitation extended to Special Procedures.

47. Venezuela (Bolivarian Republic of) welcomed the efforts made by Dominica in the implementation of recommendations received during the first review, notwithstanding the challenges faced. It highlighted, *inter alia*, the ratification of the CRPD and its Optional Protocol, as well as the Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children. It acknowledged achievements in reducing unemployment, ensuring free and universal access to education and fighting sexual abuse against children.

48. Algeria stated that it understood the reasons for Dominica not submitting a national report. It requested to know about the support that international community and OHCHR could provide, to enable Dominica to fulfil its obligations, in particular the submission of reports. Algeria welcomed the ratification of the CRPD and its Optional Protocol, as well as the additional protocol to the United Nations Convention against Transnational Organized Crime. Algeria wished that Dominica could benefit from international capacity building assistance.

49. Argentina congratulated Dominica for having ratified the CRPD and its Optional Protocol, as well as the Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children. It encouraged Dominica to ratify other international human rights instruments to which it was not a party yet. It urged Dominica to continue adopting measures to address domestic violence and physical ill-treatment of children.

50. Armenia noted that Dominica had not ratified a number of core international human rights instruments and stressed the importance of the ratification of the Convention on the Prevention and Punishment of Genocide. It commended the efforts made in the realization of the right to education and called for the introduction of human rights education in school and university curricula. Armenia welcomed the improvement in relation to the right to health and valued also the efforts to promote the rights of persons with disabilities and of women.

51. Australia remained concerned by the legal provisions criminalising sexual relations between LGBTI persons. It commended Dominica for the ratification of the CRPD and the Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children. It welcomed the de facto moratorium on executions but remained concerned that legislation allowed for the death penalty.

52. Bahamas expressed appreciation for challenges experienced by Dominica in relation to financial and human resource constraints, climate change and natural disasters. Dominica has sustained a strong parliamentary democracy, promoting and protecting human rights, within the context of respect for rule of law. It commended Dominica for the review of its legal framework, particularly to combat domestic violence and physical abuse of children. It noted the multimedia campaign to raise awareness of sexual abuse of children. It applauded the adoption of legislation supporting gender equality. Bahamas was ready to support Dominica in the promotion of human rights.

53. Barbados commended Dominica for efforts to strengthen its legal framework and protect human rights; to review legislation related to domestic violence and physical abuse of children; to reduce under-5 mortality rates; and to improve school improvement rates. Dominica was committed to enhancing the social and economic rights of its citizens but considerable amount of resources was required. Barbados called for greater sensitivity by the donor community in recognizing the unique financing difficulties faced by small states. It recognized Dominica's challenges to integrate international obligations into national legislation.

54. Benin welcomed the progress made by Dominica in implementing recommendations from the first review. It noted the adoption of laws and policies promoting equality and the empowerment of women, the creation on national committees to monitor the rights of the child, and the ratification of the CRPD and its Optional Protocol.

55. Bolivia (Plurinational State of) commended Dominica for its detailed presentation and highlighted progress made since the last review. It commended Dominica for the ratification of important international human rights instruments, among which the CRPD.

56. The head of the delegation thanked the contributions made by States and acknowledged that most of the concerns would have been responded to by a national report.

He in particular recognized the contribution and support of the CARICOM members as well as members from the ALBA and OASIS.

57. He reiterated that Dominica was a Small Island Developing State with severe challenges brought about by the hostile global economy and other institutional pressures. The country has lost preferential treatment for the agricultural sector and is struggling with the issue of development. These are harsh realities that Small Island Developing States are faced with. Dominica is also vulnerable to natural disasters and every year it has to respond to the damage caused by severe weather. However, the country has provided support to the people so as to ensure a better quality of life.

58. Despite major developments, there is still a lot of work to be done on the state of development. There are communities in Dominica where people still do not have access to safe drinking water and the country has not been able to make the investments to ensure that potable water is available, especially to small and rural communities. However and fortunately with the assistance from the EU and other development partners, such as Venezuela and Cuba, by 2015, every community in Dominica will have access to potable water.

59. The country continues to struggle with providing opportunities for children and significant progress has been made thanks to the assistance of partners, such as Morocco and Mexico.

60. The delegate indicated that significant work had been done to improve the lives of the people in the Carib territory, in particular in the education sector. The country has done everything to ensure that indigenous people have the kind of attention that could advance their lives.

61. He emphasized that the Government was paying attention to violence against women in particular. In 2001, a Domestic Violence Act was passed and although there is a lot of work to be done, the Government has provided protection through the Domestic Violence Act and through services despite resource constraints.

62. Child labour was another area in which the delegate believed that everything possible should be done to ensure that children were not forced to work, and understood the need to review the laws in order to protect children from hazardous work. That is definitely something that Dominica will pay attention to.

63. There has been a diminishing use of corporal punishment but several associations in Dominica continue to criticize the Government for having such rigorous guidelines for corporal punishment. The Government's view is that the country should move away from the use of corporal punishment as far as possible, so that is something that the country will continue to work on.

64. The delegation explained that Dominica had provided support to persons with disabilities although he recognized that there was still a lot of work to be done. It is a work in progress but a very expensive undertaking.

65. He concluded by saying that sometimes the efforts made by Small Island Developing States were greeted with hostility. The trade sector is one of Dominica's biggest concerns since the country has lost preferential treatment, especially in the European market, and therefore trying to bring about economic development is not easy. Likewise, the global economic crisis from 2008 has hit Dominica and therefore the country has found itself severely financially constrained. Most of the commitments that the UPR is requesting require some financial investment and therefore the representative of Dominica called on the international community to assist the country in its endeavours.

66. Brazil was pleased to learn that Dominica had undertaken the review of its legal framework and administrative practices and policies with a view to strengthening the combat of domestic violence and physical abuse, particularly against women and children, a recommendation of the last review. It was notable several improvements in the education sector. Brazil noted that respect to sexual orientation required urgent attention. Another area that requires more attention is the right to life.

67. Canada noted that in 2010 Dominica agreed to establish greater support systems for women seeking shelter from domestic abuse in terms of more secure housing. It therefore asked the delegation to provide information on progress achieved so far. Canada welcomed the ratification of the CRPD as well as the Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children.

68. Chile took note of the various programmes implemented for the promotion and protection of human rights. It urged Dominica to continue with this process with a view to guarantee the full enjoyment of human rights, with the support of the international community and relevant technical assistance.

69. China was pleased with Dominica's efforts to eliminate poverty and noted that the country was committed to protecting the rights of vulnerable groups, such as women and children and it had promoted gender equality and improved health and education. The infant mortality rate has declined; most of the population have access to safe drinking water; and the enrolment rate of children in schools has increased. China understood the challenges faced by Dominica as a Small Island State and called on the international community to provide assistance in the areas of finance, technology and capacity building.

70. Costa Rica regretted the lack of Dominica's national report, which is an important UPR document. However, it congratulated the country for the measures taken to improve the situation of children, such as the awareness-raising campaign on sexual abuse of children and the review of its legal framework so as to strengthen the combat of domestic violence and ill-treatment of children. It acknowledged improvements in the areas of health and education and urged to prohibit corporal punishment. Costa Rica hoped that Dominica will abolish death penalty.

71. Sri Lanka welcomed efforts taken by Dominica to promote human rights despite challenges faced. It took note of Dominica's commitment to reform its legal frameworks and administrative measures to combat domestic violence and physical abuse of children. It acknowledged initiatives taken to achieve gender equality and the efforts to implement the National Gender Policy. Sri Lanka encouraged Dominica to facilitate further access to education for all, by allocating adequate resources and reinforcing teacher training.

72. The Democratic Republic of Congo noted that Dominica had undertaken a review of its legislative framework; had taken steps to strengthen the framework for combating domestic violence and child abuse; had ratified the CRPD; and had issued a standing invitation to Special Procedures. It noted however delays in the submission of reports to treaty bodies. It requested to know about measures adopted to promote harmonious social integration of ethnic minorities.

73. Denmark commended Dominica's engagement with the UPR through accepting a large number of recommendations at its first review. However, in some areas little progress has been reported. It noted in particular the lack of progress in the fight against torture and that Dominica has not ratified the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. It highlighted an initiative launched by several countries to assist Governments to overcome obstacles to the ratification of that Convention.

74. Ecuador acknowledged Dominica's efforts to implement previous recommendations, in particular those promoting the right to health. It highlighted the Common Fund on Basic Needs aimed at providing resources to communities in order to improve their access to basic services, increase employment and reduce poverty. It commended the ratification of the CRPD and offered the sharing of best practices in that regard.

75. Ethiopia commended Dominica for measures taken to ensure access to education and welcomed efforts to ensure primary health care.

76. France welcomed Dominica's ratification of the CRPD and the issuance of a standing invitation to Special Procedures mandate holders.

77. Germany requested to know the reason Dominica had not submitted a national report. It acknowledged the progress made by the country to fully realise the human rights of its citizens, in the areas of combating domestic violence and physical abuse of children. It called for the abolition of corporal punishment and noted that LGBTI persons were exposed to prejudice and violence due to the criminalization of consensual same-sex activity.

78. Ghana welcomed the cooperation of Dominica with Special Procedures mandate holders and commended the country for steps taken to implement some recommendations accepted during its first cycle review, including the ratification of the CRPD and its Optional Protocol. It expressed the hope that Ghana will become a party to the Convention on the Prevention and Punishment of the Crime of Genocide.

79. Indonesia noted that Dominica had faced challenges in implementing several commitments made during the first cycle review and stated that there was a need for concrete steps to fulfil those commitments. Establishing a national human rights institution should be one of those priorities. Addressing the right to education was fundamental to the achievement of the Millennium Development Goals.

80. Iraq appreciated the drafting of a human rights plan as well as the efforts in the review of its legislation, and concerning domestic violence, child abuse and gender equality. It expressed support for Dominica's efforts to continue these efforts.

81. Ireland encouraged continued improvements in the areas of combating domestic violence and physical abuse of children, and gender equality and empowerment of women. It commended Dominica for issuing a standing invitation to Special Procedures mandate-holders. It urged consideration of the abolition of the death penalty and the ratification of the Second Optional Protocol to the International Covenant on Civil and Political Rights. It expressed concern about the criminalization of consensual same-sex activity and defamation and regretted that recommendations made during the first cycle regarding the Sexual Offences Act did not enjoy the support of Dominica. It was also concerned that defamation was a criminal offence.

82. Italy welcomed progress achieved on the promotion of human rights. It noted that Dominica was not a party to some fundamental international treaties and requested to know whether accession to those instruments had been envisaged. It appreciated the long standing moratorium on capital punishment, as well as the on-going debate on the death penalty.

83. Jamaica stated that despite the absence of a national report, Dominica's commitment to the UPR mechanism must be recognised. Capacity constraints and resources challenges of Small Island Developing States can prevent compliance with their reporting obligations and strongly supported efforts to strengthen technical assistance and capacity building, in particular from OHCHR, on how to meet reporting and implementation obligations. Jamaica welcomed measures such as the review of the legal framework, efforts to combat domestic violence and child abuse and to support gender equality and women's empowerment. It was pleased with the accession to the CRPD.

84. Kenya acknowledged that Dominica had upgraded its legal and administrative frameworks to reform laws, policies and practices, noting in particular the strengthening of the framework to combat domestic violence and physical abuse of children. It acknowledged challenges faced by the country that required Dominica's attention in the future.

85. Sierra Leone understood the difficulties for a small island nation to prepare national reports but encouraged Dominica to submit its overdue reports to relevant treaty bodies and provide further information on their ongoing progress in the implementation of the UPR recommendations. It commended Dominica on the extensive reviews it had undertaken to establish legal frameworks and administrative measures aimed at reforming its national laws. It urged to implement an inclusive health plan, to combat gender-based violence and to harmonize a protection framework for stateless persons.

86. The head of the delegation thanked again all delegations for their contributions and noted their extensive recommendations on matters that would continue to occupy Dominica's efforts. He recognized that much had been accomplished but much needed to be done. Dominica continues to remain committed to the process and to meet its obligations.

87. With respect to ratifications of conventions, Dominica's constraints to meet obligations on the conventions already ratified, has led the country to take a deep look at further commitments. However, he welcomed OHCHR assistance in that regard. Dominica would like to have a meaningful dialogue on the capacity matter to see how the country will meet the obligations emerging from various conventions signed and will provide adequate information for those conventions.

88. The delegate reiterated that the Government was elected to represent the people and it was the people who had to determine for themselves the transformation of society, but this process would take time, effort, education and public information. It was more beneficial to have the engagement from the ground up and to ensure that the process included the people so that there was wider public acceptance of some of the values that the UPR Working Group wished to transfer. He noted that several countries had taken centuries to rid themselves of some of the issues that the UPR Working Group was asking Dominica to do but the country remained open to dialogue. He thus invited the UN agencies, NGOs, international organizations and other States to engage with Dominica.

89. He repeated that all children from Dominica had access to primary and secondary school. More specifically, the Government has the willingness to ensure education for children with disabilities but the limited resources is a real challenge. The delegation hoped that those countries that had raised those concerns would engage with Dominica bilaterally so that they could work towards achieving that goal.

90. The head of the delegation invited the UPR Working Group to revisit the concern about the unsafe environment of human rights defenders because in Dominica there was any form of violence towards them and neither any unsafe environment of fear and intimidation for any group.

91. He acknowledged the efforts made by NGOs on the ground, in particular to end violence against women. With strong advocacy of the Dominica National Council on Women and other groups, Dominica was able to prepare a Domestic Violence Act that protected the rights of women.

92. To conclude, once again he thanked the Working Group and stated that Dominica had to continue to make efforts to improve their system of governance and the opportunities for the people as well as to provide equal rights to the people. He remembered that Small Island Developing States were faced with tremendous challenges and in order to overcome

those challenges, it was important to work cooperatively to ensure that interventions were made in the areas where they were needed the most. It was in that spirit that the head of the delegation welcomed all States, all UN agencies and the NGOs to work closely with the Government and people of Dominica.

II. Conclusions and/or recommendations**

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

- 93.1 **Ratify the International Convention on the Elimination of All Forms of Racial Discrimination (Trinidad and Tobago);**
- 93.2 **Ratify the International Convention on the Elimination of All Forms of Racial Discrimination (France);**
- 93.3 **Ratify the International Convention on the Elimination of All Forms of Racial Discrimination (Portugal);**
- 93.4 **Ratify the International Convention on the Elimination of All Forms of Racial Discrimination (Sierra Leone);**
- 93.5 **Become party to the International Convention on the Elimination of All Forms of Racial Discrimination (Australia);**
- 93.6 **Prioritize the need to become party to the International Convention on the Elimination of All Forms of Racial Discrimination (Ghana);**
- 93.7 **Plan to ratify the International Convention on the Elimination of All Forms of Racial Discrimination (Democratic Republic of the Congo);**
- 93.8 **Continue to give serious consideration to ratification of the International Convention on the Elimination of All Forms of Racial Discrimination (Jamaica);**
- 93.9 **Consider ratifying the International Convention on the Elimination of All Forms of Racial Discrimination (Kenya);**
- 93.10 **Ratify the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, as previously accepted (Denmark);**
- 93.11 **Ratify the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Montenegro);**
- 93.12 **Ratify the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (France);**
- 93.13 **Ratify the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Sierra Leone);**
- 93.14 **Ratify the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (United Kingdom of Great Britain and Northern Ireland);**
- 93.15 **Prioritize the need to become party to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Ghana);**

Conclusions and recommendations will not be edited

- 93.16 Consider ratifying the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Kenya);
- 93.17 Ratify the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and its Optional Protocol (Spain);
- 93.18 Ratify and implement the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, as well as its Optional Protocol (Benin);
- 93.19 Consider the possibility of ratifying the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and its Optional Protocol (Ecuador);
- 93.20 Step up its efforts and strengthen its measures to ensure gender equality by ratifying the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women (Netherlands);
- 93.21 Ratify the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination Against Women (Portugal);
- 93.22 Ratify the International Convention for the Protection of All Persons from Enforced Disappearance (France);
- 93.23 Ratify the Optional Protocol to the Convention on the Rights of the Child on a communications procedure (Portugal);
- 93.24 Ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (Sierra Leone);
- 93.25 Prioritize the need to become party to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (Ghana);
- 93.26 Accede to the International Convention on the Prevention and Punishment of the Crime of Genocide (Armenia);
- 93.27 Prioritize the need to become party to the Convention on the Prevention and Punishment of the Crime of Genocide, taking into account the fact that the Commonwealth of Dominica is party to the Rome Statute on the International Criminal Court (Ghana);
- 93.28 Ratify the ILO Convention No. 189 concerning Decent Work for Domestic Workers (Uruguay);
- 93.29 Consider establishing a national human rights institution in line with the Paris Principles (Kenya);
- 93.30 Consider the creation of a national human rights institution or Office of the Ombudsperson, in conformity with the Paris Principles (Nicaragua);
- 93.31 Consider the possibility of establishing a national human rights institution in line with the Paris Principles that govern these mechanisms, while also asking for technical and financial assistance (Morocco);
- 93.32 Accelerate the studies and internal procedures required for the establishment of a National Human Rights Institution in conformity with the Paris Principles, in cooperation with the Office of the High Commissioner for Human Rights (Uruguay);
- 93.33 Call upon the OHCHR to provide technical assistance to Dominica for the establishment of a National Human Rights Institution, which is an

essential building block for the progress of human rights, as previously recommended by Maldives during the first cycle (Maldives);

93.34 Continue strengthening the protection and promotion of human rights through its institutions, legislation and public policies (Bolivia (Plurinational State of));

93.35 Promote human rights education and capacity building (Armenia)

93.36 Seek technical assistance in order to further advance the dissemination of human rights in the country (Sierra Leone);

93.37 Continue making efforts to advance in meeting its commitments under the international instruments to which the State is a Party (Nicaragua);

93.38 Strengthen the cooperation with the treaty bodies by requesting necessary technical assistance to this end (Algeria);

93.39 Consider to request technical assistance from the international community, including from the Office of the High Commissioner for Human Rights, in particular in terms of capacity building in order to allow it to overcome the challenges linked to the delays in submitting its reports to the human rights mechanisms (Morocco);

93.40 Collaborate with various United Nations human rights mechanisms and submit the outstanding reports to the treaty bodies (Paraguay);

93.41 Building on its constructive engagement in this session strengthen its efforts to bring its reporting obligations up to date as soon as possible (Jamaica);

93.42 Undertake the necessary efforts to submit the corresponding periodic report to CEDAW, indicating specifically if the Penal Code of Dominica provides for the definition of any type of violence against women as a criminal offence (Uruguay);

93.43 Request greater efforts being made by OHCHR to further assist capacity constrained Small states in the Caribbean such as to address the challenges faced by Dominica in harmonizing and integrating international obligations with national legislation, as well as the increasing reporting obligations attendant thereto (Barbados);

93.44 Strengthen the efforts to fight against discrimination, guaranteeing the physical and mental integrity of the population (Ecuador);

93.45 Continue its work towards the eradication of acts of racism and other forms of discrimination and intolerance (Bolivia (Plurinational State of));

93.46 Continue supporting the efforts to empower women and to promote and protect children's rights, including by providing adequate financial and human resources to implement policies and programmes afforded to them (Malaysia);

93.47 Take further steps to protect the rights of persons with disabilities and the rights of women and children, including through strengthening support services (Australia);

93.48 Implement education and awareness raising programmes on gender equality in the framework of efforts to combat stereotypes conducive to domestic violence and discrimination against women (Mexico);

- 93.49 Continue the efforts to protect the rights of persons affected by HIV/AIDSs (Cuba);
- 93.50 Consider the promotion and protection of the rights of peasants and other people working in rural areas (Bolivia (Plurinational State of));
- 93.51 Continue its efforts in eliminating violence against women and girls to provide a safe living environment for them (Singapore);
- 93.52 Speed-up the process of adoption of the national strategic plan on gender-based violence (Ethiopia);
- 93.53 Ensure relevant agencies have sufficient resources and staff to enforce existing domestic violence laws (United States of America);
- 93.54 Undertake an assessment of the active policies for the protection of the rights of women and strengthen the mechanisms to tackle gender-based violence, with particular emphasis on employment, education and awareness raising, as well as the system for compiling data on gender-based violence (Spain);
- 93.55 Ensure compliance with its international obligations through the implementation of effective legislative and other measures to protect women and girls from domestic and sexual violence, including sexual harassment, by prohibiting sexual harassment, and establishing the administrative procedures by which sexual harassment complaints can be investigated and perpetrators held accountable (Canada);
- 93.56 Take further measures to address domestic violence and physical child abuse, including by ensuring adequate reporting of child abuse (Portugal);
- 93.57 Take effective measures to respond to child abuse by establishing a comprehensive child protection policy (Trinidad and Tobago);
- 93.58 Adopt administrative and legislative measures to combat domestic violence and physical ill-treatment of children (Chile);
- 93.59 Continue efforts to protect the rights of the child, by taking all necessary measures to combat violence against children and child labour (France);
- 93.60 Adopt a comprehensive list of hazardous work prohibited to children and amend its laws to raise the minimum age for employment to at least 15 and to expressly prohibit the use, procuring or offering of a child for pornography (United States of America);
- 93.61 Implement actions and immediate measures for the elimination of the worst forms of child labour, in conformity with the ILO Convention No. 182 (Uruguay);
- 93.62 Take further measures to improve women's access to decision-making and management positions, and to positions with improved career prospects, in both the public and private sectors (State of Palestine);
- 93.63 Continue its efforts by developing and supporting consultative mechanisms whereby children are able to communicate with government agencies (Thailand);

- 93.64 Take the necessary steps to ensure equal access to employment and training opportunities to the Kalinago people and persons with disabilities (Trinidad and Tobago);
- 93.65 Continue to prioritise poverty alleviation in its socio-economic development so that its people will better enjoy their right to life and their right to development (China);
- 93.66 Continue strengthening social plans and programmes under implementation to combat poverty, exclusion and social inequality, with an emphasis on employment, food and health for the benefit of the population, with particular attention to those most vulnerable sectors, and for which it is extremely important to have the support, assistance and cooperation of the community of nations (Venezuela (Bolivarian Republic of));
- 93.67 Further strengthen measures to ensure equal access to health services for all, while giving special attention to the needs of children, women and elderly persons (Sri Lanka);
- 93.68 Continue, in cooperation with WHO, to improve its national health care system and ensure access to quality health care for all (Singapore);
- 93.69 Continue its efforts to promote and protect the full enjoyment of the right to education for all (Portugal);
- 93.70 Strengthen measures to enhance access to education (Ethiopia);
- 93.71 Intensify its efforts to promote and protect the full enjoyment of the right to education and take further steps to make access to education easier for all, including by allocating adequate resources and by reinforcing teacher training (State of Palestine);
- 93.72 Continue its efforts to make access to education easier for all, including by allocating adequate resources for education for their people (Indonesia);
- 93.73 Continue to focus on the overall improvement in the quality of education provided and make access to education easier for all (Malaysia);
- 93.74 Provide an inclusive education for all children, in particular children with disabilities and migrant children (Thailand);
- 93.75 Continue to strengthen the national cultural policy (Cuba);
- 93.76 Promote cross-cutting measures to prevent discrimination against persons with disabilities in the education system, including measures that allow for a safe physical access to education centres and classrooms (Mexico);
- 93.77 Strengthen the measures aimed at guaranteeing the full integration of persons with disabilities through an inclusive education plan (Argentina);
- 93.78 Take steps to ensure the provision of inclusive education for all children with disabilities, including specialised centres for assessment and support, as needed (Canada);
- 93.79 Adopt active measures to enable better integration of the Kalinago population and to revert the relative gap they confront (Spain).
94. The following recommendations will be examined by Dominica which will provide responses in due time, but no later than the 27th session of the Human Rights Council in September 2014:

- 94.1 Undertake measures for the prompt signature and ratification of the core international instruments for the protection and promotion of human rights, as well as for the submission of outstanding reports (Mexico);
- 94.2 Continue the process of signing and ratifying international human rights instruments (Chile);
- 94.3 Consider ratifying the main international human rights instruments not yet ratified (Paraguay);
- 94.4 Consider the ratification of major international human rights instruments (Algeria);
- 94.5 Ratify the Optional Protocols to the International Covenant on Civil and Political Rights (Portugal);
- 94.6 Ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights (Uruguay);
- 94.7 Ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty (Montenegro);
- 94.8 Ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights, aimed at the abolition of the death penalty (Australia);
- 94.9 Ratify the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights (Portugal);
- 94.10 Create a national human rights institution in compliance with the Paris Principles (Democratic Republic of the Congo);
- 94.11 Establish a national institution for the promotion and protection of human rights in line with the Paris Principles (France);
- 94.12 Redouble its efforts in establishing a national human rights institution in accordance with the Paris Principles (Indonesia);
- 94.13 Step up the implementation of measures to reduce gender and sexual orientation discrimination, including awareness activities (Chile);
- 94.14 Take the necessary measures to reduce prejudices and discrimination based on the sexual orientation of the person (Argentina);
- 94.15 Intensify its efforts to reduce discrimination based on gender and on sexual orientation (Portugal);
- 94.16 Make every effort to reduce discrimination based on sexual orientation and consider abolishing all legislation which entails constraints to the realization of LGBT population's rights, including laws which criminalize sexual relations between consenting adults of the same sex (Brazil);
- 94.17 Decriminalize homosexuality and combat discrimination based on sexual orientation or gender identity (France);
- 94.18 Decriminalise consensual adult same-sex activity by amending article 14 and repealing article 16 of the Sexual Offences Act (Ireland);
- 94.19 Repeal all provisions that criminalize same sex relations, including in particular Article 16 of the Sexual Offences Act (Germany);

- 94.20 Repeal all provisions that discriminate against persons on the grounds of their sexual orientation or gender identity, including those in the Sexual Offences Act (United Kingdom of Great Britain and Northern Ireland);
- 94.21 Repeal provisions in national law that criminalize same sex relations, including in the Sexual Offences Act and take steps to ensure the rights of these persons are protected (Australia);
- 94.22 Modify existing sections of the criminal code that apply to buggery and indecency so that same-sex sexual activity between consenting adults is not criminalized and adopt legislation that prohibits discrimination on the basis of sexual orientation and gender identity (United States of America);
- 94.23 Establish anti-discrimination laws and regulations ensuring that LGBT persons and other vulnerable groups enjoy equal treatment (Netherlands);
- 94.24 Reinforce its anti-discriminatory legal framework in order to provide for a strengthened protection of the rights of the LGBTI community (Italy);
- 94.25 Maintain the de facto moratorium on the death penalty and consider abolishing the death penalty all together (Slovenia);
- 94.26 Establish a moratorium on executions with a view to abolishing the death penalty (Sierra Leone);
- 94.27 Take all necessary measures to establish a formal moratorium on executions, with a view to abolishing the death penalty (Brazil);
- 94.28 Consider adopting soon a de jure moratorium, with a view to abolishing death penalty (Italy);
- 94.29 Abolish the death penalty and accede to the Second Optional Protocol to the International Covenant on Civil and Political Rights (Costa Rica);
- 94.30 Abolish the death penalty in law and ratify the Second Protocol to the International Covenant on Civil and Political Rights (France);
- 94.31 Take appropriate legislative and administrative measures to combat domestic violence and physical ill-treatment against children, including the prohibition of the practice of corporal punishment (Costa Rica);
- 94.32 Continue its efforts to promote the rights of the child and work towards the elimination of the use of corporal punishment in school (Maldives);
- 94.33 Align the definition of children in all juridical instances and ensure that life sentence is not applied to any child under the age of 18 years (Mexico);
- 94.34 Prohibit sentences of corporal punishment for children and life imprisonment of children under the age of 14, under all systems of justice and without exception, to ensure full compliance with international standards (Germany);
- 94.35 Adopt a law that guarantees freedom of information (Spain);
- 94.36 Decriminalize defamation (Spain);
- 94.37 Decriminalise defamation and place it under the civil code in accordance with international standards (Ireland).

95. **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 by H.E. Mr. Vince Henderson, Ambassador and Permanent Representative of Commonwealth of Dominica to the United Nations Headquarters in New York and composed of the following members:

- Ms. Nakinda Daniel, Third Secretary, Dominica High Commission in London.
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