

Universal Periodic Review (33rd session, April-May 2019)
Contribution of UNESCO

Dominica

I. Background and framework

Scope of international obligations: human rights treaties which fall within the competence of UNESCO and international instruments adopted by UNESCO.

<i>Title</i>	<i>Date of ratification, accession or succession</i>	<i>Declarations /reservations</i>	<i>Recognition of specific competences of treaty bodies</i>	<i>Reference to the rights within UNESCO's fields of competence</i>
<i>Convention against Discrimination in Education 1960</i>	State Party to this Convention (14/03/1983)	Reservation to this Convention shall not be permitted		Right to education
<i>Convention on Technical and Vocational Education 1989</i>	Not a State Party to this Convention			Right to education
Convention concerning the Protection of the World Cultural and Natural Heritage 1972	04/04/1995 Ratification			Right to take part in cultural life
Convention for the Safeguarding of the Intangible Cultural Heritage 2003	05/09/2005 Ratification			Right to take part in cultural life
Convention on the Protection and Promotion of the Diversity of Cultural Expressions 2005	07/08/2015 Accession			Right to take part in cultural life

II. Promotion and protection of human rights on the ground

Right to Education

1. The **Constitution of the Commonwealth of Dominica of 1978**, as last amended in 1984,¹ does not enshrine the right to education. However, Article 9 grants the protection of freedom of conscience and the freedom to provide for religious education. Furthermore, the principle of non-discrimination is guaranteed in Article 13. The **Education Act No. 11 of 1997**,² amended in 2008³ provide the regulatory framework for the delivery of educational services at all levels and states that all persons are entitled to receive an educational programme appropriate to their needs, subject to the availability of resources. Section 27 provides for compulsory attendance at school between the ages of 5 and 16 years.

Freedom of opinion and expression

➤ Constitutional and Legislative Framework:

2. Articles 1 and 10 of the Constitution of Dominica guarantee freedom of conscience, of expression and of assembly and association, including freedom to hold and receive opinions without interference, and freedom to communicate ideas and information.⁴

3. 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.⁵ 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.⁶

4. A freedom of information law does not currently exist in the country.

➤ Implementation of Legislation:

5. The Broadcasting Authority, established by the Broadcasting Authority Act for the Commonwealth of Dominica, regulates and licenses the broadcasting sector in Dominica.⁷

➤ Safety of Journalists:

6. UNESCO did not record any murder of journalists in Dominica since 2008. Journalists work in a safe environment.

III. Review and specific recommendations

¹ <http://www.unesco.org/education/edurights/media/docs/dae5058853b5bb9585c00eb6900662bc1df88078.pdf>

² <http://www.unesco.org/education/edurights/media/docs/3862bc275af5b332e7f1044f8c18f2641da03b32.pdf>

³ <http://www.unesco.org/education/edurights/media/docs/8223859c5c18bd6c1ef39935e71400160e566ee6.pdf>

⁴ <https://observatoriop10.cepal.org/es/node/179>

⁵ <http://www.dominica.gov.dm/laws/chapters/chap7-04.pdf>

⁶ <http://www.dominica.gov.dm/laws/chapters/chap10-03.pdf>

⁷ <http://www.refworld.org/pdfid/49c0ae982.pdf>

7. During the previous UPR cycle, several recommendations evoked the need to ensure inclusive education for children with disabilities and to improve access to, and quality of education. Educational programmes on gender equality and human rights education were also recommended.

Submission of reports to UNESCO and to the United Nations human rights bodies:

- Dominica did not submit reports to UNESCO in the framework of the previous periodic consultations on the implementation of the 1960 Convention against Discrimination in Education and the latest reviews by the Committee on the Elimination of Discrimination against Women (CEDAW) and the Committee on the Rights of the Child (CRC) date back to 2009 and 2004 respectively, with no reviews being carried out by the Committee on Economic, Social and Cultural Rights (CESCR). As such, UNESCO does not have up-to-date information on the adoption of new policies or laws, particularly with a view of implementing the Education-2030 agenda.

Legislations on education:

- While compulsory education covers the ages from 5 to 16 years, as provided for in the Education Act No. 11 of 1997, the delivery of educational services is “subject to the availability of resources” (article 14). As such free education is not explicitly provided for as required by the Education 2030 Framework for Action, which calls for the 12 years of free primary and secondary education, publicly funded of which at least nine are compulsory.
- Education is not guaranteed as a right but as an entitlement in the Education Act No. 11 of 1997, which can therefore be revoked as they are dependent on the State’s budget.
- With regards to special education, article 81 provides for special education programmes for students of compulsory school age in the “least restrictive and most enabling environment to the extent that the resources permit”. The right to education of compulsory school-aged children with special needs should be explicitly guaranteed and a more inclusive approach to mainstreaming their education could be adopted.

Education policies

- Dominica is a member of the Organization of Eastern Caribbean States (OECS) which has adopted the 2012-2021 OECS Education Sector Strategy (OESS)⁸. The overarching goal is to contribute to the socio-economic advancement of the OECS through a quality education system that enables learners of all ages to reach their true potential.
- The Ministry employs various strategies to “equip our students with the necessary tools to unearth the treasures that lie buried within them and enable them to be global citizens of tomorrow”⁹. Among them are:
 - Promote learning as a collaborative experience;
 - Create an enabling environment that facilitates the process of teaching and children;
 - Adopt a research-driven and consultative approach to development of programmes;
 - Recognize the need for organizing pedagogy to cater for multiple intelligences and different learning styles;

⁸ Accessible at: <https://www.globalpartnership.org/content/education-sector-plan-oecs>

⁹ Accessible at : <http://education.gov.dm/about-us>

- Use a variety of innovative and creative strategies (differentiated instruction);
- Promote the creativity of students and the building of self-esteem and confidence;
- Use sports as a vehicle to develop healthy bodies, disciplined and alert minds;
- Recognize the school and classrooms as centres of change;
- Provide training to principals and teachers;
- Utilize ICT as a tool in enhancing management of schools and the teaching/ learning process;
- Implement an assessment protocol throughout the system which provides relevant and up-to-date information for decision making;
- Strengthen and expand the technical and vocational training to provide “hands on” experience to our students and to integrate them into the world of work and further study.

Pre-primary education:

- The gross enrollment ratio of pre-primary education and early childhood educational development has decreased from 105.47% in 2008 to 84.5% in 2016¹⁰ and only 20% of classroom teachers are trained¹¹. In order to ensure that children are ready to attend primary education, Dominica could extent compulsory and free education to at least one year of pre-primary education in accordance with the 2030 Education Agenda.

Sustainable Development education

- “In Latin America and the Caribbean, key terms related to sustainable development are common in Guatemala and Nicaragua, but much less so in Argentina, Belize, Dominica and Haiti.”¹²

Education infrastructure:

- On August 29, 2015, Dominica was hit by the tropical storm Erika that brought considerable damage to the education system including the partial or complete destruction of 14 schools and the destruction of homes including those of school’s staff.¹³

Education Financing

- In 2015, Dominica’s government expenditure on education as a percentage of GDP was 3.39¹⁴. However, the Education 2030 Framework for Action calls for at least 4-6% of GDP to be allocated to education.

IV. Specific recommendations

¹⁰ UIS data, accessible at : <http://uis.unesco.org/en/country/dm>

¹¹ Accountability in education, Global Education Monitoring Report, UNESCO, 2017, p.384.

¹² Education for people and plant, Global Education Monitoring Report, UNESCO, 2016, p.293, accessible at: <http://unesdoc.unesco.org/images/0024/002457/245752e.pdf>

¹³ *Dominican teachers and their families in need of urgent support*, Education international, 04/09/2015, accessible at: <https://ei-ie.org/en/detail/3357/dominican-teachers-and-their-families-in-need-of-urgent-support>

¹⁴ UIS data

8. Dominica should be strongly encouraged to submit on a regular basis national periodic reports on the implementation of the normative instruments of UNESCO, and especially the Convention against discrimination in education, that it ratified in 1983, and share relevant information on education policies and laws for the purpose of transparency, knowledge-sharing and in order to update the country profile of the UNESCO Observatory on the right to education¹⁵.
9. In addition, Dominica should be strongly encouraged to share with UNESCO any relevant information to update its country profile on UNESCO's Global Observatory on the Right to Education.¹⁶
10. Dominica should be strongly encouraged to guarantee explicitly the right to education and to guarantee that 12 years of publicly funded free education are provided.
11. Dominica should be strongly encouraged to guarantee the right to education of children with special needs by law and mainstream their education with an inclusive approach.
12. Dominica should be encouraged to extend compulsory and free education to one year of pre-primary education;
13. Dominica should be encouraged to increase its expenditure on education to at least 4% of its GDP.
14. Dominica could be encouraged to include key terms related to sustainable development in the curricula.

Freedom of opinion and expression

15. Dominica is encouraged to decriminalize defamation and place it under the civil code in accordance to the international standards.
16. Dominica is encouraged to introduce a freedom of information law that is in accordance with international standards and to ensure progress on Sustainable Development Goal 16.10 concerning public access to information and fundamental freedoms.

Cultural rights

17. As a State Party to the Convention concerning the Protection of the World Cultural and Natural Heritage (1972)¹⁷, the Convention for the Safeguarding of the Intangible Cultural Heritage (2003)¹⁸ and the Convention on the Protection and Promotion of the Diversity of Cultural Expressions (2005)¹⁹, Dominica is encouraged to fully implement the relevant provisions that promote access to, and participation in cultural heritage and creative expressions and, as such, are conducive to implementing the right to take part in cultural life as defined in article 27 of the Universal Declaration of Human Rights and article 15 of the International Covenant on Economic, Social and Cultural Rights. In doing so, Dominica

¹⁵ <http://www.unesco.org/education/edurights/index.php?action=&lng=en>

¹⁶ <http://www.unesco.org/education/edurights/index.php?action=countries&lng=en>

¹⁷ Periodic Report available at: <http://whc.unesco.org/document/123037>

¹⁸ Periodic Report not available

¹⁹ Periodic Report not available

is encouraged to give due consideration to the participation of communities, practitioners, cultural actors and NGOs from civil society as well as vulnerable groups (minorities, indigenous peoples, migrants, refugees, young people and people with disabilities), and to ensure that equal opportunities are given to women and girls to address gender disparities.

**Freedom of scientific research and
the right to benefit from scientific progress and its applications**

18. **Dominica** has not submitted its National Report on the implementation of the Recommendation on the Status of Scientific Researchers (1974) for the Second Consultation covering the period from 2013 to 2016 (<http://unesdoc.unesco.org/images/0025/002592/259256e.pdf>). Therefore **Dominica** is encouraged to report to UNESCO in future on the implementation of the newly adopted Recommendation on Science and Scientific Researchers (2017), which supersedes the 1974 Recommendation, on any legislative or other steps undertaken by it with the aim to ensure the application of this international standard-setting instrument paying a particular attention to the legal provisions and regulatory frameworks which ensure the implementation of human rights of scientific researchers, as well as human rights obligations related to the Right to Science, the principle of non-discrimination, including urging active promotion of women and girls entering scientific careers, as well as the scientists' rights of autonomy, freedom of research, expression and publication.