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Dominica

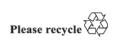
Compilation of information prepared by the Office of the United Nations High Commissioner for Human Rights

I. Background

1. The present report was prepared pursuant to Human Rights Council resolutions 5/1 and 16/21, taking into consideration the outcome of the previous review. It is a compilation of information contained in relevant United Nations documents, presented in a summarized manner owing to word-limit constraints.

II. Scope of international obligations and cooperation with human rights mechanisms

- 2. The Human Rights Committee welcomed the ratification of or accession to several international human rights instruments by Dominica.² The United Nations Subregional Team for Barbados and the Organization of Eastern Caribbean States noted that Dominica had yet to ratify the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, and the Optional Protocols to the Convention on the Elimination of All Forms of Discrimination against Women, the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights.³
- 3. While noting efforts by Dominica to address statelessness, the Human Rights Committee noted that it had not ratified the Convention relating to the Status of Stateless Persons or the Convention on the Reduction of Statelessness.⁴
- 4. In March 2020, and in the absence of an initial report by Dominica, the same Committee considered the situation of civil and political rights under the International Covenant on Civil and Political Rights in the country. The Committee expressed regret that Dominica had failed to honour its reporting obligations under the Covenant. In the light of the constructive dialogue that the Committee had had with the delegation of Dominica, the Committee considered the written replies to the list of issues as the initial report and requested that Dominica submit a common core document in order to facilitate future dialogue.⁵
- 5. The United Nations subregional team noted that Dominica had submitted no reports to treaty bodies since accession, except its initial report to the Committee on the Rights of the Child in 2003.⁶





6. While indicating that no special procedure mandate holders had visited the country yet, the United Nations subregional team noted that Dominica had issued an invitation to the Special Rapporteur on the promotion and protection of human rights in the context of climate change, who had accepted the invitation and requested dates for a visit during the last quarter of 2024. It also noted that, in 2019, the Special Rapporteur on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment had requested a visit.⁷

III. National human rights framework

Institutional infrastructure and policy measures

- 7. The Human Rights Committee expressed concern at the absence of an independent body compliant with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris principles) and that the position of Parliamentary Commissioner remained unfilled. It recommended that Dominica promptly establish a national human rights institution for the promotion and protection of human rights, in line with the Paris Principles, and take action to ensure the fulfilment of the role of the Parliamentary Commissioner without delay and ensure that the mandate was performed effectively.⁸
- 8. The United Nations subregional team observed that in 2021 the Enabling Gender-Responsive Disaster Recovery, Climate and Environmental Resilience in the Caribbean Project the EnGenDER Project had provided support to the Bureau of Gender Affairs to review and update the National Policy and Action Plan for Gender Equity and Equality 2014–2024, and that the updated version was still pending approval.⁹

IV. Promotion and protection of human rights

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

1. Equality and non-discrimination

- 9. The Human Rights Committee expressed concern about the absence of comprehensive anti-discrimination legislation covering all the grounds prohibited under the International Covenant on Civil and Political Rights, and the lack of information about whether there were plans to develop such legal provisions. It recommended that Dominica provide full and effective protection from discrimination in all spheres, public and private, and prohibit direct and indirect discrimination; enact legislation containing a comprehensive list of grounds for discrimination in line with the Covenant; and provide a complaints mechanism and effective and accessible remedies for all forms of discrimination and collect disaggregated data on such complaints and their outcomes.¹⁰
- 10. The United Nations subregional team noted that in 2023, Dominica had, for the first time, elected a woman and person of Indigenous descent to the Presidency.¹¹

2. Right to life, liberty and security of person, and freedom from torture

- 11. The Committee welcomed the fact that Dominica had a de facto moratorium on the use of the death penalty and commended it for its recent steps showing commitment to a full moratorium, but expressed concern that section 5 of the Criminal Law and Procedure Act, which allowed hanging in cases of murder, remained in effect. The Committee recommended that Dominica consider reviewing section 5 of the Criminal Law and Procedure Act; continuing efforts to facilitate a social dialogue about the right to life under article 6 of the Covenant; and ratifying the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty.¹²
- 12. The Committee expressed concern that the Constitution allowed for the use of lethal force for the defence of property. It expressed further concern about allegations of the

excessive use of force against demonstrators, including during protests in Roseau in 2017. It recommended that Dominica revise the legislation and policies related to the use of force by law enforcement officials, particularly the provisions that permitted the use of lethal force for the protection of property, taking due account of the Committee's general comment No. 36 (2018) on the right to life and the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials. The Committee also recommended that Dominica provide training for law enforcement officials on their human rights responsibilities and put in place mechanisms to monitor and measure the efficacy of such training and update it accordingly.¹³

13. The Committee expressed concern at the high proportion of detainees held in pretrial detention and the excessive length of such detention in some cases. It recommended that Dominica address the excessive use of pretrial detention. It further recommended that Dominica reduce the length of pretrial detention, expedite the passing into law of the Bail Act, which set out procedural standards for the handling of cases, and develop the use of non-custodial alternatives, bearing in mind its obligations under the Covenant as interpreted by the Committee in its general comment No. 35 (2014) on liberty and security of person and the United Nations Standard Minimum Rules for Non-custodial Measures (the Tokyo Rules). 14

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

- 14. The Committee noted the effects of natural disasters on the capacity of Dominica, including the judiciary, and the legislative efforts to address the backlog of cases through the Bail Act. The Committee expressed concern, however, that there continued to be a large number of pending cases and long delays in trials.¹⁵
- 15. The United Nations subregional team noted that in 2020, the United Nations Development Programme (UNDP) had carried out a regional assessment of the justice system in nine Caribbean countries, including Dominica. Challenges identified had included the lack of available data for national assessments and the backlog of cases, particularly in the criminal division. According to the assessment, overuse of pretrial detention, in violation of due process, had contributed to the backlog. Among other reasons behind the backlog was a lack of integrated communications and technology systems, which meant that tracking of cases and files throughout the justice system relied on paper documents. A critical issue in Dominica had been infrastructure and digitalization. 16
- 16. The Committee recommended that Dominica effectively implement its plans to increase the capacity of the judicial system and that it step up measures aimed at reducing the number of cases pending before the courts and prosecution services and the waiting times in each case.¹⁷
- 17. The Committee welcomed efforts by Dominica to provide legal aid, but expressed concern that the capacity may not be sufficient to provide all defendants with counsel. The Committee expressed regret at the lack of adequate information from Dominica about the measures taken to further guarantee the independence and impartiality of the judiciary. It recommended that Dominica increase the capacity of the legal aid service and take all necessary measures to guarantee the independence and impartiality of the Judiciary. ¹⁸
- 18. The United Nations subregional team noted that, according to UNDP, the passage in 2017 of Hurricane Maria had resulted in the destruction of the Criminal Court and other State administration offices, underscoring the urgency of a full transition to electronic records and improvement resilience in the judiciary to ensure access to justice in post-disaster conditions.¹⁹
- 19. The Committee recommended that Dominica ensure that accessible complaints and independent oversight mechanisms were put in place, that all reports of violence were thoroughly investigated and that such investigations, where warranted, led to proportionate sanctions; and provide adequate remedies to victims of police violence including compensation and guarantees of non-repetition.²⁰
- 20. According to the United Nations subregional team, an assessment conducted in 2017 by the Organisation of Eastern Caribbean States (OECS) and the United Nations Children's Fund (UNICEF) of the child justice system in Dominica pointed to an urgent need for reform

of legislation governing the administration of child justice. The Children and Young Persons Act was limited in its ability to respond effectively to the needs of young offenders. Essential services, including probation, psychosocial interventions, educational and vocational programming and legal aid services, were all lacking. The United Nations subregional team further indicated that a new child justice bill was expected to be passed in 2024, but until the Children and Young Persons Act was repealed, Dominica would retain legislative provisions that sanctioned the flogging of children and permitted the life imprisonment of children. Furthermore, the Operation Youth Quake facility had not been intended to be a juvenile facility, but had accepted children charged with offences because the only alternative was prison.²¹

- 21. The Committee expressed concern at the low age of criminal responsibility for children, the detention of adults and children together on the same premises, and the sentencing of children to life imprisonment. It noted that Dominica had indicated its intention to reform the juvenile justice system, including the prohibition of sentencing of children to life imprisonment in the proposed child justice bill, but that it remained concerned about the current protection gaps for children in conflict with the law.²²
- 22. The Committee recommended that Dominica ensure that its juvenile justice system upheld the rights set forth in the Covenant and other international instruments; enact legal reforms, including the revision of provisions allowing for the sentencing of children to life imprisonment, the establishment of limits on the length of imprisonment to which children could be sentenced and an increase in the age of criminal responsibility; ensure that children in conflict with the law were treated in a way that promoted their integration into society; and observe the principle that the detention of children should be used only as a measure of last resort and that child detainees should be separated from adult prisoners.²³

4. Fundamental freedoms and the right to participate in public and political life

- 23. According to The United Nations subregional team, freedom of assembly and expression were guaranteed under the Constitution, and generally respected. However, protests would sometimes become violent, or give way to looting or acts of vandalism, and political opponents to the Government had been charged with incitement and obstruction.²⁴
- 24. The Committee noted information from Dominica that the criminalization of defamation had not been applied in practice recently and that such provisions were to be reviewed during national legal reform efforts. It nevertheless expressed concern that defamation was still criminalized in the 1979 Libel and Slander Act with punishments of up to two years in prison or a fine. It further expressed concern that such disproportionally punitive provisions and the threat of lawsuits could have a chilling effect on the exercise of freedom of expression by the general public, political parties and the media. The Committee also expressed concern that in relation to peaceful assembly, Dominica had a system that required prior authorization and that there were reports that assemblies related to the activities of opposition parties had been denied permission to assemble peacefully.²⁵
- 25. The United Nations subregional team indicated that the press was generally free in practice. However, defamation lawsuits and threats of lawsuits were commonly used by the Government against the media, resulting in some degree of self-censorship. Moreover, in July 2022, the Caribbean Court of Justice had alleged that the opposition's access to some State-owned media, including the national radio station, had been restricted. ²⁶ The Committee recommended that Dominica ensure that legislation was brought into full conformity with article 19 of the Covenant and in the meantime continue to ensure that no one was imprisoned for defamation. It further recommended that Dominica consider amending the 1954 Public Order Act to, at most, require advance notification of a peaceful assembly.²⁷
- 26. The United Nations Educational, Scientific and Cultural Organization (UNESCO) recommended that Dominica introduce legislation on freedom of information and establish an independent oversight institution with the capacity to implement the legislation on access to information, in accordance with international standards and to ensure progress on target 16.10 of the Sustainable Development Goals, on ensuring public access to information and fundamental freedoms.²⁸

- 27. UNESCO noted that it had recorded no killings of journalists in Dominica since 2006, when systematic reporting began.²⁹
- 28. The United Nations subregional team stated that observers, including international missions from the Caribbean Community, the Organization of American States and the Commonwealth, had highlighted the peaceful conduct of the general election held in 2022, but had pointed to the need for electoral reform. It added that earlier in 2022, the Caribbean Court of Justice had also noted some areas of concern in past elections, although it had dismissed a case by the opposition United Workers Party challenging the results of the 2019 election.³⁰
- 29. The Committee expressed concern at significant disparities between the sizes of electoral constituencies, and at reports of the frequency of criminal charges against members of opposition parties for what seemed to be activities related to their participation in public affairs. It recommended that Dominica adopt an electoral system that guaranteed equal enjoyment of the rights of all citizens, in compliance with the Covenant, by, inter alia, ensuring fully transparent elections and a pluralistic political order, refraining from using criminal law provisions to constrain the right of opposition parties to participate in public affairs and investigating any allegations of wrongdoing.³¹

5. Prohibition of all forms of slavery, including trafficking in persons

30. The Committee welcomed the efforts by Dominica to address trafficking in persons, including through the criminalization of such practices, and the designation of penalties proportionate to the severity of the crime. It expressed concern, however, at the lack of information about investigations, prosecutions and convictions of those engaged in trafficking activities and the support that might be available to victims.³²

6. Right to work and to just and favourable conditions of work

- 31. The United Nations subregional team noted that legislation in force did not address discriminatory recruitment and promotion practices.³³
- 32. UNESCO recommended that Dominica amend its legislation to harmonize the legal age of work across the various acts, including the Education Act and the Marriage Act, and ensure that it was aligned with the end of compulsory education.³⁴

7. Right to social security

33. The United Nations subregional team noted that a social protection policy and strategy had recently been developed and was awaiting approval by the Cabinet. It was anticipated that the new policy would enable social assistance to be better targeted with greater reach, expand coverage of social insurance schemes and improve access to tailored training and small enterprise support.³⁵

8. Right to an adequate standard of living

- 34. According to the United Nations subregional team, the high cost of living and food insecurity continued to be of serious concern, in the aftermath of the coronavirus disease (COVID-19) pandemic.³⁶
- 35. The United Nations subregional team indicated that the cumulative crises of recent years had affected progress towards achieving the Sustainable Development Goals. Although data on progress towards achieving the Goals was limited, it was clear that progress had stagnated with regard to targets on hunger, quality education, clean energy and peace, justice and strong institutions. There were some challenges regarding water and waste management systems, food insecurity, rising numbers of cases of non-communicable diseases and mental health issues.³⁷
- 36. The United Nations subregional team indicated that in Dominica, 95.42 per cent of households had basic access to water. Disparities in access could be more pronounced in rural areas, where infrastructure was inadequate, and water quality could be compromised by agricultural run-off and erosion. In relation to sanitation, there were concerns in relation to

the fact that approximately 15 per cent of the population still lacked improved facilities, and to the practice of open defecation.³⁸

37. According to the United Nations subregional team, rebuilding the housing stock and making it hurricane-proof had been a government priority since the passage of Hurricane Maria in 2017. Many households whose homes had been damaged or destroyed had had insufficient resources to rebuild or repair them.³⁹

9. Right to health

- 38. The United Nations subregional team noted that under section 8 of the Offences against the Person Act, abortion was allowed in Dominica only when a woman's life was at risk. Abortion was not explicitly allowed on demand, in cases of rape or incest, for the protection of a woman's mental or physical health, for economic or social reasons or in cases of fetal malformation. Under sections 56 and 57 of the Act, those who administered drugs or used instruments to procure an abortion were liable to imprisonment for 10 years, while those procuring drugs or instruments to cause abortion were liable to imprisonment for two years.⁴⁰
- 39. The Committee expressed concern that the restrictions in force could oblige women and girls wanting to undergo an abortion to do so under risky conditions that endangered their life and health. It recommended that Dominica consider amending its legislation to guarantee safe, legal and effective access to abortion when the life or health of the pregnant woman or girl was at risk, or when carrying the pregnancy to term could cause the pregnant woman or girl substantial harm or suffering, most notably in cases where the pregnancy was the result of rape or incest or when it was not viable; and ensuring that women and girls who had recourse to abortions and the physicians who attended to them were not subject to criminal penalties, given that the existence of such penalties obliged women and girls to resort to unsafe abortions.⁴¹
- 40. The Committee expressed concern about the high and increasing level of infant mortality in Dominica, and about the lack of specific information about the steps taken to address the severity of the degree of infant mortality. It recommended that Dominica take, without delay, all necessary steps to reduce infant mortality.⁴²
- 41. The United Nations subregional team noted that progress made on sexual and reproductive health was commendable. However, it expressed concern that adolescents had limited access to comprehensive sexual and reproductive health services owing to legal barriers. The fact that the minimum age of consent to sexual activity (16 years) was lower than the minimum age to have access to sexual and reproductive services without parental consent (18 years) posed a challenge for sexually active adolescents in need of information and services without their parents' or guardians' knowledge. The United Nations subregional team recognized the ongoing efforts by the Government to develop standards for quality health-care services for adolescents and a sexual and reproductive health policy, and noted that the United Nations Population Fund had urged Dominica to adopt those critical policy initiatives.⁴³

10. Right to education

- 42. UNESCO noted that the Constitution did not enshrine the right to education and that no legislative provision prohibiting discrimination in education had been identified. The Education Act established that all persons were entitled to receive an educational programme, but that provision was dependent on available resources, meaning that the right to education was not fully guaranteed. According to the Education Act and the Education Regulations 2011, fees could be imposed.⁴⁴
- 43. UNESCO recommended that Dominica enshrine the right to education without discrimination in the Constitution and the law; amend the legislation to ensure at least 12 years of free education; and increase efforts to improve enrolment levels, especially in pre-primary and secondary education.⁴⁵

11. Development, the environment and human rights

- 44. The United Nations subregional team noted that Dominica had announced its intention to become the first climate-resilient nation in the world, and had prepared the Disaster Resilience Strategy, a comprehensive plan including policies, costs and financing to build resilience against future natural disasters. 46
- 45. The United Nations subregional team observed that on 22 April 2024, Dominica had ratified the Regional Agreement on Access to Information, Public Participation and Justice in Environmental Matters in Latin America and the Caribbean (Escazú Agreement), an instrument that provided for the rights of access to information and public participation in environmental decision-making, justice and a healthy and sustainable environment for current and future generations.⁴⁷
- 46. The United Nations subregional team indicated that Dominica had promulgated three key documents, aligned with the Sustainable Development Goals, to achieve its vision of becoming the first climate-resilient nation in the world: the National Resilience Development Strategy, the Climate Resilience and Recovery Plan 2020–2030 and the Disaster Risk Financing Strategy.⁴⁸ UNDP noted the importance of creating a climate-resilient economy that provided a secure future for all residents of Dominica, and of monitoring progress towards agreed targets for the State's blue economy policy objective.⁴⁹
- 47. The Committee welcomed the commitment of Dominica, as a small island State particularly vulnerable to climate change, to adaptation and mitigation measures and noted the significant challenges faced in that regard. It recommended that Dominica continue and expand its commendable efforts to develop its resilience to climate change through adaptation and mitigation measures, and that all projects that affected sustainable development and resilience to climate change be developed with the meaningful and informed participation of the population.⁵⁰

B. Rights of specific persons or groups

1. Women

- 48. The United Nations subregional team indicated that several relevant acts to protect women and children had been passed in 2023. Notable among them had been the Domestic Violence Act (Act No. 14 of 2023), which entered into force in July 2023 and would provide greater protection for victims of domestic violence, including provisions for the granting of protection orders.⁵¹
- 49. The Committee welcomed the measures taken to protect women from violence, including the criminalization of marital rape in the Sexual Offences (Amendment) Act (2016), the development of the Protection against Domestic Violence Act (2001) and programmes to prevent such violence. The Committee nevertheless expressed concern by the absence of information about the number of cases of violence against women, the prosecution of perpetrators, the convictions and sanctions imposed, the lack of access to justice and rehabilitation for victims and a continued lack of legal provisions criminalizing sexual harassment.⁵²
- 50. The Committee recommended that Dominica amend its laws so as to afford adequate protection for women from all forms of violence against them, including sexual harassment; encourage victims to report crimes and ensure that cases involving violence against women were thoroughly investigated, that the offenders were prosecuted and sentenced and that victims had access to effective remedies; ensure that victims of domestic or sexual violence received proper legal, medical and psychological assistance and improve victim support facilities and mechanisms; and collect comprehensive data about the incidence of violence against women.⁵³
- 51. The United Nations subregional team noted that the Domestic Violence Act did not define "consent"; that rape was described in the Act using gender-neutral terminology; that rape in marriage was an offence only if there was force or threat of force or the use of drugs,

unlike rape outside of marriage; and that rape in marriage carried a lower penalty (14 years) than non-marital rape (25 years).⁵⁴

- 52. The United Nations subregional team also noted that sexual offences were addressed in the Sexual Offences (Amendment) Act, and that all the offences included in that Act were gender neutral. Dominica had no national strategic action plan to reduce gender-based violence, and no legislation on sexual harassment.⁵⁵
- 53. The Committee commended Dominica for the measures taken to promote gender equality, evidence of women in senior positions within both the public and private sectors, access to education at all levels and notable progress in relation to the inclusion of female candidates during the 2019 parliamentary elections. It nevertheless expressed concern about some persisting female underrepresentation, and the lack of information about the steps taken to ensure equal work for equal pay and eradicate stereotypes regarding the role of women and men in the family and in society.⁵⁶
- 54. The Committee recommended that Dominica enact comprehensive legislation that provides effective protection against discrimination on the basis of gender; continue and strengthen efforts to ensure women's representation in high-level public and private positions and the national parliament; strengthen its efforts to eliminate the gender wage gap by addressing differences in pay between men and women for work of equal value; strengthen education and awareness-raising initiatives for the general public to eliminate gender stereotypes and promote respect for the equal roles and responsibilities of women and men in the family and in society.⁵⁷
- 55. According to the United Nations subregional team, data to assess gender gaps in Dominica were limited and dated, and Dominica did not produce timely and reasonably accurate data on gender-based violence and had not prioritized conducting a study on the prevalence of gender-based violence.⁵⁸ The Committee recommended that Dominica collect comprehensive data to monitor the efficacy of initiatives to achieve gender equality.⁵⁹

2. Children

- 56. The Committee expressed concern at reports of children engaged in labour and information indicating that legislative provisions did not prohibit all forms of child exploitation, including the use of children in prostitution, pornography or illicit activities, including drug trafficking, and were not fully in compliance with International Labour Organization (ILO) standards.⁶⁰
- 57. The Committee recommended that Dominica consider stepping up efforts to prevent trafficking and child labour; strengthening the legal framework providing protection from all forms of exploitation, including enacting into law the bills designed to strengthen the child protection system, bringing legislation fully into line with the relevant ILO conventions and explicitly prohibiting the use of children in prostitution, pornography or illicit activities, including drug trafficking; investigating all cases of trafficking promptly and thoroughly, prosecuting suspected perpetrators and, if convicted, imposing adequate and deterrent sanctions; and ensuring that victims of all forms of exploitation had access to effective and age-appropriate means of protection and assistance services and to full reparation including rehabilitation and adequate compensation.⁶¹
- 58. The United Nations subregional team noted that the following legislation in relation to children had been passed: Status of Children (Act No. 10 of 2023), Maintenance of Children Act (Act No. 11 of 2023), Children (Care and Adoption) Act (Act No. 12 of 2023) and Maintenance Act (Act No. 13 of 2023).⁶² The United Nations subregional team stressed that the new Children (Care and Adoption) Act had been passed in order to remedy many of the challenges highlighted in the 2017 assessment by OECS and UNICEF of the child justice system, and included measures to address the following: lengthy periods in formal care; limited use of adoption; lack of status reviews to monitor children's progress in rehabilitation and reintegration; insufficient collaboration between the ministry concerned and residential facilities; failure to work with the families of children in care, with a view to strengthening the home environment to which children were expected to be returned; limited monitoring of child protection facilities and no established complaints procedures; and the absence of written manuals or directives for the guidance of child protection practice and procedures.⁶³

- 59. The United Nations subregional team indicated that the law prohibited child abuse, but that it remained a pervasive problem. Lesbian, gay, bisexual, transgender and intersex children were at a particular risk of abuse. Children were often required to testify directly in court against their abusers, who were also physically present, instead of providing pre-recorded testimony from more private and secure spaces. Additionally, cases sometimes moved through the court system for years, with children repeatedly being required to attend hearings. Publicly available lists of offenders did not exist. Advocates claimed that the justice system discouraged prosecution of child abuse. UNESCO noted that that according to the Marriage Act, the minimum age of marriage for girls was 18 years. Exceptions allowed them to marry under the age of 18 years with parental consent, but not before the age of 16 years. UNESCO therefore recommended that Dominica remove exceptions to the age of marriage.
- 60. The Committee expressed concern that corporal punishment was not yet explicitly prohibited in the home, in day care and alternative care settings and in penal institutions. It recommended that Dominica prohibit corporal punishment in all settings. ⁶⁶ UNESCO recommended that Dominica prohibit corporal punishment in all educational settings. ⁶⁷

3. Persons with disabilities

- 61. The United Nations subregional team stressed that the law in Dominica did not specifically prohibit discrimination against persons with disabilities, but that discrimination had been reported in relation to employment opportunities. Physical accessibility was of concern: few buildings, including public buildings, provided access for persons with physical disabilities.⁶⁸
- 62. The United Nations subregional team noted that a recurrent challenge was the lack of accessible justice facilities and services, which resulted in exclusion from protection and remedies, and that it was indispensable to build facilities with consideration of accessibility limitations.⁶⁹
- 63. The United Nations subregional team acknowledged that children with physical, hearing and visual disabilities were integrated into mainstream schools, and that the Government provided stipends to cover educational expenses in private, segregated schools for children with intellectual or psychosocial disabilities. However, the United Nations subregional team also stressed the need for further transformation of systems and professional upskilling to support the children.⁷⁰

4. Indigenous Peoples

- 64. The Committee welcomed the efforts made to promote the rights of Indigenous Peoples, including the designation of a dedicated ministry, education and housing programmes and support for Indigenous businesses. However, it noted the absence of detailed information about policy and legal frameworks governing the ownership and use of Indigenous land and measures taken to consistently uphold the right of Indigenous Peoples to free, informed and prior consultation in relation to programmes affecting them.⁷¹
- 65. The United Nations subregional team noted that while the overall poverty rate in Dominica was estimated to be 28.8 per cent, the poverty rate for the Kalinago Indigenous People was estimated to be double that rate, at 49.8 per cent.⁷²
- 66. The Committee recommended that Dominica consider continuing and expanding measures to promote the rights of Indigenous Peoples; adopting comprehensive anti-discrimination legislation that provided protection against discrimination on the basis of Indigenous status; and ensuring that meaningful consultations were held with the Indigenous Peoples concerned with a view to obtaining their free, prior and informed consent relating to the adoption or application of any measure that might have a substantial impact on their way of life and culture.⁷³
- 67. The United Nations subregional team stated that in 2022, in partnership with the Ministry of Environment, Rural Modernization and Kalinago Affairs, the EnGenDER project had supported the development of a comprehensive livelihood assessment of the Indigenous population. The assessment had aimed to address specific vulnerabilities to the impact of climate change and to find solutions to improve resilience and enhance their livelihoods.⁷⁴

5. Lesbian, gay, bisexual, transgender and intersex persons

- 68. The Joint United Nations Programme on HIV/AIDS (UNAIDS) welcomed the decision of the High Court of Dominica of 22 April 2024 to protect the rights of LGBTQ people in Dominica. The Court had ruled that sections 14 and 16 of the Sexual Offences Act (Act No. 1 of 1998), which criminalized consensual same-sex activity between adults, were unconstitutional and violated the right to liberty, freedom of expression and protection of personal privacy.⁷⁵
- 69. The Committee expressed concern that discrimination on the basis of sexual orientation and gender identity was not prohibited by law in Dominica and that same-sex relations between consenting adults remained criminalized under the Sexual Offences Act with penalties including up to 25 years in prison and forced psychiatric treatment. It recommended that Dominica take appropriate steps to address discriminatory attitudes and stigma towards lesbian, gay, bisexual and transgender persons, including through comprehensive awareness-raising activities; and to enact comprehensive legislation providing full and effective protection against discrimination in all spheres and containing an exhaustive list of prohibited grounds of discrimination, including sexual orientation and gender identity.⁷⁶

6. Migrants, refugees and asylum-seekers

70. The Committee expressed concern that Dominica did not have legislation in place to guarantee the rights of non-citizens, including refugees and asylum-seekers. It also noted the absence of information about the number of refugees and asylum-seekers in Dominica. The Committee recommended that Dominica ensure that all persons applying for international protection were given access to a fair and effective refugee determination procedure, regardless of their country of origin, and received appropriate and fair treatment at all stages in compliance with the Covenant; collect and publish data on the situation of refugees and asylum-seekers in the territory of Dominica; and enact legislation guaranteeing the rights of aliens, including refugees and asylum-seekers, in line with its obligations under the Covenant and with the Convention relating to the Status of Refugees.⁷⁷

7. Stateless persons

71. The Committee recommended that Dominica collect and publish data on the situation of stateless persons in the territory of Dominica; and consider acceding to the Convention relating to the Status of Stateless Persons and the Convention on the Reduction of Statelessness.⁷⁸

Notes

- ¹ A/HRC/42/9, A/HRC/42/9/Add.1 and A/HRC/42/2.
- ² CCPR/C/DMA/COAR/1, para. 7.
- ³ Submission by the United Nations Subregional Team for Barbados and the Organization of Eastern Caribbean States for the universal periodic review of Dominica, para. 7.
- ⁴ CCPR/C/DMA/COAR/1, para. 37.
- ⁵ Ibid., paras. 1, 3 and 5. See also CCPR/C/DMA/Q/1/Add.1 and CCPR/C/DMA/RQAR/1.
- ⁶ United Nations subregional team submission, para. 11. See also CRC/C/8/Add.48.
- ⁷ United Nations subregional team submission, para. 13.
- ⁸ CCPR/C/DMA/COAR/1, paras. 10 and 11.
- ⁹ United Nations subregional team submission, para. 23.
- ¹⁰ CCPR/C/DMA/COAR/1, paras. 12 and 13 (a)–(c).
- ¹¹ United Nations subregional team submission, para. 6.
- ¹² CCPR/C/DMA/COAR/1, paras. 26 and 27.
- ¹³ Ibid., paras. 28 and 29 (a) and (b).
- ¹⁴ Ibid., paras. 30 and 31.
- ¹⁵ Ibid., paras. 30 and 39.
- United Nations subregional team submission, paras. 24 and 25. See also UNDP, Caribbean Justice: A Needs Assessment of the Judicial System in Nine Countries (Panama City, 2020).
- ¹⁷ CCPR/C/DMA/COAR/1, para. 40.
- ¹⁸ Ibid., paras. 39 and 40.
- ¹⁹ United Nations subregional team submission, para. 25. See also UNDP, Caribbean Justice, pp. 66 and 67.

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<sup>20</sup> CCPR/C/DMA/COAR/1, para. 29 (c) and (d).
<sup>21</sup> United Nations subregional team submission, para. 27.
<sup>22</sup> CCPR/C/DMA/COAR/1, para. 35.
<sup>23</sup> Ibid., para. 36.
<sup>24</sup> United Nations subregional team submission, para. 63.
<sup>25</sup> CCPR/C/DMA/COAR/1, para. 41.
<sup>26</sup> United Nations subregional team submission, para. 64.
<sup>27</sup> CCPR/C/DMA/COAR/1, para. 42.
<sup>28</sup> UNESCO submission for the universal periodic review of Dominica, para. 25.
<sup>29</sup> Ibid., para. 13.
<sup>30</sup> United Nations subregional team submission, para. 5.
31 CCPR/C/DMA/COAR/1, paras. 45 and 46.
<sup>32</sup> Ibid., para. 32; see also paras. 3 and 6.
<sup>33</sup> United Nations subregional team submission, para. 45.
<sup>34</sup> UNESCO submission, para. 19.
<sup>35</sup> United Nations subregional team submission, para. 33.
<sup>36</sup> Ibid., para. 29.
<sup>37</sup> Ibid., para. 4.
<sup>38</sup> Ibid., para. 47.
<sup>39</sup> Ibid., para. 32.
<sup>40</sup> Ibid., para. 38.
<sup>41</sup> CCPR/C/DMA/COAR/1, paras. 20 and 21.
<sup>42</sup> Ibid., paras. 22 and 23.
<sup>43</sup> United Nations subregional team submission, para. 43.
<sup>44</sup> UNESCO submission, para. 2.
<sup>45</sup> Ibid., paras. 15, 16 and 20.
<sup>46</sup> United Nations subregional team submission, para. 18.
<sup>47</sup> Ibid., para. 10.
<sup>48</sup> Ibid., para. 18.
<sup>49</sup> UNDP, "Blue economy scoping study for Dominica", Policy Notes, No. 10, 30 November 2021, pp. 7
<sup>50</sup> CCPR/C/DMA/COAR/1, paras. 24 and 25.
<sup>51</sup> United Nations subregional team submission, para. 14.
<sup>52</sup> CCPR/C/DMA/COAR/1, paras. 6 (b) and 18.
<sup>53</sup> Ibid., para. 19.
<sup>54</sup> United Nations subregional team submission, paras. 51 and 52.
<sup>55</sup> Ibid., paras. 53 and 54.
<sup>56</sup> CCPR/C/DMA/COAR/1, para. 16; see also para. 6 (a).
<sup>57</sup> Ibid., para. 17.
<sup>58</sup> United Nations subregional team submission, paras. 48 and 49.
<sup>59</sup> CCPR/C/DMA/COAR/1, para. 17 (e).
60 Ibid., para. 33.
<sup>61</sup> Ibid., para. 34.
<sup>62</sup> United Nations subregional team submission, para. 14.
63 Ibid., para. 58.
64 Ibid., paras. 55 and 56.
65 UNESCO submission, paras. 3 and 17.
<sup>66</sup> CCPR/C/DMA/COAR/1, paras. 43 and 44.
67 UNESCO submission, para. 18.
<sup>68</sup> United Nations subregional team submission, para. 59.
<sup>69</sup> Ibid., para. 26.
<sup>70</sup> Ibid., para. 60.
71 CCPR/C/DMA/COAR/1, para. 47.
<sup>72</sup> United Nations subregional team submission, para. 1.
<sup>73</sup> CCPR/C/DMA/COAR/1, para. 48.
<sup>74</sup> United Nations subregional team submission, para. 19.
<sup>75</sup> UNAIDS, "UNAIDS welcomes Court's ruling to protect the rights of LGBTQ people in Dominica",
    22 April 2024. See also United Nations subregional team submission, para. 62.
<sup>76</sup> CCPR/C/DMA/COAR/1, paras. 14 and 15 (a) and (b).
<sup>77</sup> Ibid., paras. 37 and 38 (a)–(c).
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⁷⁸ Ibid., para. 38 (b) and (d).