

Dominica 2019 UPR: Joint Submission from the United Nations Subregional Team for Barbados and the OECS

I. Background and framework

A. Background

Tropical Storm Erika and Hurricane Maria

When examining Dominica's implementation of recommendations received during the 2nd UPR cycle, it's important to note that in 2015 and 2017 natural disasters had devastating effect on Dominica severely impacting the country's economy, infrastructure, natural resources, and human welfare.

On August 26, 2015, Dominica received about 31.1cm (12.64 inches) of rainfall from Tropical Storm Erika resulting in 28,000 people affected, 14 confirmed deaths and severe damage to infrastructure across the island. Based on assessments, there were total damage and loss of EC\$1.3 billion (US\$483 million), equivalent to approximately 90% of Dominica's Gross Domestic Product (GDP).

Two years later category 5 Hurricane Maria hit Dominica in September 2017. The hurricane affected the country's entire population of approximately 70,000 inhabitants and caused approximately US\$930.9 million in damages with losses amounting to approximately US\$380.2 million - approximately 226% the 2016 GDP and more than twice the corresponding figure in nearby Puerto Rico.

The impacts of this natural disaster were felt across all sectors most significantly tourism, agriculture and housing. Hurricane Maria negatively impacted employment, livelihoods, and consequently, poverty in Dominica. It destroyed or severely damaged almost half the island's 29,000 buildings, along with much of its power and telecom infrastructure. The effects also went beyond damage to physical infrastructure as routine visits to health centres and hospital care were interrupted until those facilities could be repaired. As of November 8, 2017, 30

persons had lost their lives as a result of Hurricane Maria and 34 were declared missing. A significant proportion of the labor force was left unemployed as an immediate consequence of Maria, with estimates that the decline in the production of goods and services may continue for one to two years.¹

B. Scope of international obligations

During Dominica's second cycle Universal Periodic Review ("UPR"), the country received and supported numerous recommendations to ratify or accede to various international human rights treaties. Unfortunately, since its last UPR, Dominica has not ratified or acceded to any additional core international human rights treaties or optional protocols.

C. Constitutional and legislative framework

- The Constitution recognizes and guarantees the protection of the fundamental rights and freedoms of Dominica citizens consistent with the principles of the International Convention on Civil and Political Rights.
- Dominica is the sole republic within the Organisation of Eastern Caribbean States (OECS). It is a parliamentary democracy that observes the principle of the separation of powers. The Government consists of the following branches:
 - a) Executive (President, Prime Minister)
 - b) Legislative (unicameral parliament)
 - c) Judicial (Magistrate's courts, Eastern Caribbean Supreme Court (High Court and Court of Appeals), the Caribbean Court of Justice)
- In 2013, the government elected former minister of security Charles Savarin as President. The leader of the governing DLP, Roosevelt Skerrit, retained his position as Prime Minister after his party won a majority of the parliamentary seats in the 2014 general elections, which were competitive and credible.
- Dominica participated in the Organization of Eastern Caribbean States ("OECS") **Family Law and Domestic Violence Legal and Judicial Reform Project ("OECS Reform Project")**.² The government of Dominica has indicated that it intends to

¹ Post-Disaster Needs Assessment Hurricane Maria, The Government of the Commonwealth of Dominica, 2017 ("PDNA"), Executive Summary.

² The OECS Family Law and Domestic Violence Reform Project forms part of the wider Judiciary and Legal Reform Project of the Eastern Caribbean Supreme Court (ECSC) aimed at increasing the capacity of the judicial system and related institutions to improve the administration of law and quality of justice in the OECS. The project reflects the commitment by the OECS Governments to develop harmonized model family legislation for the

introduce legislation designed under the **OECS Reform Project**. The proposed legislation would cover childcare and protection, adoption, juvenile justice, domestic violence and institution of a family court:

1. **Status of Children Bill**
2. **Juvenile Justice Bill**
3. **Child (Care and Adoption) Bill**
4. **Maintenance Bill**
5. **Family Court Bill**
6. **Domestic Violence Bill**

- In 2016 Dominica passed the **Sexual Offences (Amendment) Act, 2016** which expands the penalties for rape; criminalizes marital rape and grooming children for sexual relations; and includes penalties for persons who fail to report child abuse and those who accept bribes to avoid a penalty for child abuse.
- UNICEF reports Dominica has a mandatory reporting protocol for child abuse but the protocol requires updating and better enforcement.

Suggested recommendation(s):

- Urgently pass and proclaim the pending child welfare legislation developed under the **OECS Reform Project**.

D. Institutional and human rights infrastructure and policy measures

- During its second cycle UPR Dominica supported all recommendations to establish a National Human Rights Institution (“NHRI”) in compliance with the Paris Principles but an NHRI has not yet been established.

Legal Aid Clinic

- The Legal Aid Clinic provides legal service to low income residents of Dominica. The Clinic’s target groups include women, persons living with disabilities (“PWDs”) and senior citizens. However, the clinic mainly provides services in family matters relating

Member States and to create a climate that would facilitate greater access and equity to justice as well as a more integrated and holistic approach to resolve matters related to the family and children.

to domestic violence or protection orders for members of the family including children.

Integrity Commission

- The Integrity Commission (the “Commission”) was established by the **Integrity in Public Office Act, 2003, No. 6 of 2003**. The Commission’s mandate is to provide oversight of the financial affairs of persons in public life in order to foster a culture of integrity, accountability and probity, and to respond to complaints of corruption in public office. Though established in 2003, the Commission did not become operational until 2008. Since that the Commission has actively initiated inquiries into the finances/activities of public officials, including matters involving the President and the Prime Minister, both of whom prevailed in their matters against the Commission.
- In December 2015, the **Integrity in Public Office (Amendment) Act, 2015, No. 21 of 2015** was passed in Parliament. The main function of the amendment changed the composition of the Commission from seven members to three. Critics argued that it weakened the Commission and made the institution more vulnerable to the Prime Minister’s influence.

Ombudsman

- According to Dominica’s Constitution, the Parliamentary Commissioner (or Ombudsman) is responsible for investigating complaints of injustice against the government. However, the mandate of the Parliamentary Commissioner is limited, it does not meet the standards of the Paris Principles, and the post never been filled.

II. Cooperation with human rights mechanisms

A. Cooperation with treaty bodies

- The following treaty body reports are currently overdue:
 - **ICCPR**: Dominica has never submitted a report. In 2010 the Human Rights Committee prepared a List of Issues in absence of the initial report. Dominica did not submit written replies.
 - **CEDAW**: Dominica has never submitted a report to the CEDAW Committee. The committee prepared a List of Issues in absence of a report in 2008. Dominica did not submit written replies. During the 2008 constructive dialogue with the committee, Dominica agreed to submit a combined report

covering the period from 1982 to 2009, for consideration by the Committee in 2010. That report was never submitted.

- **ICESCR:** Dominica has never submitted a report. Its initial state report has been overdue since 1995.
- **CRC:** Dominica submitted its initial state report in 2003. Its subsequent report has been overdue since 2006.
- **CRPD:** Dominica's initial state report has been overdue since 2014.
- The government indicates that it intends to complete and submit its initial CEDAW state report in 2019.
- UN Women and UNICEF continue to monitor the preparation of the overdue CEDAW and CRC reports and have been advocating for their completion and submission.

Suggested recommendation(s):

- Urgently complete and submit overdue state reports to the CRC and CEDAW Committees.
- Engage the OHCHR to provide technical assistance to complete and submit overdue treaty body reports.
- Establish a national mechanism for reporting and follow-up to support human rights reporting and implementation process.

B. Cooperation with the Office of the High Commissioner for Human Rights

- In 2015, in collaboration the Dominica Bureau of Gender Affairs and the UNFPA, the OHCHR's National Human Rights Adviser conducted a human rights training for government officials on the UPR and sexual and reproductive health rights.
- To date, the government of Dominica has had limited engagement with the OHCHR with regard to seeking technical assistance in meeting its international human rights obligations or facilitating human rights training and education.

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

A. Equality and non-discrimination

The Constitution prohibits discrimination on the basis of race, place of origins, political opinions, colour, creed or sex but there is no specific legislation that addresses discrimination based on disability, language, sexual orientation or gender identity, or social status.

Gender equality and women's rights

- Dominica's Bureau of Gender Affairs has been active for over two decades. The Bureau provides services and programmes to address gender inequality. However, the Bureau is severely under resourced and requires strengthening in all areas.
- UN Women reports that the government is in the process of updating its **National Policy and Action Plan for Gender Equality**. Dominica launched its **Gender Equality Indicator Report for Dominica** in October 2016.
- Sex disaggregated data specific to the immediate impact of Hurricane Maria remains a challenge. However, the government's launch of CARICOM gender equality indicators has allowed for the collection of some robust baseline data.
- Prior to Hurricane Maria, Dominica made significant strides in social inclusion and gender equality, especially in education and leadership. However significant gaps related to gender-based violence ("GBV"), labor force participation, and health remain.³
- Women head 39.2% of all households, slightly up from 36.8% in 2001 but representing a 17.3% increase over the last decade. The structure of the economy and segmented labour market renders these women vulnerable – they generally support larger households than men, are more at risk of becoming poor or remaining poor and have greater responsibilities for caring and the maintenance of the family. These households are characterized by low levels of education, low school attendance rates, children fathered by multiple men, inadequate adult guidance and support and limited access to basic health care, and the women may resort to survival strategies that include illegal activities and/ or transactional sex.⁴

Suggested recommendation(s):

³ Post-Disaster Needs Assessment Hurricane Maria, The Government of the Commonwealth of Dominica, 2017 ("PDNA"), p.125.

⁴UNICEF Office for the Eastern Caribbean Area, Situation Analysis of Children Commonwealth of Dominica, p.8

- Take all necessary measures to strengthen the **Bureau of Gender Affairs**, including increasing the human and financial resources dedicated to the department.

Gender Based Violence

- UN Women reports that although women are benefiting from improvements in the health sector, GBV remains a significant health and social threat. There has not yet been a prevalence survey completed in Dominica, however the administrative data indicates that 86.9% of the victims of domestic violence are women, one in two of these women report sexual assault and two in five report physical assault.
- In 2016 the government passed the **Sexual Offences (Amendment) Act, 2016**, which expands the penalties for rape and criminalizes marital rape.
- The government is making efforts to update the **Domestic Violence Act**. However, the amended legislation has been pending with Cabinet for over a year and a half.
- Elderly women are at increased risk as there has been a notable increase in elderly persons reporting GBV related crimes to the Bureau of Gender Affairs. 80% of the reported perpetrators are men.
- Although there were no official reported incidences of GBV immediately following the hurricane, there is a need for capacity building and psychosocial support for victims given that the causes of violence are prevalent, including impacts of loss of employment on the household, shelters that are not designed with gender considerations, and an increase in drug and alcohol use.⁵
- There is no shelter for domestic violence survivors or their children.
- Dominica does not have a law that prohibits sexual harassment, and it continued to be a serious and persistent problem. The Bureau of Gender Affairs reported that women, particularly young women, experienced sexual harassment while walking in public and in the workplace.

Suggested recommendation(s):

- Prioritize conducting a prevalence survey on gender-based violence in Dominica.
- Urgently pass and proclaim the amended **Domestic Violence Act**.

The rights of children

⁵ PDNA, p.129.

- Children’s right to be protected from sexual, physical and emotional abuse and neglect is embodied in the **2010–2013 Dominica National Action Plan on Child Sexual Abuse**. The **Children and Young Persons Act and the Sexual Offences Act, No 1 of 1998** provide the legal framework.⁶
- In May 2018 Dominica adopted the **National Child Protection Action Plan**. The action plan outlines courses of action in three, board prioritized strategic areas:
 - a. Legislative reform
 - b. Structural reform
 - c. Service and programmatic interventions
- There are numerous child welfare bills including the **Model Children (Care and Adoption) Bill and the Child Justice Bill**. Discussions with senior officials in the government confirmed that although several steps have been taken in preparation, the bills are yet to be passed. Years of preparation included stakeholder consultations; follow-up work by the legal drafters to incorporate feedback from the consultations; and the hosting of workshops that would sensitize stakeholders directly involved in the implementation of the new legislative provisions. The expectation was that the bills would have been passed by the end of 2016, but regrettably this is yet to occur.⁷
- Between 2005 and 2015, 60% of the reported child abuse cases were sexual abuse and nearly 12% were physical abuse. Girls are more often abused than boys by nearly four to one. 47% of all reported cases involved girls and boys aged 11– 15 years and 33% involved children under 11 years.⁸
- The Social Welfare Division is responsible for the care and protection of children, social assistance to families and juvenile probation. The understaffed Division has just four full-time social welfare officers, who double as social workers and probation officers and may at any given time manage 20 childcare and protection or public assistance cases and 40 juvenile probationers. One full-time counsellor is on staff to assist with cases of abused or neglected children and a psychologist provides services to the Division one day per week. The Government operates one of several residential care centres that provide care and protection for children in crisis. There is a national plan of action on Child Sexual Abuse which is relatively recent but it is not necessarily implemented or enforced.⁹

⁶ Situation Analysis of Children in Dominica, p.8

⁷ National Child Protection Action Plan, Action Plan to guide Implementation of Recommendations in the OECS/UNICEF Child Justice Assessment Reports, Dominica, May 2018

⁸ Ibid

⁹ Situation Analysis of Children in Dominica, p. 10

- The minimum age of criminal responsibility in Dominica is 12 years and the juvenile justice framework applies to juveniles aged 12–18 years who come into conflict with the law. In 2015 the total prison population was 220 and included nine children, six boys and three girls. All children who are incarcerated are housed with the general prison population.
- Dominica’s courts in the juvenile justice sector have not been operational since Hurricane Maria. However, UNICEF has increased their support towards diversionary mechanisms for both boys and girls.
- UNICEF has worked with Dominica to implement the **Child Friendly Schools** initiative which incorporates alternative methods of discipline in lieu of corporal punishment.¹⁰ Corporal punishment remains legal under the Education Act.

Suggested recommendation(s):

- Urgently pass and proclaim the pending child welfare legislation developed under the **OECS Reform Project**.

Discrimination, violence and stigma against persons living with HIV/AIDS, lesbian, gay, bisexual, transgender and intersex persons

- The **Sexual Offenses Act 1998** has two sections which speak to same-sex sexual activity:
 - a. A “gross indecency” provision punishable by up to five years
 - b. A “buggery” provision punishable by up to 25 years
- Dominica is a conservative, predominately Christian society that is not tolerant of homosexuality or gender non-conformity. It is not uncommon for clergy to preach against homosexuality or for radio stations to play music with homophobic lyrics. In 2012 the education minister created a task force with the purpose of “investigating and identifying the root causes of deviance and the increasing incidents of homosexuality among [the] student population.”¹¹ In 2014 the Prime Minister stated “I will make it clear that there are some things that this Government will not accept and we will never allow for the state to recognize same-sex marriage in our country.”¹²

¹⁰ Dominica could eliminate corporal punishment in school’(Caribbean360, March 22 2016) < <http://www.caribbean360.com/news/dominica-eliminate-corporal-punishment-schools> > accessed Dec 10, 2018.

¹¹ <http://dominicanewsonline.com/news/homepage/news/general/dominica-ranked-third-worse-gay-rights-russia/>

¹² http://www.jamaicaobserver.com/news/Dominica-PM-says-no-to-same-sex-marriage_17128008?

- In previous public statements the government has stated that it does not enforce the law against homosexual activity in private homes and does not plan to do so.
- Dominica does not have laws that protect LGBT people against discrimination. Civil society reports that LGBT people, particularly from the lower economic bracket, face discrimination and stigma, and challenges accessing basic health care, social services, and employment.
- Some public figures have made statements in support of LGBT rights. In 2014 Bishop of Roseau - Gabriel Malzaire, speaking for the Catholic Church of Dominica, argued against the continued criminalisation of homosexuality in the country.

Elderly persons

- Observational evidence suggests that there is a predominance of women, elderly persons, and children in the shelters. Site visits by the Bureau of Gender Affairs, supported by UN Women, indicate that elderly women are doing the majority of the care work especially in the shelters. Respondents indicated that they were spending at least 18 hours per week on unpaid care work, which represents a significant increase since the hurricane.¹³

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

- The Dominica's Constitution protects the right to life and prohibits torture.
- There is a de facto moratorium on the death penalty, as no one has been executed in Dominica since 1986. However, the death penalty continues to enjoy widespread public support.
- The Prime Minister, as well as other government ministers, has previously stated the position that Dominica will not removing the death penalty from its statute books. In 2017 press conference the Minister for Justice, Immigration and National Security, Rayburn Blackmoore, said that the death penalty was needed to protect women, children and other vulnerable groups in society against violence. He indicated that the death penalty “is not something we should rule out” because “we have to ensure that the law in itself has sanction...when persons who are found guilty get sentences that actually suit the actual crime.”¹⁴

¹³ PDNA, p.9

¹⁴ <https://www.dominicavibes.dm/news-221250/>

- In response to the concern of gun violence in Dominica, in 2018 Minister Blackmoore announced that the government intended to amend firearms laws to create strict liability and stronger penalties for illegal gun possession.¹⁵

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

- Dominica's legal system is based on English common law. There are three Magistrate's Courts and a High Court of Justice. Appeals can be made to the Eastern Caribbean Court of Appeal and, ultimately, to the Caribbean Court of Justice. The Court of Appeal of the Eastern Caribbean Supreme Court ("ECSC") is headquartered in Saint Lucia, but at least one of its 16 High Court judges must reside in Dominica and preside over the High Court of Justice.
- The Attorney General is the government's principal legal advisor and serves as a cabinet minister while the office of the Director of Public Prosecutions (DPP) is Dominica's main prosecutorial authority.
- Dominica has one prison, Stock Farm Prison located in the capital, Roseau, which is administered by the Dominica Prison Service under the jurisdiction of the Prime Minister's Office. According to the World Prison Brief, as of 2015 the facility was running at 73% percent capacity, with male juveniles making up 0.9% of the population. In 2016, 23.7% of the prison population were pre-trial detainees/remand prisoners.
- In 2014 and 2015 the Eastern Caribbean Supreme Court heard cases against the Attorney General regarding allegations of police misconduct. In both cases the ECSC found in favour of the plaintiffs finding that the police's use of force unjustifiable.
- Prior to Hurricane Maria inefficiency in the legal system was a major concern. Among the issues were insufficient resources, a lack of magistrates and general understaffing, all of which contribute to lengthy trial delays.
- The effects of Hurricane Maria have exacerbated the delays in the Dominica court system. In November 2018, the Dominica Bar Association (DBA) held a press conference voicing their concerns about "the state of disrepair of the courts in Dominica and the absence of the Criminal Division of the High Court." As a result of the lack of facilities no high court criminal trials have been held since the passage of Hurricane Maria. The DBA called on the Ministry of Justice and the High Court Registry to take the necessary steps to ensure the immediate resumption of High Court Criminal trials and requested the assignment of

¹⁵ <http://dominicanewsonline.com/news/homepage/news/crime-court-law/govt-to-tighten-gun-laws/>

a second Civil High Court judge to the Commonwealth of Dominica in order to reduce the current backlog.¹⁶

- While the government generally implements anti-corruption laws effectively, domestic and international observers have raised concerns over Dominica's Citizenship by Investment Program (CIP) which allows foreigners to gain citizenship through an economic investment in the country.
- In January 2017 Iranian national Alireza Zibahalat Monfared, who had held a Dominican diplomatic passport, was arrested in Iran in connection with alleged involvement in an Iranian corruption scandal. The Dominican government subsequently stated that it does not sell diplomatic passports, but in the wake of the scandal, officials stopped issuing diplomatic passports to noncitizens in order to review the policy and update regulations.
- Police sensitivity remains a challenge, especially for GBV cases and even more so for those in the Lesbian, Gay, Bisexual, Transgender, Intersex and Questioning (LGBTIQ) community.¹⁷

D. Freedom of religion or belief, expression, association and peaceful assembly, and right to participate in public and political life

- Consistent with the ICCPR, Dominica's Constitution protects freedom of religion or belief, expression, association and peaceful assembly, and guarantees the right to participate in public and political life.
- In 2017 members of opposition parties alleged political harassment by the DLP government. In February 2017, following an opposition political meeting and anti-government protest, which saw looting and significant acts of vandalism, the Prime Minister Skerrit suggested that the unrest amounted to an organized attempt by the opposition to "seize the seat of power." Police subsequently detained United Workers Party (UWP) Senator Thomason Fountaine on 12-13 February, former UWP deputy leader Claudius Sanford on 16 February, Dominica Freedom Party general secretary Johnson Boston on 17 February, and UWP parliamentarian Joseph Isaac on 20 February. Except for Fountaine, police took other opposition figures from their homes

¹⁶ <http://dominicanewsonline.com/news/homepage/news/dominica-bar-association-displeased-about-state-of-disrepair-of-dominicas-courts/>

¹⁷ PDNA, p.126.

in the early hours of the morning, searched their homes, and detained them for questioning in connection with the protests, including an alleged attempted coup.¹⁸

- Ultimately those arrested were released and all charges were dismissed by the court.
- In Dominica defamation remains a criminal offense punishable by imprisonment or fines.

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

- There is a gender division of labor in Dominica, with women overrepresented in the services sector (both government and commercial). These jobs are perceived to be more stable, however in times of financial and environmental crises are often most at risk. Women in the formal economy are primarily in government services (55.7%), commercial services sector (55.3%) followed by the agricultural sector (20.1%). Men represent (79.9%) of the formal agricultural sector and manufacturing.
- A wage gap exists across all sectors for men and women, with the largest gaps being between skilled agricultural and fishery workers and, craft and related trade.
- There are many women engaged in subsistence agriculture for the food security of their families, these women predominate in the ‘informal economy’. These women who participate in the informal economy are usually connected to agricultural sector as street and market vendors, ‘hucksters’ in the inter-island trade in agricultural produce and other commodities, as well as vendors at tourism sites. These women are critical to the food security of Dominica and many of the other countries in the OECS.¹⁹
- A large segment of Dominica’s labor market is informal making it difficult to gather sex-disaggregated data on the impact Hurricane continues to have on employment.

F. Right to social security and to an adequate standard of living

- Dominica Social Security (DSS) is the main safety net for the population and receives contributions from Dominican nationals in the employed labor force who are 16–60 years of age. The DSS provides sickness, maternity, invalidity, employment injury, funeral expense, and survivor benefits to contributors.²⁰

¹⁸ <http://dominicanewsonline.com/news/homepage/news/politics/uwp-demands-end-of-political-persecution-of-opposition/>

¹⁹ PDNA, p.126.

²⁰ Pan American Health Organization, Health in the Americas, 2012 Edition Country Volume, Dominica (PAHO 2012, Dominica)

- National programs targeting poverty alleviation were implemented through the Government's Growth and Social Protection Strategy.²¹
- The last country poverty assessment conducted in Dominica was completed in 2009. It reported a decline in the poverty rate from 39% (2002–2003) to 28% (2008–2009). In the same period, the population categorized as 'indigent or critically poor' dropped from 10% to 3.1% and the percentage of households identified as poor from 29% cent to 22.%. Young people under the age of 25 years make up 52.4% of the poor.²² The unemployment rate among youth (18–24) in 2015 was 25% compared to a rate of 8% among adults. The rate was considerably higher among young women (30%) than among young men (20%).²³

G. Right to health

- Dominica's National Strategic Plan for Health 2010-2019 was launched in November 2010 by the Ministry of Health and encompasses the following areas: the population's health status; the influence of social determinants on the population's health; the management of the health services and their response capacity, including quality; the organization and management of the health system; and the sustainability of the health services.
- In July 2017, the Government of Dominica launched a pilot health insurance scheme for mothers and infants, which made accessing prenatal and postnatal care more affordable for all Dominican mothers.²⁴
- Access to health care has been compromised since the hurricane because all health centers around the island have been impacted. Each district has a major, Type 3, primary care facility, which provides primary care services, which include contraceptive services and services for pregnant women. The Type 3 centres also have District Medical Officers who play an essential role in managing sexual assault cases. La Plaine Type 3 centre was severely damaged and Marigot Type 3 centre (a rented facility) was moderately damaged. Since the hurricane primary health services continue to be offered in buildings with only emergency repairs or in alternate premises.

²¹ Ibid

²² Caribbean Development Bank, Country Poverty Assessment - Dominica, Dominica: Reducing Poverty in the Face of Vulnerability, 2009

²³ Situation Analysis of Children Commonwealth of Dominica

²⁴ PDNA, p.126.

- Many women interviewed indicated that increased communication was needed to make sure everyone was aware of where and how to access critical health services.²⁵
- Since Hurricane Maria PAHO/WHO is working with the government to build its capacity to better deliver the necessary health services across the country, particularly to women and children, where access can be a major challenge.
- In 2018 the Government of Dominica signed on to a 2018-2024 Multi-country Cooperation Strategy for Barbados and Eastern Caribbean Countries for technical cooperation in health with PAHO.

H. Right to education

- Prior to Hurricane Maria, the government of Dominica embraced the policy of universal access to primary and secondary education. After Tropical Storm Erika, schools were being rebuilt and refurbished, and the Ministry of Education undertook initiatives to improve the quality of education.
- Following Hurricane Maria many children were out of school for months because the government was initially heavily focused on recovery and rebuilding of vital infrastructure including roads and shelters. Many schools were also being utilized as shelters for the persons who lost their homes in the hurricane.²⁶
- UNICEF has been on the ground making efforts to make education accessible to children across Dominica.
- Many of the displaced school children from Dominica have been reenrolled into schools across the Caribbean region. However, improved data collection is needed to fully evaluate how many children are missing from the enrollment roster.
- In 2017, prior to Hurricane Maria, the Prime Minister of Dominica announced that a large portion of the education budget was to be allocated towards teacher training. Specifically, provisions were being made in the 2017/2018 National Budget to train teachers in special education and parents who have children with learning disabilities.²⁷ Following Hurricane Maria, the 2018/2019 Budget references the rebuilding of smart climate-resilient schools.

²⁵ PDNA, p.127.

²⁶ Patrick Knight, 'Hurricane Maria Aftermath: Children's education on hold in Dominica' (13 October 2017, UNICEF) < https://www.unicef.org/infobycountry/dominica_101048.html > accessed 10 December 2018.

²⁷ Hon Roosevelt Skerit, Prime Minister and Minister of Finance Dominica 'Budget Address for the Fiscal Year 2017/2018 : Realising a Modern, Prosperous Dominica' 27 July 2017, 31.

I. Persons with Disabilities

- The prevalence of persons living with disabilities in Dominica is average relative to other Caribbean countries. According to a United Nations Economic Commission for Latin America and the Caribbean (ECLAC) study, the incidence of disability in Dominica is 4.1%, with an equal distribution between men and women.
- Although Dominica ratified the CRPD in 2012, the government has yet to implement the vast major of the provisions of the convention. Dominica does not currently have any legislation or national policy that speaks specifically to the rights of persons living with disabilities. There is also no focal point within the government dedicated to the welfare of persons with disabilities although the government has previously indicated an intention to establish a National Disabilities Council.
- In the Prime Minister’s address regarding the 2018 budget, he indicates that the government will prioritize the implementation of CRPD articles 9, 11, 21, 25, 26, 27 and 28. He also stated that the government we pledged to ensure that persons living with disabilities are “brought into the mainstream of social and economic activity, social benefits and national life.” He indicated that the Ministry of Health and Social Services has been mandated to work with the DAPD in the preparation of a disabilities action plan for the implementation of measures to give effect to the Government’s commitment.²⁸
- Matters relating to persons living with disabilities falls under the Ministry of Health and Social Services. Civil society reports that although there is not a disabilities focal point in government, persons living with disabilities in Dominica benefit from social, educational, and employment programs. PWDs also receive “public support” or monthly financial assistance from the government.
- Prior to the damage suffered by Hurricane Maria, the vast majority of public buildings and roads were largely not accessible to PWDs. It is expected that the planned resilient rebuilding of the country’s infrastructure will allow for greater access for persons with disabilities. However, currently there are no building or construction codes mandating accessible construction at this time.
- There is one privately run educational facility dedicated to children living with intellectual disabilities. Children with physical disabilities and hearing and vision impairments are integrated into public schools as much as possible but are often

²⁸ Budget Address 2018 - 2019: From Survival, to Sustainability and Success: A Resilient Dominica, p.47

stigmatized. There is a serious lack of opportunities for children with special needs in rural areas.²⁹

J. Minorities and Indigenous People

- Dominica has an indigenous population of indigenous people called the “Kalinago” who account for approximately 4% of the population. The population distribution by sex indicates 1,212 (56.5%) males and 933 (43.5%) females; the 2011 population figure represents a 2.9 % decline in the population of the territory over the 2001 census figure of 2,208, however there is no discernable change in the male to female population ratio over the two periods. The Kalinago population is young; 70% are under the age of 30 and 40% are younger than 19 years old.
- The highest incidence of poverty (49.8%) was in the parish of St. David among the Kalinago or Carib peoples, who reside on the east of the island. However, this was a steep reduction from the 2003 poverty level of 70% in this population, owing to government interventions through targeted public expenditure.³⁰
- The Ministry of Kalinago Affairs (MOKA) works towards the improvement of the socio-economic condition, the preservation and promotion of the cultural heritage of the people of the Kalinago Territory and to facilitate the vigorous promotion of the integration of Dominica's Indigenous People into the socio-economic life of the wider Dominican society.
- The **Kalinago Territory Act of 1978** provides for the establishment of a corporate body for the administration of the territory, and for matters connected therewith. It gives the Kalinago Territory Council (KTC) and Kalinago Territory Chief/Kalinago Chief the authority and responsibility for the management of the Kalinago Territory.
- The issue of land ownership, or lack thereof, (Kalinago Council has ownership of lands in the Territory) poses serious concerns for individual socio-economic advancement. This significantly limits access to credit at local banks since they do not possess individually required collateral.
- Underemployment within the territory is a current and chronic issue especially after the agricultural export of banana dropped significantly. There is an overwhelming sense that the community has not recovered from the loss of income from the “banana economy” of the Kalinago Territory.

²⁹ Situation Analysis of Children in Dominica, p.8

³⁰ PAHO 2012, Dominica

- The government has collaborated with regional financial institutions to offer loan assistance to Kalinago small and micro enterprises.

K. Migrants, refugees and asylum seekers

- There remains a deficit in the protection of migrant rights within Dominica. This has been exacerbated in the wake of Hurricane Maria as migrants remain largely unregulated and undocumented within the system.
- There is no information on the progress of a specific policy or practice used by Dominica to identify asylum seekers or refugees within mixed migratory movements and had not received any referrals of, or requirements about, specific cases of asylum seekers, refugees or stateless persons.
- Data reported indicated that at 2015 there were 6,720 migrants living in Dominica permanently as residents. This includes granted refugees but no asylum seekers. The data is based on results of censuses as well as estimates and productions from the United Nations Population Division.

L. Right to development and environmental issues

- Prior to Hurricane Maria, Dominica has experienced a significant decline in the export of bananas, its principal crop, due to weather conditions and loss of preferential trade access to European markets. In response, the Dominican government pursued the development of the ecotourism industry on the island. Ecotourism was considered to have strong potential for economic growth and diversification because of the island's abundance of mountains, streams, forests, and spectacular flora and fauna, as well as its unique indigenous culture.
- In December 2018 the government passed the **Climate Resilience Act, 2018**, intended to ensure that Dominica is rebuilt as a "climate resilient nation" through establishing an executive agency to be known as "**the Climate Resilience Execution Agency for Dominica**" or "**CREAD.**"
- The establishment of CREAD is interested to promote the swift and cost-effective recovery of Dominica from climate-related disasters; to ensure that any physical and other infrastructure damaged or destroyed during a climate related disaster is reconstructed or restored to a state that is better than its state before the occurrence of that disaster; to ensure that Dominica will be more resilient to natural hazards and

better able to respond to climate-related disasters; and to assist the public and private sectors and civil society to be better equipped to manage and recover from climate-related disasters.

- As part of the resilience building process key industries are being targeted including agriculture, transport, housing and resettlement sectors. The agriculture sector will receive significant funding from the World Bank, which will be used to restructure and retool the agriculture sector to be more resilient against disaster. This comprehensive program will benefit 4,900 farmers and fishermen, who will receive assistance to restore their livelihoods using climate smart practices.
- Within the transportation sector, road standards are expected to be revised to ensure that resilience measures are incorporated and adapted to protect against impacts of climate change. Existing roads are to be upgraded to the revised road standard with attention being placed on the location and alignment of roads, on slope stabilization, drainage and road maintenance. In addition, plans are being made to incorporate river dredging as part of the government's maintenance schedule to reduce the occurrence of flooding and its resulting impact on roads and bridges.
- Reconstruction of resilient housing is a key national priority. The UNDP/Ministry of Housing Comprehensive Building Damage Assessment after Hurricane Maria showed that of 29,431 buildings, 18% were destroyed and 23% suffered major damage. The government is focused on reconstructing 5000 houses via the \$40 million World Bank housing grant.

Suggested recommendation(s):

- Ensure that a human rights-based approach is incorporated into the implementation of the **Climate Resilient Act, 2018** and the **CREAD** plan of action.