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

Dominica

* The annex is being circulated without formal editing, in the language of submission only.

Introduction

1. The Working Group on the Universal Periodic Review, established in accordance with Human Rights Council resolution 5/1, held its thirty-third session from 6 to 17 May 2019. The review of Dominica was held at the 7th meeting, on 9 May 2019. The delegation of Dominica was headed by the Minister of Foreign and CARICOM Affairs, Honourable Francine Baron. At its 14th meeting, held on 14 May 2019, the Working Group adopted the report on Dominica.

2. On 15 January 2019, the Human Rights Council selected the following group of rapporteurs (troika) to facilitate the review of Dominica: China, Nigeria and Uruguay.

3. In accordance with paragraph 15 of the annex to Human Rights Council resolution 5/1 and paragraph 5 of the annex to Council resolution 16/21, the following documents were issued for the review of Dominica:

(a) A national report submitted/written presentation made in accordance with paragraph 15 (a) (A/HRC/WG.6/33/DMA/1);

(b) A compilation prepared by the Office of the United Nations High Commissioner for Human Rights (OHCHR) in accordance with paragraph 15 (b) (A/HRC/WG.6/33/DMA/2);

(c) A summary prepared by OHCHR in accordance with paragraph 15 (c) (A/HRC/WG.6/33/DMA/3).

4. A list of questions prepared in advance by Portugal on behalf of the Group of Friends on national implementation, reporting and follow-up, Germany, Spain, United Kingdom of Great Britain and Northern Ireland, and United States of America was transmitted to Dominica through the troika. These questions are available on the website of the universal periodic review.

I. Summary of the proceedings of the review process

[To be completed by 24 May 2019]

A. Presentation by the State under review

B. Interactive dialogue and responses by the State under review

5. During the interactive dialogue, 52 delegations made statements. Recommendations made during the dialogue are to be found in section II of the present report.

II. Conclusions and/or recommendations

6. **The following recommendations will be examined by Dominica, which will provide responses in due time, but no later than the forty-second session of the Human Rights Council.**

6.1 **Complete the ongoing national procedures to ratify core human rights conventions (Bahamas);/ Accelerate the process of signing and ratifying the core international instruments for the protection and promotion of human rights**

- (Georgia);/ Speed up the process of ratification or accession to international human rights instruments (Senegal);
- 6.2 Make further efforts to accede to the main international United Nations human rights instruments (Iraq);
- 6.3 Ratify all the core international human rights instruments to which it is not a party yet (Honduras);
- 6.4 Adhere or ratify to the fundamental international human rights treaties (Costa Rica);
- 6.5 Seek the technical and other assistance necessary to honour its national and international human rights commitments, especially with the ratification of treaties and conventions (Barbados);
- 6.6 Consider ratifying the Second Optional Protocol to the International Covenant on Civil and Political Rights aiming at the abolition of the death penalty, and Convention 189 of the International Labour Organization concerning decent work for domestic workers (Uruguay);
- 6.7 Ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights aimed at the abolition of the death penalty to formalise its de facto moratorium on the death penalty with a view to abolition (Australia);
- 6.8 Abolish the death penalty and ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights aiming at the abolition of the death penalty (Germany);/ Ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights aiming at the abolition of the death penalty, and abolish the death penalty in domestic law (Mexico);
- 6.9 Ratify the Optional Protocol to the International Covenant on Civil and Political Rights aiming at the abolition of the death penalty (Togo), (Ukraine);
- 6.10 Intensify efforts to accede to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment and Punishment, as well as other Conventions, notably the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights (Ghana);
- 6.11 Intensify efforts to ratify the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Fiji);/ Expedite the process of ratifying the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Indonesia);
- 6.12 Ratify the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Denmark); (France); (Ukraine);
- 6.13 Ratify the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment of 1987 and its Optional Protocol (Spain);
- 6.14 Ratify, as previously recommended, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and its Optional Protocol (Portugal);
- 6.15 Consider ratifying the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Chile); (Kyrgyzstan);
- 6.16 Ratify the International Convention on the Elimination of All Forms of Racial Discrimination (France); (Ukraine);

- 6.17 **Ratify the International Convention for the Protection of All Persons from Enforced Disappearance (France);**
- 6.18 **Consider ratifying the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (Kyrgyzstan);**
- 6.19 **Ratify the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women (Denmark);**
- 6.20 **Ratify the International Covenant on Economic, Social and Cultural Rights (Montenegro); (Portugal);**
- 6.21 **Ratify and implement the International Labour Organization's 2014 Protocol to the Forced Labour Convention, 1930 (P029) (United Kingdom of Great Britain and Northern Ireland);**
- 6.22 **Complete and submit pending reports to the treaty bodies, in particular those addressed to the Committee on the Rights of the Child and the Committee for the Elimination of Discrimination against Women (Costa Rica);**
- 6.23 **Intensify cooperation with the Office of the High Commissioner for Human Rights in order to build capacity and implement their international obligations (Iraq);**
- 6.24 **Take advantage of the technical assistance offered by the Office of the High Commissioner for Human Rights, in order to improve its reporting records (Costa Rica);**
- 6.25 **Continue engaging international and regional partners, including the OHCHR, to address issues on capacity and resources required to better fulfil its international treaty obligations (Philippines);**
- 6.26 **Submit its initial and periodic reports to the treaty bodies of the human rights instruments to which it is a party (Peru);**
- 6.27 **Establish a national mechanism for reporting and follow-up (Costa Rica)/ Establish a National Mechanism for Implementing, Reporting and Follow-up (Bahamas);**
- 6.28 **Adopt an open, merit-based process when selecting national candidates for United Nations treaty body elections (United Kingdom of Great Britain and Northern Ireland);**
- 6.29 **Review existing national legislations to ensure conformity with international human rights treaties to which it is a State party (Philippines);**
- 6.30 **Take continuing steps to establish a national human rights institution in compliance with the Paris Principles (Australia)/ Continue its efforts in order to establish an independent national human rights institution in full accordance with the Paris Principles (Georgia);**
- 6.31 **Intensify national efforts to establish a national human rights institution (Indonesia); Intensify efforts to establish a national institution for the promotion and protection of human rights (Portugal);**
- 6.32 **Establish a National Human Rights Institution in accordance with the Paris Principles (Iraq);/ Establish the National Human Rights Institution (Montenegro);/ Establish a national institution for the promotion and protection of human rights, in accordance with the Paris Principles (Senegal); Establish a national human rights institution complying with the Paris Principles (Ukraine);**

- 6.33 **Take efforts towards the establishment of the National Human Rights Institutions and continue efforts towards the ratification of the international human rights treaties (Guyana);**
- 6.34 **Consider adopting legislation to strengthen the principle of non-discrimination, and which affords particular protection to persons belonging to vulnerable groups (Peru);**
- 6.35 **Strengthen specific legislation to combat discrimination based on disabilities, sexual orientation, gender identity or social status (Honduras);**
- 6.36 **Maintain efforts to promote and protect human rights in accordance with their international obligations, particularly in the implementation of measures to protect the most vulnerable segments of society (Turkey);**
- 6.37 **Strengthen policies aimed at combating discrimination affecting, in particular, Kalinago children in schools outside the territory reserved for persons belonging to this minority (France);**
- 6.38 **Put in place additional programmes for the rights of older persons, persons with disabilities and the Kalinago population (Panama);**
- 6.39 **Take the necessary measures to repeal provisions of its national law that are discriminatory and penalise relations between persons of the same sex (Argentina);**
- 6.40 **Take measures to reduce the societal stigma faced by LGBTI persons, including repealing provisions in national law that criminalize same sex relations, including in the Sexual Offences Act (Australia);**
- 6.41 **Advance protections for LGBTI persons by prohibiting discrimination based on sexual orientation, or gender identity (Canada);**
- 6.42 **Decriminalize homosexual relations and fight discrimination against LGBTI persons (France);**
- 6.43 **Repeal all legislation and provisions that criminalize same-sex relations including Article 16 of the Sexual Offences Act and implement measures to effectively prevent discrimination and social stigmatization of individuals based on sexual orientation and gender identity (Germany);**
- 6.44 **De-criminalize same-sex acts (Iceland);**
- 6.45 **Take all measures to protect LGBTI individuals, investigate all acts of violence motivated by the sexual orientation or gender identity of the victim, and bring the perpetrators to justice (Iceland);**
- 6.46 **Amend anti-discrimination laws to include discrimination based on sexual orientation, gender identity and sex characteristics (Iceland);**
- 6.47 **Adopt concrete measures to combat discrimination based on sexual orientation and gender identity, including by repealing Article 16 of the Sexual Offences Act 1998, to decriminalise consensual same-sex relations (Ireland);**
- 6.48 **Reinforce the anti-discriminatory legal framework in order to provide for a strengthened protection of the rights of the LGBTI community (Italy);**
- 6.49 **Promote a legal framework that protects persons from all forms of violence and discrimination based on sexual orientation and gender identity, and review the Sexual Offences Act 1998, which criminalises consensual same-sex relations between adults (Mexico);**

- 6.50 Take measures to address discrimination based on sexual orientation or gender identity (Myanmar);
- 6.51 Protect LGBTI persons against violence and discrimination, in line with SDG 10, by amending section 14 and 16 of the Sexual Offences Act to decriminalize consensual same-sex conduct (Netherlands);
- 6.52 Amend the Sexual Offences Act to decriminalize consensual same-sex sexual activity between adults and adopt measures to protect defenders of the rights of this community (Spain);
- 6.53 Repeal all legal provisions which discriminate against persons on the grounds of their sexual orientation and gender identity, including relevant language in the Sexual Offences Act (United Kingdom of Great Britain and Northern Ireland);
- 6.54 End criminalization of consensual same-sex sexual activity between adults (United States of America);
- 6.55 Continue its efforts for resilience to climate change (Algeria);
- 6.56 Adopt and implement effective policies to reduce poverty and unemployment, in particular through implementation of the sustainable development programme up to 2030 (Algeria);
- 6.57 Continue the construction of resilient housing facilities for its citizens that are affected from natural disasters (Azerbaijan);
- 6.58 Continue to build a “Climate Resilient Nation” that has the center, the mitigation of climate change for the enjoyment of human rights (Barbados);
- 6.59 Continue developing public policies to address climate change and risks reduction due to natural disasters, adopting a human rights based approach (Chile);
- 6.60 Continue designing actions to ensure the welfare of its population, in particular, children, women, the elderly and persons with disabilities in its plans to address natural disasters and emergency situations (Cuba);
- 6.61 Ensure that a human rights based approach is incorporated into the implementation of the Climate Resilience Act of 2018 (Fiji);
- 6.62 Adopt a human rights-based approach in the implementation of the Climate Resilience Act 2018 and the action plan of the Climate Resilience Execution Agency of Dominica (Panama);
- 6.63 Take into account the vulnerabilities, needs and views of women, children, youth, elderly persons, persons with disabilities, indigenous peoples and other marginalised groups in the implementation of the resilience and recovery plan of the Climate Resilience Execution Agency (Fiji);
- 6.64 Further enhance the participation of vulnerable groups and communities in the development and implementation of measures on climate resilience and disaster risk management (Philippines);
- 6.65 Continue to cooperate closely with the United Nations bodies and other relevant international organizations to remedy all of the effects of Hurricane Maria in September 2017 for the benefit of all citizens, especially children and displaced persons (Serbia);

- 6.66 Ensure that a human rights lens is adopted in the implementation of the Climate Resilience Act and the plans of action of the Climate Resilience Execution Agency of Dominica (Seychelles);
- 6.67 Continue efforts to address the effects of climate change, with the mobilization of further assistance from the international community (Cuba);
- 6.68 Continue disaster relief and rehabilitation and further promote sustainable economic and social development (China);
- 6.69 Continue its efforts to reduce poverty and inequality (Cuba);
- 6.70 Consider repealing provisions of its national law on the death penalty (Argentina);
- 6.71 Adopt legislation to abolish the death penalty (Canada);
- 6.72 Abolish the death penalty and, in the immediate future, introduce a moratorium (France);
- 6.73 Abolish the death penalty (Iceland);
- 6.74 Consider adopting a de jure moratorium on the death penalty, with a view to totally abolishing it (Italy);
- 6.75 Follow the de facto moratorium on the death penalty by its abolition (Portugal);
- 6.76 Adopt the necessary legislative measures for the complete abolition of the death penalty in the country (Spain);
- 6.77 Establish a formal moratorium on executions with a view to abolishing the death penalty (Ukraine);
- 6.78 Address shortages of judicial, prosecutorial, and police staffing, which contributes to lengthy pretrial detentions and severe backlogs in the judicial system (United States of America);
- 6.79 End criminalization of libel, which leads to selective self-censorship due to public and private threat of lawsuits (United States of America);
- 6.80 Decriminalise defamation and place it under the Civil Code, in accordance with international standards, particularly regarding freedom of opinion and expression (Ireland);
- 6.81 Criminalise child pornography and trafficking in persons for sexual exploitation (Panama);
- 6.82 Continue strengthening its successful social programmes in the fight against poverty, exclusion and social inequality, with emphasis on employment, education, health and food, particularly in the most vulnerable areas (Bolivarian Republic of Venezuela);
- 6.83 Continue to strengthen the social security system and meet the living needs of vulnerable groups including old people and persons with disabilities (China);
- 6.84 Continue implementation of a road map to be devised within the National Action Plan with the aim of the elimination of violence against children, child labour and pregnancy along with the reduction of poverty and social and territorial inequality and discrimination (Turkey);

- 6.85 Strengthen the public assistance programmes, which positively provide necessary public support to people in need (Plurinational State of Bolivia);
- 6.86 Make continued efforts be made at ensuring adequate health care is accessible to all segments of Dominican society (Guyana);
- 6.87 Continue to improve its national health care system and ensure access to quality health care for all (Kyrgyzstan);
- 6.88 Promote increased access to the health insurance scheme for Mothers and Infants ensuring more affordable prenatal and postnatal care for all Dominican mothers through increased awareness (Maldives);
- 6.89 Reinforce its positive actions to improve access and quality services of health and education in the country for a better standard of living of its population (Cuba);
- 6.90 Guarantee by law the right to education of children with special needs and apply an inclusive approach to incorporate them in the general education system (Costa Rica);
- 6.91 Continue to deliver quality education for all of children (Lao People's Democratic Republic);
- 6.92 Promote human rights awareness raising activities among citizens (Myanmar);
- 6.93 Take further steps to protect the rights of women and children, especially through strengthening support services (Australia);
- 6.94 Promote the protection of women and girls against gender-based violence (Barbados);
- 6.95 Implement a public advocacy campaign to combat sexual violence against women and children, including appropriate training for law enforcement, educators, and medical personnel, as well as effective support and accountability for victims (Canada);
- 6.96 Prioritize conducting a study on the prevalence of gender violence (Costa Rica);
- 6.97 Continue efforts aimed at sensitizing the public on gender issues and strengthening systems for prevention of and response to Gender Based Violence (Georgia);
- 6.98 Implement measures to eliminate violence and discrimination against women, including the amended Domestic Violence Act, strengthen the functioning of the Bureau of Gender Affairs and finalize and implement the National Policy and Action Plan for Gender Equality (Germany);
- 6.99 Urgently adopt the Domestic Violence Act (Iceland);
- 6.100 Continue fighting against sexual violence, including domestic violence (Italy);
- 6.101 Continue its efforts in eliminating violence against women and girls to provide a safe living environment for them (Kyrgyzstan);
- 6.102 Continue to work towards empowerment of women and their integration in the society (Lao People's Democratic Republic);

- 6.103 **Include active measures in the National Gender Policy Project 2018-2028, in order to combat sexism and hyper-masculinity, as follow-up to all the accepted UPR recommendation on gender equality and women and girls' empowerment (Haiti);**
- 6.104 **Continue consolidating the achievements made in the promotion of women's rights, through the National Policy and the Plan of Action on Gender Equality (Dominican Republic);**
- 6.105 **Strengthen actions to combat violence against women and children (France);**
- 6.106 **Continue its training and capacity building programmes for duty bearers and stakeholders on addressing violence against women and children (Philippines);**
- 6.107 **Adopt a law on the protection against domestic violence (Senegal);**
- 6.108 **Continue fighting against gender-based violence with measures based on prevention and awareness-raising in society (Spain);**
- 6.109 **Adopt legislative and regulatory measures to strengthen efforts to combat domestic violence, further promote the rights of persons with disabilities and establish a national institution for the coordination of questions relating to persons with disabilities (Togo);**
- 6.110 **Fully implement the Draft National Gender Policy 2018-2018 (Bahamas);**
- 6.111 **Continue with the project to reform the national gender policy and action plan, which aims to promote gender equality in the field of national development (Plurinational State of Bolivia);**
- 6.112 **Strengthen measures to eliminate the wage gap between men and women in all sectors and to increase the representation of women in both, public and the private sectors (Honduras);**
- 6.113 **Continue efforts to ensure gender equality across all sectors (Maldives);**
- 6.114 **Legalise the voluntary termination of pregnancy in cases of rape, incest, foetal malformation and when the mother's health is at risk (Mexico);**
- 6.115 **Continue its efforts for gender equality (Myanmar);**
- 6.116 **Swiftly finalise the update of Dominica's National Policy and Action Plan for Gender Equality (Portugal);**
- 6.117 **Strengthen the Bureau of Gender Affairs (Senegal);**
- 6.118 **Continue taking measures in order to increase the political and social participation of women (Azerbaijan);**
- 6.119 **Combat all forms of abuse against boys, girls and adolescents, eliminating from its domestic legislation the provisions permitting corporal punishment by parents, teachers or legal guardians (Uruguay);**
- 6.120 **Take further measures to prevent and combat domestic violence and to ensure the education of children in schools (Algeria);**
- 6.121 **Strengthen measures to eliminate corporal punishment of boys, girls and adolescents from its national law (Argentina);**

- 6.122 Promulgate legislative changes to address sexual offences against children (Bahamas);
- 6.123 Adopt additional measures and allocate the necessary resources in order to adequately enforce its National Action Plan on Child Sexual Abuse and update the mandatory reporting protocol for child abuse (Brazil);
- 6.124 Abolish corporal punishment against children in the justice system (Brazil);
- 6.125 Repeal legal provisions authorizing corporal punishment of children both in the school and at home (Chile);
- 6.126 Outlaw all sentences of corporal punishment for children as well as life imprisonment for children under the age of 14. Ensure full compliance with international standards and take adequate measures to stop the persisting child abuse, in particular sexual abuse (Germany);
- 6.127 Prohibit corporal punishment of children in all settings and take all measures to enforce it in practice (Iceland);
- 6.128 Make further efforts to ensure the rights of the children are respected, including by taking measures against the use of corporal punishment (Italy);
- 6.129 Invest in the protection of children from abuse by facilitating the process of reporting child abuse to the authorities and adopting a more victim-centred approach, in line with SDG 16 (Netherlands);
- 6.130 Strengthen the legislative child protection regime by speedily enacting the Care and Adoption Bill and the Child Justice Bill while giving primary consideration to the best interests of the child (Seychelles);
- 6.131 Prohibit corporal punishment of children in all settings, as recommended previously (Slovenia);
- 6.132 Take appropriate steps to prohibit and sanction corporal punishment in early childhood educational institutions (Togo);
- 6.133 Continue promoting progress in its legislative and institutional framework for the promotion and protection of the rights of the Kalinago indigenous peoples (Dominican Republic);
- 6.134 Strengthen the work carried out by the Ministry of Kalinago Affairs to improve the socio-economic and cultural conditions of the Kalinago population (Peru);
- 6.135 Take further steps to advance the rights of people with disabilities through the implementation of social programmes (Canada);
- 6.136 Take measures to ensure that accessibility for persons with disabilities is taken into account in the reconstruction or renovation of buildings and public and private infrastructure (Haiti);
- 6.137 Develop a more comprehensive policy or legislation in the implementation of the Convention on the Rights of Persons with Disabilities, including through close collaboration with other state parties in the developing world (Indonesia);
- 6.138 Carry out legislative reforms that guarantee the right to education of children with disabilities, guaranteeing an inclusive education that comprises safe physical access to educational facilities (Mexico);

6.139 Approve domestic legislation on asylum, creating a national procedure for the determination of refugee status (Costa Rica);

6.140 Continue consolidating its achievements in promoting the rights and welfare of migrant workers (Dominican Republic).

7. All conclusions and/or recommendations contained in the present report reflect the position of the submitting State(s) and/or the State under review. They should not be construed as endorsed by the Working Group as a whole.

Annex

Composition of the delegation

The delegation of Dominica was headed by the Minister of Foreign and CARICOM Affairs, Honourable Francine Baron and composed of the following members:

- Ms. Adi Tama Nakinda Daniel, Third Secretary, Permanent Mission of the Commonwealth of Dominica;
 - Mrs Pearl Fiona Richards-Xavier, Chief Parliamentary Council Chambers of the Attorney General.
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