



HAUT-COMMISSARIAT AUX DROITS DE L'HOMME • OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS
PALAIS DES NATIONS • 1211 GENEVA 10, SWITZERLAND

www.ohchr.org • TEL: +41 22 917 9000 • FAX: +41 22 917 9008 • E-MAIL: registry@ohchr.org

29 November 2019

Excellency,

I have been following the third cycle of the Universal Periodic Review (UPR) of the Commonwealth of Dominica and welcome the constructive engagement of your Government during the 33rd session of the UPR Working Group in May 2019.

As the final outcome report on the review of Dominica has been recently adopted by the Human Rights Council at its 42nd session, I would like to take this opportunity to follow up on a number of areas raised in the two reports that my Office had prepared for the review of Dominica – the Compilation of United Nations information and the Summary of Stakeholders' submissions – which I consider in need of particular attention over the next four and a half years, until the next cycle of the UPR. In identifying those areas, I have considered the statements and/or recommendations made by 52 delegations and the presentation made and responses provided by the delegation of Dominica. I have also considered the actions taken by the Government to implement the 79 recommendations supported during the second cycle of the UPR. The aforementioned areas cover a range of issues, which appear in the annex to this letter.

I would like to highlight a number of particularly encouraging steps taken by the Government of Dominica, including the ratification of the International Convention for the Protection of All Persons from Enforced Disappearance; the Convention on the Elimination of All Forms of Racial Discrimination; and the Convention on Prevention and Punishment of the Crime of Genocide.

I also take note of actions taken by Dominica to address challenges posed by natural disasters, including the adoption of the Climate Resilience Act and the National Resilience Development Strategy as well as the establishment of a Climate Resilience Executing Agency to lead the process of rebuilding the island as a climate-resilient nation. I also appreciate the programme "Yes we care" aimed at promoting economic and social rights of vulnerable groups; first steps taken to promote and protect the rights of the Kalinago people; legislative measures taken to tackle gender-based violence; and progress made in establishing a National Mechanism to Reporting and Follow-up recommendations from human rights mechanisms.

I further take note of Dominica's commitment to initiate an inclusive national dialogue aimed at abolishing the death penalty, and encourage Dominica to continue efforts in this direction. I also encourage Dominica to continue envisaging effective measures to advance in the process of abolishing corporal punishment.

/..

H.E. Ms. Francine Baron
Minister of Foreign and CARICOM Affairs
The Commonwealth of Dominica



While noting the challenges referred by Dominica in this regard, I regret that a national human rights institution, in conformity with the Paris Principles, has not been established in the country yet and encourage Dominica to strengthen its efforts to do so.

I encourage Dominica to develop a comprehensive national human rights action plan in order to achieve concrete results in the areas highlighted in the annex to this letter and to facilitate the preparations for Dominica' fourth cycle of the UPR. My advice to all Member States is to develop and implement national action plans in close consultation and cooperation with all stakeholders, in particular all civil society organizations and, where necessary, with the support of international organizations, including my Office and other United Nations entities, under the leadership of the United Nations Resident Coordinator.

I also encourage Dominica to continue efforts to strengthen its national mechanism for comprehensive reporting and follow-up in relation to recommendations received from all international and regional human rights mechanisms and to treaty obligations, linking this to the Sustainable Development Goals. I strongly recommend the use of the OHCHR practical guide on this topic, which is available at:

http://www.ohchr.org/Documents/Publications/HR_PUB_16_1_NMRF_PracticalGuide.pdf.

Please, kindly note that I am sharing my advice with all Member States as they go through the third cycle of the UPR with a view to assisting them with the implementation of the recommendations, following the review. An important measure that can contribute positively to follow-up action is voluntary mid-term reporting. Therefore, I strongly encourage all Member States to submit a voluntary mid-term report two years after the adoption of the UPR outcome report. In this regard, I encourage Dominica to consider submitting a mid-term report on follow-up to the third cycle of the review, by 2022.

As stated by the Secretary-General in his 2017 report on the work of the Organization (A/72/1, paragraph 98): *"The Human Rights Council's universal periodic review process is now entering a new cycle, with every Member State scheduled for a third round of scrutiny. We will work to strengthen the relevance, precision and impact of the Council's recommendations, including by providing better support to Member States in implementation, stronger collaboration with United Nations country teams and the establishment of national mechanisms for human rights reporting and follow-up to link the universal periodic review to the implementation of the Sustainable Development Goals."*

I look forward to discussing with you ways in which my Office may continue assisting Dominica in relation to the areas identified in this letter and its annex.

Please, accept, Excellency, the assurances of my highest consideration.

A handwritten signature in blue ink, appearing to read "Michelle Bachelet".

Michelle Bachelet
High Commissioner for Human Rights



Annex

Scope of international obligations and cooperation with international human rights mechanisms and bodies

- Ratifying the international instruments to which Dominica is not yet a party, including the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights; and the International Convention for the Protection of the Rights of All Migrant Workers and Members of Their Families.
- Submitting pending reports to treaty bodies and other international human rights mechanisms.

National human rights framework

- Redoubling its efforts to establish a national human rights institution in conformity with the Paris principles.
- Continuing taking measures to harmonize domestic legislation with the international human rights treaties to which Dominica is a party.

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

A. Cross-cutting issues

Equality and non-discrimination

- Continuing deploying efforts to eliminate discrimination against vulnerable groups, in particular members of the Kalinago people, especially Kalinago children, elderly persons, and persons with disabilities.

Development, the environment, and business and human rights

- Continuing to design and develop plans and policies to address climate changes and reduce risks related to natural disasters, incorporating a human-rights based approach, in particular into the implementation of the Climate Resilience Act 2018 and the Climate Resilience Execution Agency of Dominica plan of action, while taking into account the specific needs of vulnerable groups and ensuring their participation in the all stages of the process.

B. Civil and political rights

Right to life, liberty and security of person

- Continuing its efforts towards the elimination of the death penalty, including by advocacy and effective and inclusive awareness raising campaigns among all sectors of the society to overcome reluctant positions.

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

- Ensuring an adequate functioning of the judicial system, including by allocating further resources, improving infrastructure, increasing the judicial personnel and redressing backlogs in the judicial system.

Fundamental freedoms

- Ensuring full respect of freedoms of expression and peaceful assembly for people in Dominica, including in the context of protests and elections, in conformity with the International Convention on Civil and Political Rights and other relevant instruments to which Dominica is a party.

Prohibition of all forms of slavery

- Continuing its efforts to eliminate child pornography, trafficking in persons and sexual exploitation, including through legislative measures.

C. Economic, social and cultural rights

Right to social security

- Strengthening its social security system with particular focus on the needs of vulnerable and marginalized persons and groups.

Right to an adequate standard of living

- Continuing to rebuild Dominica as climate-resilient nation with a human rights based approach and, in this regard, adopting and implementing efficient and inclusive plans and policies aimed at reducing poverty, exclusion and social inequality among the most vulnerable and marginalised persons and groups, including through the implementation of the Sustainable Development Goals Agenda 2030 and incorporating a human rights based approach.
- Continuing building resilient housing facilities for persons affected by natural disasters.

Right to health

- Continuing improving its health care system, ensuring access and high quality of health care for all, and extending coverage for the elderly and persons with disabilities.
- Carrying out informative campaigns to make women aware of their rights, including access to health services.

Right to education

- Strengthening measures aimed at ensuring access to high quality education for children and inclusive education.

D. Rights of specific persons or groups

Women

- Continuing its efforts to combat sexual violence, including through the adoption of the amended Domestic Violence Act and by carrying out related awareness-raising campaigns and training to law enforcement, teachers, and medical staff, and undertaking an assessment of the extend of sexual violence in the country.
- Continuing taking measures to empower women and promoting gender equality, including political participation of women; strengthening the functioning of the Bureau of



Gender Affairs; and ensuring adequate implementation of the national policy and action plan for gender equality.

- Deploying efforts to fully implement the National Gender Policy 2018-2028.

Children

- Taking further measures to protect children from violence and abuses, including through facilitating the reporting channels for child abuses to the competent authorities and adopting a victim-centred approach.
- Continuing taking measures with a view of eliminating corporal punishment in all settings, including awareness raising campaigns among children, parents and educators.
- Ensuring sufficient resources to adequately implement the National Action Plan on Child Abuses.
- Adopting the pending child welfare legislation developed as part of the OECS Reform Project.

Persons with disabilities

- Ensuring that the specific needs of persons with disabilities are taken into account in the process of rebuilding the island, including their accessibility, and ensuring that they fully participate in the process.
- Taking further measures to protect and promote the rights of persons with disabilities, in particular children, and guaranteeing to them an inclusive education, while also adapted to their needs as well as adequate and safe access to education facilities.

Indigenous peoples

- Continuing efforts to promote and protect the rights of the Kalinago people, including through strengthening the related legislative and institutional framework, supporting the work of the Ministry of Kalinago Affairs, and combatting discrimination affecting Kalinago children in schools.

Migrants

- Taking efficient steps to assess the situation of migrant workers in Dominica and to adequately promote and protect their rights.