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**Contribution to the Universal Periodic Review of  
The Commonwealth of Dominica  
4th cycle, period 2019-2024**

**United Nations Subregional Team  
for Barbados and the Eastern Caribbean**

**June 2024**

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**A. Context<sup>1</sup>**

1. Dominica is a Small Island Developing State with an estimated population of 72,780.<sup>2</sup> Its Human Development Index (HDI) score is at 0.720, ranking it among upper middle-income, at a position 102 out of 191 countries (2021-2022). The richest 10% of the population account for 37.2% of the consumption while the poorest 10% account for merely 2% of the consumption expenditure.<sup>3</sup> The overall poverty rate is estimated at 28.8%; for Kalinago indigenous people this estimate is doubled, at 49.8%.<sup>4</sup> Other 2021 indicators include: life expectancy at birth -female, 76.3 years old, male, 69.7 years old; expected years of schooling: female: 14.6, male 12.2; and 34.04% women in Parliament.<sup>5</sup>
2. Dominica's high economic vulnerability to natural hazards is expressed in its ranking-12<sup>th</sup> out of 111 on the composite vulnerability index of the Commonwealth Secretariat and the World Bank.<sup>6</sup> Climate change, natural hazards, and high vulnerability to exogenous shocks, such as COVID-19, are underscored. The Germanwatch Global Climate Risk Index 2020 ranked Dominica 10<sup>th</sup> for the period 1999-2018 in its long-term climate risk index.<sup>7</sup> The country has faced several recent crises. The estimated total cost of damages since 2000 amount to USD 2.36 billion.<sup>8</sup> In 2017, the island was hit by Hurricane Maria (impact is calculated to have affected 226% of its GDP in damages) and plunged most of the population into poverty or hardship. It was estimated that poverty levels reached 43% after the hurricane struck.<sup>9</sup> As a consequence, in 2017, the Government committed to building the "World's First Climate Resilient Country" as central feature of its development policies.<sup>10</sup>
3. By 2019 the economy was recovering, fuelled by construction and growth in the tourism and agriculture sectors.<sup>11</sup> Public expenditure grew on large-scale reconstruction, rehabilitation, and resilience as well as subsidies required to support people in need and economic recovery. These expenses, combined with a decline in Government revenue, especially from the fall in Citizen-by-Investment (CBI) revenues, led to public debt increase to 107% in 2021.<sup>12</sup> Also, the pandemic, the rise in cost-of-living, high commodity prices and shipping costs, exacerbated its fiscal and public debt challenges in the last years.<sup>13</sup> Even though the high CBI revenues, nearing 30% of GDP in recent years, have played a role in public investment and crisis response measures, a decline in trade and large capital projects and sluggish tourism recovery has kept the pressure on government expenditure. According to the IMF, public debt declined to 102.9% of GDP in FY2022/23 but remains elevated above pre-pandemic levels and constrains fiscal space going forward.<sup>14</sup>
4. The cumulative crises of recent years have impacted SDG achievement. Although data on SDG progress is limited, target progress on hunger, quality education, clean energy and peace, justice and strong institutions has stagnated. There are some issues with water and waste management systems, food insecurity, rising non-communicable

diseases (NCDs) and mental health issues. Three SDGs (gender equality, climate action and partnerships) are on track or maintaining SDG achievement.<sup>15</sup> Dominica presented its Voluntary National Review (VNR) to the HLPF in 2022.<sup>16</sup>

5. On 6 December 2022, Prime Minister Roosevelt Skerrit (Dominica Labour Party) won a snap general election called to reinvigorate a trajectory of sustainable development. The opposition party (United Workers Party), did not contest the elections, noting unresolved electoral reform issues, such as updating voters lists and ID cards. Observers, including international missions from CARICOM, the OAS, and the Commonwealth, highlighted the peaceful conduct of the elections but did not shy away from pointing out the need for electoral reform.<sup>17</sup> In July 2022 the Caribbean Court of Justice had also noted some areas of concern in past elections, although it dismissed a case by the opposition UWP challenging the results of 2019 election.
6. On 2 October 2023,<sup>18</sup> Dominica elected its first woman and the first person of indigenous descent to the Presidency, Mrs Sylvanie Burton.

## **B. Acceptance of international norms, status of ratification**

**Recommendations: 104.1, 104.2, 104.5, 104.10-104.19**

7. In recent years, Dominica ratified or acceded to the International Convention in Enforced Disappearance and the International Convention on the Elimination of All Forms of Discrimination (both in May 2019). It has yet to ratify the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment, and the International Convention on the Protection of the Rights of all Migrant Workers and members of their families, as well as the Optional Protocols to CEDAW, ICCPR and ICESCR.
8. Dominica also ratified the American Convention on Human Rights, and the Inter-American Convention on the Prevention, Punishment, and Eradication of Violence against Women, known as the Convention of Belém do Pará. In July 2022, the Inter-American Commission carried out a first promotional visit to the country.
9. Dominica has ratified ILO Convention No. 169 on Indigenous and Tribal People (2002), the Equal Remuneration Convention (No. 100) and the Discrimination (Employment and Occupation) Convention (No. 111). However, it has yet to ratify the ILO Convention on Violence and Harassment in the World of Work (No. 190).
10. On 22 April 2024, Dominica ratified the Regional Agreement on Access to Information, Public Participation and Justice in Environmental Matters in Latin America and the Caribbean, known as the Escazú Agreement, an instrument that provides 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.<sup>19</sup>

## **C. Cooperation with international human rights mechanisms (treaty bodies and special procedures)**

**Recommendations: 104.22-104.26**

11. Dominica has not submitted its reports to treaty bodies monitoring mechanisms since accession, except for an initial report to the Committee on the Rights of the Child in 2003.

12. In 2020, the Human Rights Committee reviewed Dominica's compliance with the International Covenant on Civil and Political Rights, without a report, and engaged in a constructive dialogue for the first time since 1993, when the Covenant came into force. Given the submission of written replies to the list of issues prepared by the Committee, supplemented by oral and written responses, the Committee considered the written replies as the first periodic report of the State party. It issued comprehensive concluding observations and requested the submission of the common core document to facilitate future dialogues.
13. Dominica issued a standing invitation to Special Procedures in 2009. In October 2023, it extended an invitation to the Special Rapporteur on the promotion and protection of human rights in the context of climate change. The new mandate-holder, in function since 1<sup>st</sup> May 2024, Ms Elisa Morgera, accepted the invitation and requested dates for this visit during the last quarter of 2024. Also, in 2019 the Special Rapporteur on human rights and the environment had requested to undertake a visit. No mandate-holder has visited the country thus far.

#### **D. Constitutional and Legislative Framework**

**Recommendations: 104.29, 104.81, 104.90, 104.95, 104.105, 104.107, 104.109, 104.122, 104.130, 104.133, 104.137, 104.138**

14. Several relevant Acts to protect women and children were passed in 2023, notably the Domestic Violence Act, Act 14, which entered into force on 1 July 2023. This Act will provide greater protection for victims of domestic violence and allow for provisions for the granting of protection orders and for related matters.<sup>20</sup> In relation to children, the following legislation was also passed: Status of Children (Act 10),<sup>21</sup> the Children Care and Adoption Act (Act 12),<sup>22</sup> and the Maintenance of Children Acts (Act 7 and Act 11).<sup>23</sup>
15. Articles 1 and 10 of the Constitution guarantee freedom of assembly and association, conscience and expression.<sup>24</sup> Defamation is a criminal offence under the Libel and Slander Act (1876, amended in 1979), punishable by a fine and prison term of up to three years.<sup>25</sup> Defamation by the press is regulated in the Seditious and Undesirable Publications Act (1968), which carries punishment of a fine and imprisonment of up to six months.<sup>26</sup> A Freedom of Information law does not exist in the country.

#### **E. Institutions and policies**

**Recommendations: 104.58, 104.59, 104.117, 104.134**

16. Dominica is estimated to have a diaspora population approximately the same size as its respective resident population. The Government of Dominica carried out consultations to inform the development of its National Population Policy in 2022. The Policy is reportedly awaiting the approval of the Cabinet. The objective of the Policy is to ensure that the country's population (size, spatial distribution, age, and skills composition) is suitable for its sustainable development.<sup>27</sup>

#### **F. Human rights policies and climate change**

**Recommendations: 104.55, 104.61-104.64, 104.66.**

17. Dominica is a signatory to the 2023 Organisation of Eastern Caribbean States (OECS) Ministerial Declaration on Migration, Environment and Climate Change aligned with international frameworks including the United Nations Framework Convention on Climate Change (UNFCCC) and the Paris Agreement 2015. The Declaration aims at strengthening climate change adaptation and building resilience, including by domesticating the provisions of the UNFCCC, and related bodies, the United Nations Convention to Combat Desertification, the Convention on Biological Diversity and the Sendai Framework on Disaster Risk Reduction.<sup>28</sup>
18. In 2017, Dominica announced its intention to become the first climate resilient nation in the world and prepared a Disaster Resilience Strategy (DRS), a comprehensive plan including policies, costs, and financing to build resilience against future natural disasters. Recently, the Government has promulgated three key documents, aligned with SDGs, to achieve this vision: The National Resilience Development Strategy;<sup>29</sup> Dominica's Climate Resilience and Recovery Plan 2020 – 2030; and The Disaster Risk Financing Strategy.<sup>30</sup>
19. In February 2022, in partnership with the Ministry of Environment, Rural Modernization and Kalinago Upliftment, the Engender project supported the development of a comprehensive livelihood assessment of the indigenous population. The assessment aimed to address specific vulnerabilities to climate impacts and find solutions to improve resilience and enhance their livelihoods.<sup>31</sup>
20. In 2023, the Caribbean Organizations for a Resilient Environment (CORE) 2023-2026 launched a project aiming to set a gender-responsive approach to climate change resilience, especially of vulnerable groups. The project is led through a collaboration between the Dominica National Conservation Trust Fund, the Caribbean Biodiversity Fund, and Global Affairs Canada.
21. As part of its efforts to boost economic growth and ensure resilience, the Government has focused on the geothermal energy production to enable Dominica to phase-out a significant amount of fossil fuel-based generation. Like other Caribbean countries, Dominica's debt burden is limiting its ability to borrow for much needed investments, even when the returns would have a transformative impact on sustainable development and energy as in this case. For instance, the current heavy dependence on imported fossil fuels for electricity generation could be transformed. In 2022 the estimates were that Dominica relied on fossil fuels for 76% of its electricity, imported, and 24% on renewable energies.<sup>32</sup>
22. In December 2020, UN Women completed a review of the "Gender Inequality and Differential Impact of Climate Change and Disaster Risk and Cost of Inaction" of Dominica, focusing on agriculture and fisheries, health, social protection, employment, and resilient infrastructure and housing.<sup>33</sup> Activities to build resilience, included women, Kalinago communities and persons with disabilities.

#### **G. National Plans of Action on Human Rights (or specific areas)**

##### **Recommendations: 104.123, 104.84**

23. In 2021 the Engender Project<sup>34</sup> provided support to the Bureau of Gender Affairs to review and update the National Policy and Action Plan for Gender Equity and Equality (NPAP), 2014-24. The policy was developed originally in 2006 to promote equality between men and women, gender equity, equality, social justice, and

sustainable human and economic development. The revised NPAP's approval is still pending.

#### **H. Right to an effective remedy and conditions of detention**

##### **Recommendations: 104.65, 104.78, 104.126**

24. In 2020, UNDP carried out a regional assessment of the justice system in nine Caribbean countries,<sup>35</sup> including Dominica. Challenges identified include the lack of available data for national assessments and the backlog of cases – particularly in the criminal division –, due to various reasons including the slow pace of investigations by police, inordinate delays in production of depositions, and lack of human and technological resources. Over-use of pre-trial detention in violation of due process contributed to the backlog because of lack of non-custodial options at the pre-trial stage.
25. Among reasons behind the backlog, there is lack of integrated communications and technology systems – which means that tracking of cases and files throughout the justice system relies on paper documents. A critical issue in Dominica has been infrastructure and digitalization, notably considering resilience from climate change and other disasters. The 2017 Hurricane resulted in the destruction of the Criminal Court and other state administration offices. The loss of many paper-based court records led to major challenges with pursuing the related cases. This underscores the urgency of a full transition to electronic records and improving resilience in the Judiciary to ensure access to justice in post-disaster conditions. There are also gaps in coordination of various law enforcement agencies (e.g. police, probation, prison, social services). Data management support is provided by UNDP through the Carisecure project, by expanding the systems to ensure engagement of actors in the process, from arrest to conviction, sentencing, incarceration, rehabilitation, and re-integration.
26. Another recurrent challenge is the lack of accessible justice facilities and services to persons with diverse forms of disability, which results in exclusion from protection and remedies. It is indispensable to build facilities (i.e. those affected by hurricanes in Dominica) with consideration of accessibility limitations.
27. The 2017 OECS/UNICEF Assessment of the Child Justice System in Dominica pointed to urgent law reform governing the administration of child justice in Dominica. The Children and Young Person's Act is limited in its ability to respond effectively to the needs of young offenders. Essential services including probation, psycho-social interventions, educational and vocational programming, and legal aid services, are all lacking. A new Child Justice Bill is expected to be passed in 2024, but until the Children and Young Person's Act is repealed, Dominica retains legislative provisions that sanction the flogging of children and permit the life imprisonment of children. The Operation Youth Quake Facility, a non-governmental organization started in 1978 as a refuge for "street children", ordinarily accommodates both children in conflict with the law, and those in need of care and protection. It was not intended to be a juvenile facility but has accepted children charged with offences because the only alternative is a prison.

#### **I. Economic, social, and cultural rights: general measures of implementation**

##### **Recommendations: 104.68**



28. As of October 2022, over 15,000 COVID-19 cases were confirmed with a total of 74 deaths. By August 2022 (latest available data), 44% of the population was fully vaccinated. The COVID-19 pandemic is estimated to have increased poverty in Caribbean countries by 10-25%,<sup>36</sup> with rise in unemployment, loss of livelihoods and income resulting from border closures and social distancing measures that were taken at the height of the pandemic. Increasing numbers of people sought social assistance. Accordingly to a survey on food security and livelihoods an estimate of 81% respondents in April 2020 reported that they were not able to meet their household needs, and 69% reported that they lost their jobs or reduced their revenue as of June 2020.<sup>37</sup> Physical distancing measures, including business and school closures implemented during the pandemic resulted in many challenges, including loss of learning, increased gender-based violence, and violence against children.

**a) Right to an adequate standard of living -general**

**Recommendations: 104.56, 104.69, 104.82, 104.89**

29. High cost of living and food insecurity continue to be of serious concern, in the aftermath of COVID-19. In August 22, 52% of respondents of the survey reported that their ability to carry out their livelihoods was affected, 60% noted that the main reasons were that goods and food were too expensive or inaccessible, and 48% of continued to report that they had lost their jobs or seen their salaries or revenues reduced since the pandemic. In May 2023, 53 % of the respondents continued to report disruption in their livelihoods, and a 99% reported increase in food prices.<sup>38</sup>
30. Heavy import dependency among Caribbean economies on fuel, food products and agricultural inputs means that global changes in prices can further drive inflation in the region. For illustration, the domestic electricity tariffs (in US cent/ kWh) is 40 US cents in Dominica, compared to 12 cents in the USA and a regional average in Latin America and the Caribbean of 19 cents.<sup>39</sup>
31. The ILO is assisting the Ministry of Culture, Youth, Sports and Community Development, to develop a policy on co-operatives. According to the World Council of Credit Unions Inc (WOCCU), in 2020 Dominica had the highest penetration rate by credit unions in the world. While the average was 12.18 per cent, Dominica's was 169.06 per cent, which signals a significant possibility for contributing to economic stability and growth. According to the World Bank, in 2021 the GDP of Dominica was USD552Mn. The WOCCU estimates that the total assets of credit unions in Dominica in 2020 was USD346.2Mn, while deposits were USD292Mn and loans USD206Mn.<sup>40</sup>

**b) Right to adequate housing**

**Recommendations: 104.57**

32. Rebuilding and making Dominica's housing stock hurricane proof has been a government priority since Hurricane Maria in 2017. Many households whose homes were damaged or destroyed had insufficient resources to rebuild or repair them. The Government's Housing Recovery Project, funded by the World Bank, targeted citizens whose homes were destroyed by Maria and provided them with financial, technical, and administrative assistance for reconstruction. The new homes are built to withstand a category 5 hurricane. The project also served to develop local contractors' skills in areas such as health, safety, and hurricane-proof design and construction. To

receive support, applicants had to show that their primary residence had been destroyed and legal ownership of the land; it was this second criteria which excluded a significant number of households. As of June 2022, there were nearly 500 beneficiaries enrolled in the project.<sup>41</sup>

**c) Right to social security**

**Recommendations: 104.60, 104.83, 104.85, 104.140**

33. A Social Protection Policy and Strategy was recently developed and is awaiting approval by Cabinet. The Policy addresses social assistance, contributory social security, labour market and livelihoods programming, community-based social care, and gender-sensitive, child-friendly, and shock-responsive social protection design and delivery. It is anticipated that the new Policy will enable social assistance to be better targeted with greater reach, expand coverage of social insurance schemes (including social security), and improve access to tailored training and small enterprise support.<sup>42</sup>
34. ILO is assisting the Government in the adoption of universal insurance, the implementation of actuarial valuation results and a new actuarial valuation, and the ratification of ILO Social Security (Minimum Standards) Convention No. 102.
35. IOM is supporting the Department of Social Services to improve its capacities to deliver protection-oriented services, particularly by exploring avenues to enhance existing interventions - such as social welfare initiatives, child protection services, elderly care, and psycho-social support services, under a project titled 'Improving Social protection for local and migrant communities in Dominica' (2023- 2025).

**d) Right to health**

**Recommendations: 104.86-104.88, 104-114**

36. Dominica's population is aging. In 2020, the proportion of Dominica's population aged 65 and older was 12.2%. The disease burden is dominated by NCDs. Cardiovascular disease, diabetes, and cancers in 2019 were the top three causes of death and disability, collectively accounting for almost half of all healthy life lost.<sup>43</sup> In 2020 and 2021, the leading causes of death included hypertension, diabetes, ischemic heart disease and prostate cancer.
37. Between 2000 and 2021, infant mortality decreased from 17.5 to 13.8 deaths per 1000 live births. In 2021, 100% of births were attended by skilled personnel, and between 2015 and 2020 the percentage of pregnant people who received antenatal care increased from 89.6% to 95%.<sup>44</sup> Adolescent fertility decreased from 59.5 live births per 1000 women aged 15 to 19 years in 2000 to 37.6 in 2023.<sup>45</sup>
38. Abortion is allowed in Dominica solely when a woman's life is at risk, under section 8 of the Offences against the Person Act.<sup>46</sup> Abortion is not explicitly allowed on demand, or in cases of rape and incest, to protect a woman's mental or physical health for economic or social reasons and foetal malformation. Under sections 56 and 57, those who intend to procure an abortion to themselves are liable to imprisonment for ten years, while those helping in procuring it are liable to imprisonment for two years.
39. In 2021, Dominica received certification in the Elimination of Mother to Child Transmission of HIV and Syphilis.



40. According to the Service Coverage Index for Universal Health Coverage (UHC), Dominica has advanced from 41 in 2000 to 67 in 2019, the most recent data available.
41. Dominica was part of the second phase of PAHO's Smart Health Care Facilities in the Caribbean Project. The project assisted to make health facilities both safer and greener through adoption of standards for disaster resiliency and energy efficiency. As of 2021, the programme had undertaken comprehensive assessments of disaster safety and environmental management at 49 health facilities and upgraded 6 health facilities in Dominica (3 fully retrofitted and 3 benefitted from upgrades).
42. The National Resilience Development Plan 2030 outlines the broad objective toward universal health coverage, and universal access and equity in health. Human resources for health are recognized priority and associated to gender equality and the vulnerabilities of the Kalinago communities.
43. Progress made on sexual and reproductive health are commendable. However, a matter of concern is that adolescents have limited access to comprehensive sexual and reproductive health services (SRH) due to legal barriers. The minimum age to access SRH services without parental consent is 18. However, the minimum age of consent to sexual activity is 16. The fact that the minimum age of consent to sexual activity is lower than the minimum age to access SRH services without parental consent poses a challenge for sexually active adolescents in need of information and services without the knowledge of their parents or guardians. The ongoing efforts by the Government of Dominica to develop standards for quality health care services for adolescents and a Sexual and Reproductive Health Policy are recognised and UNFPA urges the Government to ratify and adopt these critical policy initiatives.

**e) Right to education**

**Recommendations:** 104.37, 104.91

44. Basic education continues to be a fundamental right for all citizens. The Government of Dominica has made intentional efforts to upgrade school infrastructure and enhance the capacity of the teaching labour force. New infrastructure includes Early Childhood Centres to streamline early access to quality education. Transforming education systems is the focus of a project by the Global Partnership for Education, Caribbean Development Bank and the World Bank.

**f) Right to work**

**Recommendations:** 104.112

45. The Labour Contracts Act 1983 (amended in 1990)<sup>47</sup> and Labour Standards Act 1977 address the gender pay gap, prohibiting sex discrimination in pay and ensuring maternity leave entitlement with pay. These Acts seek to achieve equal pay for equal work between the sexes. However, they do not address discriminatory recruitment and promotion practices, workplace sexual harassment or equal pay for work of equal value in different businesses and under different working conditions.<sup>48</sup> Pay differentials due to occupational and workplace segregation by sex are therefore not addressed.<sup>49</sup> There are no readily available data on the gender pay gap in different sectors.

46. In 2021, the Government increased the national minimum wage for the first time since 2007. Different minimum wage rates are specified for different categories of workers. Increases were between 40 and 50% (e.g. cashiers, receptionists and salespersons from EC\$5.50 to EC\$7.25 per hour).<sup>50</sup>

**g) Rights to water and sanitation**

47. In Dominica, 95.42% has basic access to water in households. Disparities in access can be more pronounced in rural areas, where infrastructure is inadequate, and water quality can be compromised by agricultural runoff and erosion. In terms of affordability, in 2019 the monthly residential water bill was approximately 19 USD for 15 m<sup>3</sup> of water, however the gross unpaid bills days were 105 days as of 2020. In relation to sanitation, some concerns are related to about 15% of the population still lacking improved facilities, and to the practice of open defecation.<sup>51</sup>

**J. Discrimination against women, Advancement of Women**

**Recommendations: 104.93, 104.102, 104.104, 104.110, 104.111, 104.113, 104.115, 104.116, 104.118**

48. Data to assess gender gaps in Dominica are limited and dated. As highlighted on World Bank 2021 Gender Scorecard (December 2020) only 14.8% of indicators needed to monitor the SDGs from a gender perspective were available, with gaps in areas such as violence against women, unpaid care and domestic work, and the gender pay gap. Gender-relevant areas like poverty, physical and sexual harassment, and women's access to assets (including land) lack comparable methodologies for regular monitoring.
49. Dominica does not produce timely and reasonably accurate data on gender-based violence. The only source is the National Registry, which receives reports made to major agencies involved in prevention and response to gender-based violence (GBV), but is missing information obtained by the Ministry of Health or the Courts for domestic violence as they are not parties to the reporting system. Dominica has not prioritized conducting a study on the prevalence of GBV.
50. The UN system is working with the Government and civil society organizations to strengthen women's economic empowerment. A four-year project (2023-27) "Build Back Equal" (UNWomen and UNFPA) focuses on women's economic resilience, with a focus on youth-owned businesses coupled with measures to strengthen social protection and sexual and reproductive rights.

**K. Violence against women**

**Recommendation: 104.94, 104.96, 104.97, 104.101, 104.106, 104.108**

51. On 1<sup>st</sup> July 2023, the Domestic Violence Act, and the Domestic Violence (Commencement) Order entered into force. The Act provides greater protection for victims of domestic violence and makes provision for the granting of protection orders and arrests by police officers. Clause 2 of the Act defines domestic violence as any controlling or abusive behaviour, conduct or act that harms or endangers the life, limb, or well-being, whether mental or physical, of a person or any child. It includes acts or threats of physical, sexual abuse, emotional, verbal, or psychological abuse, coercion, molestation, arbitrary deprivation of liberty or forced confinement, economic

abuse, intimidation, harassment, and stalking, including cyber stalking.

52. The Act does not define ‘consent’. There are no close-in-age defences to avoid criminalizing persons under 18 who engage in consensual sexual activity with their peers. A person under the age of fourteen years is deemed incapable of committing rape. Rape in the law is described using gender-neutral terminology. Rape in marriage is an offence only if there is force or threat of force or the use of drugs, unlike rape outside of marriage. Rape in marriage also carries a lower penalty (14 years) than non-marital rape (25 years).
53. Sexual offences are addressed in the Sexual Offences (Amendment) Act 2016. All the offences included in the law are gender neutral.
54. Dominica does not have a National Strategic Action Plan to reduce gender-based violence nor sexual harassment legislation, however the Sexual Offences Act can be used for victims of sexual harassment.

#### **L. Children: definition, general principles, protection, alternative care**

##### **Recommendations: 104.121, 104.124, 104.127-129, 104.131**

55. The law prohibits child abuse, but it remains a pervasive problem. LGBTI children are at particular risk of abuse. The government maintained a Child Abuse Prevention Unit until the recent passage of the 2023 Child Care and Adoption Act (Act 12).<sup>52</sup> In line with the new Act, the Child Care and Protection Unit was established and is responsible for protecting children from all forms of abuse. The unit supports victims by providing counselling, psychological assessments, and other services like financial assistance to abused children and family members.
56. Children were often required to testify directly in court against their abusers, who were also physically present, instead of providing prerecorded 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.
57. The legal minimum age for marriage is 18 for both men and women, but marriage is permitted at 16 with parental consent. The law prohibits using children for commercial sexual exploitation, including child sex trafficking, and related activities may be prosecuted under laws against prostitution or trafficking. The law protects all persons from “unlawful sexual connection”, rape, procurement for prostitution, and incest. It prohibits sexual intercourse between a child and an adult and increases the penalty to 25 years of imprisonment for an adult who rapes a child whom the adult employs or controls, or to whom the adult pays wages.
58. In 2023, Dominica passed a new Child Protection and Adoption Act to remedy many of the challenges highlighted in the 2017 OECS/UNICEF Assessment of the Child Justice System. The new Act includes measures to address lengthy periods of children in formal care; limited use of adoption to ensure long term, stable environments for children; lack of status reviews to monitor the children’s progress in rehabilitation and reintegration; insufficient collaboration between the Ministry and Residential Facilities; failure to work with the families of children who are in care, with a view to strengthening the home environment to which children are expected to be returned;

limited monitoring of child protection facilities and no established complaint procedures; the absence of written manuals or directives for the guidance of child protection practice and procedures.

#### **M. Persons with disabilities**

**Recommendations: 104.135, 104.136, 104.138**

59. The law does not specifically prohibit discrimination against persons with disabilities, but discrimination has been reported in relation to employment opportunities. Physical accessibility is of concern: few buildings, including public buildings, provided access for persons with physical disabilities.
60. Children with physical disabilities and those with hearing and vision disabilities were integrated into mainstream schools. The government provided stipends to cover educational expenses in private, segregated schools for children with intellectual or mental disabilities. However, there is a need for further systems transformation and professional upskilling to support the children.

#### **N. Situation of LGBTI persons**

**Recommendations: 104.39, 104.41, 104.50**

61. Dominica provides no recognition to same-sex unions (marriage or civil unions). Discrimination against a person based on real or perceived sexual orientation or gender identity is not forbidden by law, in fact same sex sexual relations under the Sexual Offences Act (Sections 14 & 16) (both men and women) are criminalized as acts of 'gross indecency' and 'buggery'. These provisions carry a maximum penalty of twelve years' imprisonment, and the possibility of compulsory psychiatric treatment. There is no evidence of the law being enforced in recent years, however there were some claimed arrests in the early 2000s.
62. On 22 April 2024, the Eastern Caribbean Supreme Court ruled that both section 14 and 16 of the Sexual Offences Act contravened sections of the 1978 Constitution. The Court ruled that the former provisions violated the right to liberty which is guaranteed by section 1(a) of the Constitution, freedom of expression which is guaranteed by sections 1 (b) and section 10 (1) and protection of personal privacy which guaranteed by section 1 (c). 53

#### **O. Other issues:**

##### **a) Freedom of opinion and expression**

**Recommendations: 104.79-80**

63. Freedom of assembly and expression are guaranteed under the Constitution, and generally respected. However, protests sometimes become violent, or give way to looting or acts of vandalism, and political opponents to the Government have been charged with incitement and obstruction.
64. The press is generally free in practice. However, defamation remains a criminal offense punishable by imprisonment or fines. Defamation lawsuits and threats of lawsuits are commonly used by the government against members of the media,

resulting in some self-censorship. In July 2022, the Caribbean Court of Justice alleged that the opposition's access to some state-owned media, including the national radio station, has been restricted.

65. UNESCO has recorded no killings of journalists in Dominica since 2006 when UNESCO began a systematic recording and systematic condemnation of an such acts.

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<sup>1</sup> **Note:** This submission refers to recommendations to Dominica in its 3<sup>rd</sup> cycle of UPR (2019). It also includes issues that have become prominent since 2019, based on UN's analysis, activities and technical cooperation and assistance provided to the Government or other stakeholders.

<sup>2</sup> OCHA, Dominica Country Profile, August 2023.

<sup>3</sup> Green Climate Fund, 2022, page 24.

<sup>4</sup> OCHA, *ibid*.

<sup>5</sup> UNDP Breaking down gender biases—shifting social norms towards gender equality, page 35  
<https://hdr.undp.org/system/files/documents/hdp-document/gsni202303pdf.pdf>

<sup>6</sup> Green Climate Fund, *ibid*.

<sup>7</sup> *Ibid*

<sup>8</sup> OCHA, *ibid*

<sup>9</sup> <https://thedocs.worldbank.org/en/doc/7276af45227db85e778cd1586c68e040-0350082021/original/mpo-dma.pdf>

<sup>10</sup> <https://www.worldbank.org/en/news/feature/2023/09/26/dominica-s-journey-to-become-the-world-s-first-climate-resilient-country>

<sup>11</sup> Country Economic Review 2019- Dominica. Caribbean Development Bank.

<https://www.caribank.org/sites/default/files/publication-resources/CER%202019%20Dominica.pdf>

<sup>12</sup> IMF 2023 Article IV Consultation-Press Release; and Staff Report for Dominica; IMF Country Report No. 23/246;  
<https://www.imf.org/en/Publications/CR/Issues/2023/07/05/Dominica-2023-Article-IV-Consultation-Press-Release-and-Staff-Report-for-Dominica-535752>

<sup>13</sup> *Ibid*

<sup>14</sup> <https://www.imf.org/en/News/Articles/2024/03/14/mcs-dominica-staff-concluding-statement-of-the-2024-article-iv-mission>

<sup>15</sup> At a Glance 2023: Dominica Factsheet, UN RCO for Barbados and the Eastern Caribbean.

<sup>16</sup> <https://hlpf.un.org/sites/default/files/vnrs/2022/VNR%202022%20Dominica%20Report.pdf>

<sup>17</sup> See Preliminary Report of the OAS Electoral Observations Mission for the General Elections of December 6th, 2022, in Dominica, 8 December 2022.

<sup>18</sup> <https://news.gov.dm/news/5654-kalinago-mrs-sylvanie-burton-makes-history-as-president-elect>

<sup>19</sup> [https://treaties.un.org/pages/ViewDetails.aspx?src=TREATY&mtdsg\\_no=XXVII-18&chapter=27&clang=\\_en](https://treaties.un.org/pages/ViewDetails.aspx?src=TREATY&mtdsg_no=XXVII-18&chapter=27&clang=_en)

<sup>20</sup> [https://dominica.gov.dm/laws/2023/domestic\\_violence\\_act\\_14\\_of\\_2023.pdf](https://dominica.gov.dm/laws/2023/domestic_violence_act_14_of_2023.pdf)

<sup>21</sup> [https://dominica.gov.dm/laws/2023/status\\_of\\_children\\_act\\_no\\_10\\_of\\_2023.pdf](https://dominica.gov.dm/laws/2023/status_of_children_act_no_10_of_2023.pdf)

<sup>22</sup> [https://dominica.gov.dm/laws/2023/children\\_care\\_and\\_adoption\\_act\\_no\\_12\\_of\\_2023.pdf](https://dominica.gov.dm/laws/2023/children_care_and_adoption_act_no_12_of_2023.pdf)

<sup>23</sup> [https://dominica.gov.dm/laws/2023/maintenance\\_of\\_children\\_act\\_no\\_11\\_of\\_2023.pdf](https://dominica.gov.dm/laws/2023/maintenance_of_children_act_no_11_of_2023.pdf);

[https://dominica.gov.dm/laws/2023/maintenance\\_act\\_13\\_of\\_2023.pdf](https://dominica.gov.dm/laws/2023/maintenance_act_13_of_2023.pdf)

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<sup>25</sup> <http://www.dominica.gov.dm/laws/chapters/chap7-04.pdf>

<sup>26</sup> <http://www.dominica.gov.dm/laws/chapters/chap10-03.pdf>

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<sup>28</sup> IOM/UNFCC/PDD, Joint Programme Integrating the Human Security Approach in Disaster Displacement and Environmental Migration Policies in the Eastern Caribbean (2021-2023).

<sup>29</sup> [https://climate-laws.org/document/the-national-resilience-development-strategy-dominica-2030\\_d0f6](https://climate-laws.org/document/the-national-resilience-development-strategy-dominica-2030_d0f6)

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<sup>31</sup> UN Women, 2022, <https://caribbean.unwomen.org/en/digital-library/publications/2022/02/engender-gender-inequality-climate-change-disaster-risk-resilience-brief-dominica>

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<sup>49</sup> Labour Contracts Act, *ibid*.

<sup>50</sup> ECLAC, *Ibid*, page 30.

<sup>51</sup> Joint Monitoring Programme, WHO & UNICEF.

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