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NATIONAL REPORT: COMMONWEALTH OF DOMINICA

(Item 2) on the agenda

Commonwealth Of Dominica Report On Implementation Of Inter-American Programme On The Promotion Of Women's Human Rights And Gender Equity And Equality And Strategic Plan Of Action Of The Cim - August 31, 2010

Bureau Of Gender Affairs - Ministry of social Services, Community Development And Gender Affairs

1. Introductory Summary

Dominica continued to be vigilant in its implementation of programmes to promote women's human rights and gender equity and equality in keeping with the Inter-American Programme and Strategic Plans of the CIM and other similar conventions. This is evident through enacted legislation, policy, advocacy, public education and awareness, as well as targeted intervention such as counselling and other support services to victims and perpetrators.

Historically, women in Dominica have always been an integral part of national development and have been very instrumental in the social and economic life of the country. As such there are no legal barriers to women achieving equal status with men. The Constitution of Dominica made provision for the protection of the right of every citizen regardless of race, place of origins, political opinions, colour, creed or sex. Over the years, women in Dominica have made significant improvement in the area of health, socio-economic empowerment and education, with only minor improvement in decision-making position especially in the area of political leadership.

2. Programme on the Promotion of Human Rights and Gender Equity and Equality

While there has been no major changes in legislation relevant to gender-based violence and violence against women, there has been a concerted effort towards implementation of the National Policy on Gender Equity and Equality and Action Plan for Dominica adopted by the Government in 2006, increase advocacy by relevant government and non government agencies, and strengthening and improved data collection on domestic violence/violence against women just to mention a few.

The National Machinery which is charged with the responsibility for promoting gender equity and women empowerment renamed to Bureau of Gender Affairs in August 2009, in keeping with the National Policy on gender Equity and Equality adopted by government in 2006, is a demonstration of the Government's commitment to ensure gender equity and the empowerment of women.

Records from the Statistics Office indicate that between 2004 – 2008, women made-up 49.2% of the overall population in Dominica. During that same period, the population estimates for Dominica were recorded as follows:

AR	YE	FEMALE	MALE	TOTAL	% OF POPULATION FEMALE
4	200	34,613	34,881	69,494	49.8%
5	200	34,736	36,100	70,836	49%
6	200	34,982	36,238	71,220	49.1%
7	200	35,025	36,310	71,335	49%
	200	35,205	36,495	71,700	49.1%

8				
TAL	TO	174,561	180,024	354,585

In terms of political participation of women, there is still much work to be done to ensure women a greater voice in the country's highest decision making level. Presently there are 2 female Members of Cabinet who hold the Ministry of Social Services, Community Development and Gender Affairs and the Ministry of Culture, Sports & Youth Affairs respectively. During the December 2009 General Elections, of the 62 candidates who contested, 9 were women; 2 were elected and are presently heading ministries. Amongst the 9 female candidates, at least 1 is the leader of the contesting Political Party. Presently there are five women in the Dominica Parliament, two (2) elected, one government appointed Senator, a senior public officer who now holds the position of Attorney General and the Speaker of the House of Assembly.

Over the past four general elections (1985 – 2000) women comprised 13% of the total number of candidates compared to men who formed 87%. Females received 12% of votes casted as opposed to males who received 88%. An increase in the number of female candidates in 1990 resulted in an increase of votes for women in that year. During that same period, of the 31 Parliamentarians, 12% were female and 88% males. The greatest participation of women in Parliament occurred after the 2000 general elections – 27% of women made up the opposition, while 17% made up the Coalition Government. A review of data on village council elections show that the overall participation rate for women is well over fifty (50%) percent.

In other high-level decision-making roles, 58% of women currently occupy positions of Permanent Secretaries in various ministries. This is a major change because this level in the Public Service was predominantly occupied by men in the past. It must be pointed out that women accessing these positions were not based on temporary special measures but by the participation and success rates of Dominican women in the education system.

As a result of educational achievement, the potential exist for women to aspire to higher level of economic independence. However, there still exists the gender pyramid, which shows women occupying most of the lower paying jobs. This is not as a result of any legal discrimination but more cultural socialization. In the public sector for example, women form 50% of the workforce with the majority holding the administrative positions. A recent study of the economic situation of women revealed that generally, women take fewer loans than men and they also borrow for different purposes.

Furthermore, females comprise of 50% of the poor and there is little difference in the incidence of poverty between individual females and males. A poverty headcount reveals 45% in female-headed household as compared to 36% in male-headed households. Thus while female-headed household make-up 38% of all households; members of female-headed households make up 39% of all poor people.

Dominica has ratified several regional and international human rights treaties including those relevant to ensuring the rights of women namely: the Convention on the Elimination of all forms of Discrimination against Women (CEDAW) and the Convention on Protection, Prevention and Punishment of Violence against Women (The Belen Do Para Convention).The following is a list of conventions ratified.

CONVENTION	YEAR OF RATIFICATION
Indigenous and Tribal Peoples Convention 1989 (No 169)	2002

Worst Form of Child Labour Convention 1999 (No 182)	2001
Inter-American Convention on the Prevention, Punishment and Eradication of Violence Against Women – ‘Convention of Belem do Para’	1995
International Covenant on Economic, Social & Cultural Rights	1993
International Convention on Civil and Political Rights	1993
Convention on the Rights of the Child (CRC)	1990
The Forced Labour Convention 1930 (No 29)	1983
The Freedom of association and Protection of the right to Organize Convention 1948 (No 87)	1983
The Right to Organize and Collective Bargaining Convention 1949 (No 98)	1983
Equal Remuneration Convention 1951 (No 100)	1983
Discrimination (Employment Occupation 1958)	1983
Minimum Age Convention 1973 ratified 1983	1983
Convention on the Elimination of all forms of Discrimination Against Women (CEDAW)	1980

Legally, the government of the Commonwealth of Dominica has ensured that measures are in place by means of enacted legislations, to protect and support the human rights of its citizens. The legal framework is provided under the supreme law, the Constitution of the Commonwealth of Dominica (1978). Chapter 1 outlines the protection of fundamental rights and freedoms. Section 1 states:

“Whereas every person in Dominica is entitled to the fundamental rights and freedoms, that is to say, the right, whatever his race, place of origins, political opinions, colour, creed or sex, but subject to respect for the rights and freedoms of others and for the public interest, to each and of all of the following, namely –

- (a) life, liberty, security of the person and the protection of the law;*
- (b) freedom of conscience, of expression and of assembly and association; and*
- (c) protection for the privacy of his home and other property and from deprivation of property without compensation,*

the provisions of this Chapter shall have effect for the purpose of affording protection to those rights and freedoms subject to such limitations of that protection as are contained in those provisions, being limitations designed to ensure that the enjoyment of the said rights and freedoms by any person does not prejudice the rights and freedoms of others or the public interest”

Furthermore, under Chapter 1, Section 13 makes special provisions for the elimination of discrimination as follows:

- 13. (1) Subject to the provisions of subsection (4), (5) and (7) of this section, no law shall make any provision that is discriminatory either of itself or in its effect.*
- (2) Subject to the provisions of subsections (6), (7) and (8) of this section, no person shall be treated in a discriminatory manner by any person or authority.*
- (3) In this section, the expression “discriminatory” means affording different treatment to different persons attributable wholly or mainly to their respective description by sex, race, place of origin, political opinions, colour or creed whereby persons of one such description are not made*

subject or are accorded privileges or advantages which are not accorded to persons of another such description.

Dominica has made progress in the preparation of a first periodic report on the Convention for the Elimination of all forms of Discrimination against Women (CEDAW) in 2010, through assistance provided from UNFEM. This represents the country's Initial to Eighth Combined Report and outlines the status of women in Dominica as required by the CEDAW Convention. Once approved, it is expected that the report will be presented to the CEDAW Committee for review.

The Government of the Commonwealth of Dominica has ensured that it has the proper framework in which to deal with all forms of violence (physical, sexual, emotional and verbal), by the ratification of the Convention of Belem do Para; which is the OAS Protocol related to violence against women. The Protection against Domestic Violence Act No. 22 of 2001 was passed on 17th December 2001; the Offences against the Person Act of 2003 and the Sexual Offences Act of 1989 all form part of the legal framework to address violence against women in all its forms.

- The ***Protection against Domestic Violence Act*** is “an act to provide protection in cases involving domestic violence and for matters connected therewith, and incidental thereto. This act makes provisions for protection orders, occupation orders, tenancy orders, and police powers of entry and arrest and enforcement orders.”

- The ***Sexual Offences Act*** deals with sexual offences such as rape, unlawful sexual intercourse or connection, indecent assault, and gross indecency. Part II of this act makes allowances for procurement and abduction. Provisions are also made for the anonymity of the complainant and the accused. The Court also has the power to forbid publication of the report.

- The ***Offences against the Person Act*** is “an act to provide for the punishment of crimes involving the taking and harming of life, the endangerment of and threat to human life and divers crimes against the safety, liberty and well being of the human person.”

With regards to the integration of a gender perspective in public policies, the Government of Dominica adopted the National Policy and Action Plan for Gender Equity and Equality in 2006. The Gender Policy allows for a contextual and nationally relevant gender perspective and analysis to be integrated into the design, implementation, monitoring and evaluation of all government policies, programmes and projects.

The National Gender Policy by the Government of the Commonwealth of Dominica is not an isolated national process but one influenced by a larger international and regional framework. It provides for a comprehensive framework for the advancement of women vis a vis men; and the enjoyment of basic gender rights by both sexes in achieving gender equity. The Policy aims to:

- incorporate a gender perspective in all development planning as the strategy for promoting gender equity and ‘fairness’ so that development planning itself becomes fundamentally gendered

- integrate women’s and men’s concerns and experiences into the design, implementation, monitoring and evaluation of all political, economic and social policies and programmes

- establish a system of gender mainstreaming which incorporates all sectors of government, community based organizations, women’s and men’s organizations

- provide policy makers and other key actors involved with human and social development, with reference guidelines for identifying and addressing gender concerns which will inform public policy

- identify and establish an institutional framework with the mandate to initiate, coordinate, implement, monitor and evaluate national gender responsive development plans
- promote recognition and valuing of women's contributions as agents of change and beneficiaries of the development process
- promote where necessary, evaluation of the sexual division of labour and women's and men's contributions as agents of change and beneficiaries of the development process
- transform material conditions to achieve economic, social and physical security of men and women
 - facilitate legislative change and public awareness of relevant legislation and their implications
- empower both women and men by ensuring new and equitable relations between the sexes

The main areas considered for attention by the policy are:

Gender and the Economy; Gender, Stereotypes, Cultural Beliefs and Practices; Gender and Political Decision-making; Education and Human Resource Development, Health and Medicine Family, Sexuality and Gender Based Violence, Coordination and Implementation of the Gender Policy.

The Bureau of Gender Affairs has over the past three years concentrated much efforts in creating the enabling environment for the implementation of the Gender Policy, by setting up structures to facilitate the gender mainstreaming process within various ministries and departments; undertake public education and awareness of key stakeholders and the general public in order to ensure buy-in and support for the policy and develop the necessary tool for use for data collection for disaggregation and analysis. A National Advisory Council is soon to be instituted to undertake the function of monitoring of the policy.

As such significant strides have been made in getting the public informed and educated on the policy using various forms. Gender Focal Points are already in place within government departments.

To this end the Bureau of Gender Affairs holds quarterly meetings with members of the Gender Focal Points for update on the gender mainstreaming process in the public service. The Bureau has also taken on board a data collection registry to record incidences of domestic and gender-based violence. By collaborating with other partners such as, the Dominica Police Force, Legal Aid Clinic, Dominica National Council of Women, Welfare Department, Magistrate's Court and the Statistical Division, the aim of the Bureau is to ensure that accurate data on violence against women is collected to better inform policy plans and programme interventions.

It must also be stated that on an annual basis, the Bureau partners with the Dominica National Council of Women to plan and organize 16-day activism to Reject Violence against Women observed from the 25 November to 10 December. Rallies, marches, panel discussions and Media events are some of the activities held to bring public awareness on the issue. During this period, special attention

and advocacy is given to the Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women, Convention of Belem do Para.

Also there has been growing interest among men through the National Men's Forum to add their voices to the fight against gender –based violence in Dominica. The National Men's Forum is a registered non-government organization formed in 2008 as a result of an Integrated Multi-sectoral project to address violence against women and Children which was spearheaded jointly by the Bureau and the Dominica National Council of Women.

In terms of future Actions relevant to the Inter-American programme on the promotion of Women's Rights, Dominica remain committed to ensuring that the principles of Belem Do Para are adhered to at the local level and where ever possible at the regional level. At the local level: by strengthening efforts already highlighted in earlier sections of this report and the acceleration of activities toward the implementation of the National Policy on Gender Equity and Equality and Action Plan. On the regional level: to continue work started by CIM on the project to implement recommendations of the Study on the Intersection between HIV /AIDS and Violence against Women, involving Dominica and Barbados. Also we hope to be part of any follow up activity planned, resulting from the Regional Workshop on Strategic Planning from a Gender Perspective which was held in Guyana in April 2010; which goal was to contribute to strengthening institutional capacity of the OAS/CARICOM Member States, to achieve gender mainstreaming in the policies and programmes of the Ministries of Labour oriented towards decent work. Dominica wishes to commend CIM on the afore mentioned activities and welcomes CIM assistance in future programme. More specifically we look forward for a similar workshop to be held in Dominica pertinent to labour and decent work, in the context of Dominica and the National Policy on Gender Equity and Equality.

RESPONSE TO QUESTIONNAIRE

FORMS OF DISCRIMINATION THAT RESTRICT WOMEN'S FULL EXERCISE OF THEIR ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Section One: Employment

1.

(a) Access to Employment

The Protection of Employment Act Chapter 89:02, Section 3 states: "A right to work is hereby established and an employer may terminate the employment of any employee employed by him only in accordance with sections 4, 5, 6, 11 or 15."

(b) Equal Pay

The Protection of Employment Act, chapter 89:02, guarantees the right to work for equal pay as follows: section 10 (b) states that "*payment to male and female employees of different wages does not constitute a violation of this section if the difference is based on any factors other than sex that justify such a difference.*"

(c) Measures of Protection in the Access to Social Security

The Laws of Dominica Chapter 31:01, Section 19 (1) "Subject to the provisions of this Act, every person who –

(a) On the day preceding the appointed day is under sixty years of age and is a member of the Dominica National Provident Fund set up under the repealed Act; or

(b) On or after the appointed day, being over the age of sixteen years and under the age of sixty years, is gainfully occupied in an insurable employment set out in the Second Schedule,

Shall be insured under this Act in respect of the several contingencies in relation to which benefits are provided under section 27 (1) and there shall be payable to or in respect of any such person, in the prescribed circumstances, any benefit payable by virtue of the said section 27 (1).

2. In terms of protection of women workers during pregnancy, Chapter 89:05, Section 17 states:

"every employee who has completed twelve months of continuous employment by an employer and who is pregnant is entitled to and shall be granted maternity leave in accordance with this Act."

Section 18 continues; "subject to sections 19, 20, 21, the maternity leave to which an employee is entitled pursuant to this Act shall consist of –

(a) A period before the estimated date of confinement to be specified by the employee, but not less than three weeks; and

(b) A period not exceeding nine weeks commencing on the actual date of confinement.

Section 19 states; "an employee intending to take maternity leave shall –

(a) Apply in writing for such leave to her employer specifying –

(i) the estimated date of her confinement; and

(ii) the date on which her maternity leave will commence, which may not be less than three weeks before the estimated date of her confinement; and

(b) furnish to her employer at the same time a certificate of a duly qualified medical practitioner certifying that she is pregnant and specifying the estimated date of her confinement.”

As relates to breastfeeding, these may be included in workplace policies, however, it does not exist in national laws.

There is urgent need for the Government to draft sexual harassment legislation. At present, the only form of redress for women confronted with sexual harassment is under the Protection of Employment Act Chapter 89:02, Section 20, which states:

“An employee may terminate his employment with an employer without complying to Section 19 where the employer has been guilty of serious misconduct in relation to the employee such that the employee cannot reasonably be expected to take any course other than to terminate his employment with the employer.” For purposes of reference, Chapter 89:02, section 19 states: *“subject to section 20, when an employee intends to terminate his employment with an employer he may do so by giving the employer notice of the intended termination not later than...”*

3. [Data attached]

4. (a) Under the labour laws Chapter 89:05, Section 17 (Maternity Leave) states; “every

employee who has completed twelve months of continuous employment by an employer and who is pregnant is entitled to and shall be granted maternity leave in accordance with this Act.” As it relates to paternity leave, it is not addressed in the laws of Dominica; however, the Public Service Union negotiated with the Government of Dominica, and men employed in the Government Service are entitled to three (3) days paternity leave following the actual date of confinement.

(b) In terms of the provision of daycare facilities by the State, this is not a practice in Dominica. As a developing state with limited resources, the State is not in a position financially to provide daycare services for parents who work. Daycare facilities are provided by the private sector once they meet the requirements.

(c) In 2009, the Government of Dominica implemented the “Yes We Care” Programme designed to meet the quality of life issues that confront the elderly. The most recent data demonstrate that the majority of caregivers in the programme are women and so are the beneficiaries. The table below represents 2009-2010 data for the Programme:

DATA OF STAFF AND CLIENTS – YES WE CARE PROGRAMME

DISTRICT	CAREGIVERS		CLIENTS	
	FE MALE	MAL E	FEMA LE	MAL E
Grandbay Health District	3	0	10	8
St Joseph Health District	6	0	15	13
La Plaine Health District	4	0	11	10
Portsmouth Health District	7	0	28	15
Roseau Health District (North)	5	0	10	8

Roseau Health District (South)	4	0	12	5
Marigot Health District	7	0	21	15
Castle Bruce Health District	5	0	16	11
Carib Territory	2	1	10	6
TOTAL	43	1	133	91

5. Following the general elections of December 2009, the Government of Dominica included under the Ministry of Trade, the portfolio of employment. This addition will more specifically address access to labour market and will create a gender-sensitive database on employment in Dominica. Generally, women in Dominica enjoy equal access as men to the labour force. There still exists gender disparity in the sexual division of labour. Women still flock to the traditional sex roles such as teaching, nursing, and administrative positions. The majority of women contribute to the informal sectors in Dominica. In terms of salaried employees, women account of 63.8% while men recorded 36.2% (2004 Occupational Wage Survey).

This gap reflected strong female presence in the administrative and professional areas. Ironically, women account for only 34.9% of wage-earners. Wage-earners are usually weekly or fortnightly paid workers.

In an effort to alleviate the plight of disadvantaged women, the Bureau of Gender Affairs constructed a small revolving loan fund at the National Development Foundation of Dominica. The Government of Dominica also opened a Small Business Unit within the Ministry of Trade to assist small businesses with the financial assistance required to sustain employment. Although the Small Business Unit does not specifically target women, applicants are not discriminated against on the basis of sex.

In terms of domestic workers, the laws of Dominica, Chapter 89:02, the Protection of Employment Act section (4) states; “**Parts II and III do not apply to or in respect of the employment of a person as a domestic servant or worker where –**

(a) **the duties of that person are performed solely in or in connection with a private dwelling occupied by his employer; and**

(b) **not more than two of such persons are so employed by the employer.”**

Please note that Part II deals with Redundancy Benefits Plan and Part III address Redundancy Benefits Fund. The Labour Contracts Act (Chapter 89:04) exempts domestic workers. Section 3 states “this Act does not apply to an employer in respect of the employment of an employee – (g) who is employed as a home assistant”. With regards to monitoring systems, within the Government Service is the Labour Division which handles complaints from workers and ensure compliance to the Labour Laws.

6. The domestic law which applies to women victims of discrimination in the labour force are:

- The Protection of Employment Act
- The Labour Contracts Act
- The Labour Standards Act
- The Labour Standards (Minimum Wage) Order

Section II of the Labour Contracts Act provides that rates of pay will apply to the job classification and not to the individual doing the work. Labour Standards Act Chapter 89:05 section

24 – 26 has similar provisions:

(24) *No employer shall establish or maintain differences in wages between male and female employees employed in the same business who are performing, under the same working conditions, the same or similar work or jobs requiring similar skill, effort and responsibility.*

(25) *Payment to male and female employees of different wages does not constitute a violation of section 24 if the difference based on any other factor or factors other than sex that justify such a difference.*

(26) *No employer shall reduce the wages of an employee in order to comply with section.*

Section Two: Education

1. Dominica’s Education Act No. 11 of 1997 makes it mandatory for children to attend school (sec 27) from 5 years up to the age of 16 - ***“Every child shall attend school from the first day of the school calendar in the school year following that in which he attains the lower age of compulsory school age until the last day of the school calendar in the school year in which he or she attains sixteen years of age or at the end of which he obtains a school leaving certificate or diploma by the school, whichever is first.”***

Section 36 creates a legal obligation that parents have the duty to ensure that every child receives an education by regular attendance at school. According to section 16 of the Act, tuition fees for attendance at public schools are free. Other charges may however be imposed at a public school or assisted private school with the written approval of the Minister for Education.

2. (a) The illiteracy rate is not available. The last survey was undertaken in 1997, and steps to undertake a new survey is presently being explored by the Adult Education Division.

(b)

ENROLLMENTS IN PRIMARY SCHOOLS FOR THE COMMONWEALTH OF DOMINICA - YEARS: 2000 -2009

ACADEMIC YEAR	FEMALE	MALE	TOTAL
2000/2001	6552	5835	12,387
2001/2002	6252	6504	11,756
2002/2003	5818	5207	11,025
2003/2004	5454	4893	10,347
2004/2005	5100	4672	9,772
2005/2006	4688	4361	9,049
2006/2007	4429	4173	8,602
2007/2008	4269	4060	8,329
2008/2009	4207	4003	8,210

ENROLLMENTS IN SECONDARY SCHOOLS FOR THE COMMONWEALTH OF DOMINICA-YEARS: 2000 – 2009

ACADEMIC YEAR	MALE	FEMALE	TOTAL
2000/2001	2,922	3,377	6,731

2001/2002	3,053	3,678	6,731
2002/2003	3,202	3,648	6,850
2003/2004	3,250	3,481	6,731
2004/2005	3,377	3,471	6,848
2005/2006	3,537	3,560	7,097
2006/2007	3,545	3,668	7,213
2007/2008	3,518	3,644	7,162
2008/2009	3,451	3,479	6,930

**ENROLLMENTS IN TERTIARY EDUCATION (DOMINICA STATE COLLEGE)-
YEARS: 2000 – 2009**

ACADEMIC YEAR	MALE	FEMALE	TOTAL
2000/2001	248	371	619
2001/2002	306	448	754
2002/2003	546	854	1,400
2003/2004	552	865	1,417
2004/2005	454	978	1,492
2005/2006	464	978	1,442
2006/2007	Not Available	Not Available	1,583
2007/2008	Not Available	Not Available	2,421
2008/2009	876	1371	2,247

Please note that data is unavailable for number of pregnant students in public schools.

3. Access to Free Education:

(a) Section 16 of the Education Act states that tuition fees for attendance at public schools are free.

(b) There are no gender-specific policies in place which targets women's access to education. However, the law makes it mandatory for all children between the ages of 5 – 16 to be enrolled at primary school levels. Because of the demographic structure and small population of the island, reports are made to relevant authorities when a child is kept from school and the matter is dealt with in ensuring that all children attend school. The Prime Minister, Honourable Roosevelt Skerrit has instituted a plan which aims at having one university graduate in every household. It should also be stated that women in Dominica are leading in terms of participation and achievement at tertiary education. This thrust is a reaction to women wanting to access better paying jobs which in most cases are attainable when one is qualified.

4.

**DROP OUTS FROM SECONDARY SCHOOLS IN THE COMMONWEALTH OF
DOMINICA**

2000 – 2008

ACADEMIC YEAR	MALE	FEMALE	TOTAL
2000/2001	71	61	132
2001/2002	63	58	121
2002/2003	51	71	122

2003/2004	41	45	86
2004/2005	98	70	168
2005/2006	100	127	227
2006/2007	142	69	211
2007/2008	138	98	237

There are programmes which accommodate drop-outs; they are non-governmental and privately-funded organizations. The Social Centre Programme is one such organization who accommodates drop-outs and delinquent youths.

5. There is no discrimination of girls to attend school in Dominica. A number of factors such as migration can be attributed to participation in schools by girls. As it relates to pregnant students, the law prohibits discrimination by the education system; however, in practice, pregnant students drop out of school because of the stigma they face within the school by other peers and in some cases, parents.

6. Presently, there are no laws in Dominica addressing sexual harassment in the workplace or in schools. There are workplace policies which prohibit sexual harassment of students by teachers. These cases are dealt with by the learning institution and not by the police if the student is over the age of consent (i.e. age 16). In cases where the students are under age of 16, the perpetrator can be charged with unlawful sexual intercourse/connection and indecent assault.

7. There are no official mechanisms available under domestic law for women victims of discrimination in the educational sphere. It should be stated that women in Dominica do not experience discrimination within the educational sphere.

Section Three: Access to, and control of, resources on equal conditions

1. The law recognizes marriage and deals with it from two perspectives: as a contract and as a legal status. Marriage is a legal status from which flow certain rights and responsibilities. The majority of families fall outside the family based on marriage. Common law unions are generally not recognized by the law, therefore the result is that family law which aims to protect weaker members of the family and assist parties when relationships breakdown, fail to protect and assist an increasing number of persons particularly women and children. Common law relationships are only recognized under the Social Security Act Chapter 31:01, the Fatal Accident Act and the Protection Against Domestic Violence Act 22 of 2001.

There is no legal barrier to women administering estates. Under the Married Women's Property Act section 4 any property a woman owned before the marriage belongs to her solely unless she wants to legally share or give to her husband. Any woman who was married before the commencement of this Act shall be entitled to have and to hold and to dispose in the manner aforesaid as her separate property, all real and personal property, her title to which, whether vested or contingent and whether in possessions, reversion or remainder, shall accrue after the commencement of this Act, including any wages, earnings, money and property so gained or acquired by her as aforesaid. Property acquired during the marriage and dependent on how it is held may require the consent of the husband for dealing. Any property which is in the sole name of the woman requires no consent for dealing unless it is encumbered by some other legal contract of which the husband or partner is a party.

During the marriage men and women have the same rights and responsibility to the care,

control and maintenance of their children who are under the age of 15 years or 18 years if attending a tertiary institution or until their death in the case of a disabled child. Custody of children of a marriage lies with the father.

By virtue of section 3 – Maintenance Act chapter 35:61, parties to a marriage also have the duty to maintain each other. Any spouse can apply to the court for maintenance from the other spouse based on needs and resources. The conduct of the parties is not considered and separation is not a requirement. This can be done at Magistrate’s Court level. Where there is a disagreement between the parents on matters relating to their children they can apply to the court for directions. A married woman or man also has the responsibility to maintain her father and mother, if any such person is by reason of old age or mental or physical disability unable to maintain himself/herself (Section 3(2) Maintenance Act Chapter 35:61.)

Legal rights of maintenance only to their children exist for men and women who live together as husband and wife without being legally married. The courts have the power to declare beneficial ownership of property owned by persons in unions other than marriage mainly using discretion and Trust Principle since there are no statutory provisions dealing with property matters, maintenance and succession rights for such unions.

Women and men have the same rights to choose their profession and occupation. These rights are not affected by marriage but rather by choice, qualification and other economic situations. Women have the same rights as men to own, acquire, manage and dispose of property. A husband’s declaration of bankruptcy does not affect his wife.

In terms of rural women, the Government of Dominica has embarked on a housing programme that focuses on meeting the needs of the poor and elderly and single women who head households. Forty-one (41) such houses have been allotted to the Carib Territory; and single and unemployed women will be given priority on the ownership of these houses. Additionally, the Ministry of Lands & Housing has also instituted land settlement schemes which benefit women and men who do not own the lands that they now occupy. Under the Squatter Regularization Programme, squatters who qualify are provided with land at one dollar per square foot. Upon purchase, these new land owners will be given titles which will enable them to access loans from commercial and state-run financial institutions. The regularization of land ownership is a priority for the rural women farmers; some of whom have been defined as squatters for three (3) generations.

3. Presently, sex-disaggregated data is not being compiled on housing and lands ownership. However, the Statistical Division does collect information on female-headed households. (Data uploaded)

4. The main challenges impairing equal access by women to housing, land, credit and technology cannot be grouped under the structural, social or cultural headings; but instead under economic. Women are not being discriminated against on the basis of sex for access to housing, land, credit and technology. The main hindrance to accessing housing lies with the availability of finance and not discrimination on the basis of sex.

5. There are no impediments to women accessing social programmes. Women generally, take advantage of all social programmes available.

6. The Constitution of the Commonwealth of Dominica prohibits discrimination in all its forms. Section 1 states:

“Whereas every person in Dominica is entitled to the fundamental rights and freedoms, that is to say, the right, whatever his race, place of origins, political opinions, colour, creed or sex, but subject to respect for the rights and freedoms of others and for the public interest, to each and of all of the following, namely –

(d) life, liberty, security of the person and the protection of the law;

(e) freedom of conscience, of expression and of assembly and association; and

(f) protection for the privacy of his home and other property and from deprivation of property without compensation,

the provisions of this Chapter shall have effect for the purpose of affording protection to those rights and freedoms subject to such limitations of that protection as are contained in those provisions, being limitations designed to ensure that the enjoyment of the said rights and freedoms by any person does not prejudice the rights and freedoms of others or the public interest”

Based on the above, victims can legally challenge any form of discrimination experienced. Under Chapter 13 (3) of the Constitution, states the definition of discrimination as follows: *“In this section, the expression “discriminatory” means affording different persons attributable wholly or mainly to their respective descriptions by sex, race, place of origin, political opinions, colour or creed whereby persons of one such description are subjected to disabilities or restrictions to which persons of another such description are not made subject or are accorded privileges or advantages which are not accorded to persons of another such description.”*

RESPONSE TO QUESTIONNAIRE

INTER-AMERICAN CONVENTION ON THE PREVENTION, PUNISHMENT AND ERADICATION OF VIOLENCE AGAINST WOMEN

COMMONWEALTH OF DOMINICA

I. LEGISLATION

Question 1:

How has the Convention of Belém do Pará been incorporated in your Country's legislation? Can it be applied directly or is a specific mechanism for incorporating it into the country's law necessary? In the latter case, has that mechanism been utilized? If not, why?

Response to Question1:

Chapter 1 of the Constitution of Commonwealth of Dominica states that:

"Whereas every person in Dominica is entitled to the fundamental rights and freedoms, that is to say, the right, whatever his race, place of origins, political opinions, colour, creed or sex, but subject to respect for the rights and freedoms of others and for the public interest, to each and all of the following, namely –

- (a) life, liberty, security of the person and the protection of the law*
- (b) freedom of conscience, of expression and of assembly and association; and*
- (c) protection for the privacy of his home and other property and from deprivation of property without compensation"*

Furthermore, Chapter 1 section 5 states that: *"No person shall be subjected to torture or to inhuman or degrading punishment or other treatment."*

The Convention cannot be applied directly but must be incorporated in Dominica's laws through legislation.

Other laws which incorporate aspects of the Convention of Belem do Para are:

- The Protection Against Domestic Violence Act No. 22 of 2001
- Offences Against the Person Act of 2003
- Sexual Offences Act

The Protection Against Domestic Violence Act is an act to provide protection in cases involving domestic violence and for matters connected therewith, and incidental thereto. This act makes provisions for protection orders, occupation orders, tenancy orders, police powers of entry and arrest and enforcement orders.

The Sexual Offences Act deals with sexual offences such as rape, unlawful sexual intercourse or connection, indecent assault, and gross indecency. Part II of this act makes allowances for procurement and abduction. Provisions are also made for the anonymity of the complainant and the accused. The Court also has the power to forbid publication of the report.

The Offences Against the Person Act is "an act to provide for the punishment of crimes

involving the taking and harming of life, the endangerment of and threat to human life and diverse crimes against the safety, liberty and well being of the human person.”

Question 2:

Are there any provisions in your national law that define violence against women, distinguishing it from intra-family, family, or domestic violence and that include as components:

- a. *Action, failure to act or conduct against women because of their condition as women?*
- b. *That results in death, injury, or suffering?*
- c. *That said injury or suffering is physical, sexual, or psychological?*
- d. *That the victims are women, girls, and female adolescents?*
- e. *That this takes place in both the public and the private sphere?*

If such a provision exists, kindly provide information about, the dates of its adoption and entry into force, and the text itself. If not, which measures have been taken to include such provisions in national law?

Response to Question 2:

There are provisions made in our national laws that define violence against women; the Sexual Offences Act 1998 Chapter 10:36 defines violence as “*an act relating to sexual crimes, to abduction, procurement and prostitution of women and to kindred offences.*”

“Legislation is not generally specific to sex, it speaks of ‘person’ and not ‘woman’ or ‘man’; as such the law presumes that all are equal before the law and special treatment on the basis of sex may contradict this”

(The following are examples of such laws with specific mention to females/ women/ girls:

Small Charges Act Chpt.10:39, RLD s12 (1)(b) sets a penalty of \$1000 or six months imprisonment for aggravated assault (i.e use of a weapon) upon a female

Rape, abduction & defilement of Women Chpt.10:31 RLD 1990 part VI S50(1) was repealed and replaced by the Sexual Offences Act No. 1 of 1998

Question 3:

Do your civil and criminal legislation and administrative procedures contain any provisions that prevent, punish and eradicate the following forms of violence:

- a. *Physical violence?*
- b. *Psychological violence?*
- c. *Sexual violence?*
- d. *Patrimonial or economic violence?*
- e. *Other types of violence? Please specify:*

If yes, kindly provide:

- *The information about the dates of its adoption and entry into force, the text itself and the relevant legal articles defining rape.*
- *Whether the perpetrators include individuals and government agents¹*
- *Whether there is any form of reparation for the victims.*

Response to Question 3:

The following laws address physical violence, psychological violence, sexual violence and economic violence:

- Protection Against Domestic Violence Act of 2001
- Sexual Offences Act of 1998
- Offences Against the Person Act Chap 10:31, as amended by Act No. 8 of 1992 and No. 1 of 1998

Question 4:

Does the legislation contain provisions on the prevention and punishment of domestic and international trafficking in persons, especially women? Are those provisions consistent with the Palermo Protocol and is trafficking in persons regulated differently from forced prostitution?

If such a provision exists, kindly provide information about the dates of adoption and entry into force, and the text itself.

If not, which measures have been taken to include such provisions in national law?

Response to Question 4:

Under the Laws of Dominica, prostitution is an illegal offence. In spite of this, the police are encouraged to protect any identified prostitute from discrimination and harassment of women as stated in the Protection Against Domestic Violence Act of 2001 and the Offence Against the Person Act of 1998.

The Immigration & Passport Act Chpt 18:01- a new section (27b) was inserted in this Act to deal specifically with Human Trafficking defined as ‘Anyone assisting any other person to enter or leave Dominica in an unlawful manner’ any one found guilty is liable to a fine of up to EC \$100,000 dollars or seven years imprisonment or both.

Question 5:

Does the legislation contain provisions on the prevention and punishment of forced prostitution? Are these provisions consistent with the Rome Statute, which established the International Criminal Court, and do they address forced prostitution separately from trafficking in persons, especially women?

If such a provision exists, kindly provide information about the date of adoption and entry into force, and the text itself.

If not, which measures have been taken to include such provisions in national law?

Response to Question 5:

According to the laws of Dominica, prostitution is an illegal practice; however, the Constitution does address discrimination on the basis of place of origin. In Chapter 1, Section 13 (3) it is stated:

“In this section, the expression “discriminatory” means affording different treatment to different person attributable wholly or mainly to their respective descriptions by sex, race, place of origin, political opinions, colour or creed whereby persons of one such description are subjected to disabilities or restrictions to which persons of another such description are not made subject or are accorded privileges or advantages which are not accorded to persons of another such description.”

The Immigration & Passport Act Chapter 18:01- Section 27(b) deals specifically with Human Trafficking which is defined as ‘Anyone assisting any other person to enter or leave Dominica in an unlawful manner’ any one found guilty is liable to a fine of up to EC \$100,000 dollars or seven years imprisonment or both.

There are no legislative provisions which specifically address forced prostitution separately from trafficking in persons.

Question 6:

Is sexual harassment punishable in the following spheres?

- a. *In the workplace?*
- b. *In health?*
- c. *In education?*
- d. *Anywhere else? Please specify:*

If such a provision exists, kindly provide information about dates of adoption and entry into force, and the text itself, including the type of sanctions.

If not, which measures have been taken to include it in national law?

Response to Question 6:

Sexual Harassment in any form is not addressed explicitly in law. In other words, there are no laws dealing with matters of sexual harassment. However, a worker can seek redress under section 20 of the Protection of Employment Act chapter 89:02 (Act 16 of 1991 repealed section 20 of chapter 89:02 pertaining to vacation and maternity).

Question 7:

Has sexual violence within marriage and common-law unions been defined as a specific crime? Please indicate whether:

- a. *Rape within marriage and common-law unions has been criminalized.*
- b. *Other forms of sexual violence within marriage and common-law unions have been criminalized.*

If such a provision exists, kindly provide information about the dates of adoption and entry into force, and the text itself. If not, which measures have been taken to include this crime in national law?

Response to Question 7:

Rape within marriage is explicitly stated in law. Under the Sexual Offences Act Section 3 states that “a husband is guilty of the offence of rape where he has sexual intercourse with his wife without her consent by force, fear or the use of a drug or thing with intent to stupefy or overpower her, where there is in existence in relation to them –

- a) A decree nisi of divorce;
- b) A decree of judicial separation
- c) A separation agreement; or
- d) An order for the husband not to molest his wife or have sexual intercourse with her.”

Section 4 goes on to say that “the provisions of subsection 3 apply mutatis mutandis to a wife who commits the offence of rape.”

Hence, whereas rape within marriage has been criminalized, it is only useful if subsections 3 (a) – (d) exist. Under the said Act, a husband or wife found guilty of rape is liable on conviction to imprisonment for fourteen (14) years.

Under the Evidence Act a woman is neither a competent or compellable witness against her husband. In the case of sexual offence by virtue of the Sexual Offences Act No. 1 of 1988 section 29 (1), a woman is allowed to give evidence against her husband in furtherance of a case where an allegation of sexual impropriety is made against a father by his child, as follows:

‘The spouse of a person charged with an offence under this Act may be called as a witness either for the prosecution or the defense without the consent of the person charged; and if so called, notwithstanding any other law to the contrary, is a compellable witness.’

Common law unions are generally not recognized by the law, therefore the result is that family law which aims to protect weaker members of the family and assist parties when relationships breakdown, fail to protect and assist an increasing number of persons particularly women and children. Common law relationships are only recognized under the Social Security Act Chapter 31:01, The Fatal Accident Act and the Protection Against Domestic Violence Act 22 Of 2001.

Question 8:

Is there a provision in your legislation that explicitly bans the use of conciliation, mediation, or any other method that seeks an extrajudicial settlement to violence against women, girls, and female adolescents?

If such a provision exists, kindly provide information about dates of adoption and entry into force, and the text itself.

If not, indicate whether substantive or procedural law or jurisprudence provides for any of these methods and which steps have been taken for their repeal

Response to Question 8:

There are no laws which deals explicitly with the use of conciliation, mediation, or any other method that seeks an extra-judicial settlement. However, at present steps are being taken to prosecute perpetrators without the consent of parents of children who were abused. This has become necessary

as some parents accept financial settlement in lieu of legal proceedings.

Question 9:

Are there any provisions that criminalize femicide? In case not, are the elements of femicide considered as aggravating circumstances of homicide?

If such a provision exists, kindly provide information about the dates of adoption and entry into force, and the text itself.

If not, which measures have been taken to include this in national law?

Response to Question 9:

There are no provisions criminalizing femicide but it is considered as aggravating circumstances of homicide.

Question 10:

Are there provisions in your national legislation that criminalize violence against women perpetrated by the State? In this regard, are there provisions in your legislation that:

- a. Punish sexual violence in armed conflicts?*
- b. Punish violence such as torture, war crimes, and crimes against humanity?*
- c. Punish violence against women committed in hospitals, educational establishments, prisons and other State institutions?*

If such a provision exists, kindly provide information about the dates of adoption and entry into force, and the text itself.

If not, which measures have been taken to include these crimes in national law?

Response to Question 10:

Dominica does not have a history or practice of armed conflict; hence legislation addressing the same does not exist. In terms of punishment for violence against women committed in hospitals, educational establishments, prisons and other state institutions, the Offences Against the Person Act will be used for any legal action taken.

Question 11:

Are there any provisions to protect sexual and reproductive rights of women?

- a) Are there provisions that criminalize obstetric violence?*
- b) Punish public functionaries who prevent women, girls, and female adolescents from taking proper care of their sexual and reproductive health?*
- c) Are there any provisions decriminalizing abortion as a result of rape?*
- d) Are there any provisions decriminalizing therapeutic abortion?*
- e) Are there any provisions to punish forced sterilization?*
- f) Are there any provisions to punish artificial insemination without consent?*
- g) Are there any provisions that guarantee the free access of women to emergency contraceptives?*
- h) Are there any provisions that guarantee emergency prophylactic care and*

treatment of HIV and other sexually transmitted diseases especially in cases of sexual violence?

i) *How do you guarantee the exercise of these rights?*

If such a provision exists, kindly provide information about the dates of adoption and entry into force, and the text itself.

If not, which measures have been taken to include these provisions in national law?

Response to Question 11:

There are provisions made in national laws that allow for protection of sexual and reproductive rights of women. Women have the right to decide freely the number and spacing of their children. In practice this may be a decision made jointly with their partner or spouse. Certain religions do not allow women to use contraceptives.

Presently, abortion is considered an illegal practice; however in cases of rape and health issues surrounding the health of the mother, medical decisions are made. There is no legislation in place to punish forced sterilization or artificial insemination without consent. In fact, artificial insemination is not performed in Dominica presently.

In terms of provisions for free access of women to emergency contraceptives, this is available at the hospitals. The hospitals are also equipped with emergency prophylactic care and treatment of HIV and other sexually transmitted diseases in cases of sexual violence.

Question 12:

Are there national awareness campaigns to disseminate information on women's rights, specifically the Convention of Belem do Para?

Response to Question 12:

- Sharing of data with the Police Dept. Court and Ministry of Legal Affairs and the Legal Aid clinic and also the bar association and others
- Report on Domestic Violence Research circulated to key stakeholders including legal affairs
- Model legislation example on Sexual harassment provided to ministry legal Affairs
- consultation for OECS Family Law & Domestic Violence Reform held recently
- Current effort for a Uniform data Collection System on Violence against Women and Girls
- Campaign and public awareness on articles contained in the Belem do Para Convention and other related subjects during national observances such as Day to Reject Violence Against women and International Women's Day)
- Sessions are also held at community level and at schools to educate community people especially women and students on the subject of the Belem do Para.

Question 13:

Is there a national Plan/Action/Strategy for the prevention, punishment, and eradication of violence against women? Does it address all forms of violence against women? Are evaluations conducted regarding its implementation and any problems in that regard?

If such a program exists:

- a. when was it established?*
- b. what period does it cover?*
- c. how it is executed and evaluated?*
- d. how is it disseminated and promoted?*
- e. has there been a multisectoral approach in which government institutions and civil society participate in drawing up the plans?*
- f. are there any penalties for failing to comply with national plans?*

If not, which measures have been taken to establish one?

Response to Question 13:

No formal national action plan in place, however, this is an expected outcome of the said Multi-Sectoral Project-lead agencies the Women's Bureau and Dominica National Council of Women:

In 2005, "An Integrated, Multi Sectoral Approach for improved Implementation of Existing Laws, Policies, plans of actions to address Violence Against Women and girls" was prepared, however, the process did not get beyond the leading agencies.

However, Action/interventions to address Violence Against Women forms part of programmes of the Bureau of Gender Affairs, Women's organizations and other key partners like the Police with a high level of collaboration.

Question 14:

Is the topic of violence against women addressed in the following national plans/plans of action/strategies on:

- a) education*
- b) employment and income*
- c) poverty eradication?*
- d) gender equity and equality?*
- e) health?*
- f) HIV / AIDS?*
- g) public security/crime prevention?*
- h) other? Please specify:*

In the event it is addressed, kindly describe how violence against women is addressed in those plans/plans of actions/strategies. If not, which measures have been taken to implement it?

Response to Question 14:

The National Gender Policy recommends or advocates for the following to address domestic violence, gender based violence or intra-familial violence:

- Strengthening the family unit through legislative changes and changes in judiciary practices, ensuring that relevant mechanisms e.g. Family court, and education of Members of the Judiciary on issues of gender and development
- An integrated approach for addressing the problem of gender based violence, capitalizing on both Governmental and non-governmental actors involved in the area.
- Continued education/gender sensitization as key to changing the mentality/attitude and the perception of members of the public and with greater role played by the media as well as the church should
- Capacity strengthening of the Gender Machinery
- Public awareness of services and procedures available and improved services
- Counseling support network and training programme at paraprofessional level
- Establish a Crisis Centre or operationalize the existing one (DNCW)
- Provide specialized assistance for main groups of victims and perpetrators e.g. rehabilitation/treatment of perpetrators, health care for victims, shelter/homes financial assistance
- Devise a proper data collections system for reports of domestic violence
- A core of gender sensitive men at the community level, as an important vehicle to influence change in the attitude and mentality of their counterparts.
- Integrating into the Health and Family Life School Curriculum gender concerns in relation to domestic violence
- Parenting/life skills to be mandatory which could be institutionalized through the school Parent Teacher Association, Health Centre Programmes, and the Youth Division.
- Economic empowerment for the disadvantaged through mechanisms such as a revolving fund in place increased role by private sector, and improved collaboration

Leading up to the adoption of the said policy and currently there has been consistent effort to implement several of these recommendations by the Bureau of Gender Affairs in collaboration with its various partners. Successes include:

- Advocacy and lobbying resulting in policy and legislative changes e.g. 1998 Amendment to the Sexual Offences Act, 2001 Protection against Domestic Violence Act
- Increased collaborative and coordinated effort and a stronger voice on gender issues –domestic violence; gender based violence
- Increased sensitization of key gender issues by various interest groups and the public
- Research and improved data collection and increasing trend of the integration of gender across sectors; a number of available reports on the status of women and men in Dominica, on issues of Domestic Violence and compliance to CEDAW
- A more integrated approach to respond more effectively to the problem of gender based violence, capitalizing on both Governmental and non-governmental especially through the project “A Multisectoral Approach to Responding to Violence Against Women and Girls”.
- Counseling and referral services for women, men and families
- Increased involvement of men in the fight against gender based violence
- Improved partnership and networking
- Skills training geared at the economic empowerment of disadvantaged women

Question 15:

Are there plans to offer training (not isolated or sporadic training sessions) to the following on the topic of violence against women, women’s rights, in the framework of the

Convention of Belem do Para:

- a. *Lawmakers?*
- b. *Justice system personnel (judges, prosecutors, paralegals, special family violence units in the police force and other public functionaries)?*
- c. *Health system personnel?*
- d. *Educators?*
- e. *Military and police forces?*
- f. *Women's social and community-based organizations*
- g. *Specialized units to deal with violence?*
- h. *Others? Please specify.....*

If such training exists, describe their characteristics and the topics considered, and indicate how frequently they are held. If not, which measures have been taken to include them?

Response to Question 15:

Training programmes for lawmakers, law enforcement, health personnel and justice system personnel are held as part of the activities within the Bureau of Gender Affairs Corporate Plan. One Chief Magistrate, and local attorney attended an International seminar on CEDAW. Continuous training on the issue of violence against women are held with the Gender Focal Points in the different ministries.

Question 16:

Does the State promote the participation of civil society in:

- a) *Design of the Plan/Action/Strategy?*
- b) *Monitoring and Evaluation of the Plan/Action/Strategy*
- c) *Execution of conjoint projects or collaboration in activities? Please specify.....*
- d) *Others? Please specify.....*

Response to Question 16:

There is a high level of collaboration among the Bureau of Gender Affairs and other social partners on matters relating to domestic violence and violence against women. This is quite visible especially during major national and international observances during the Period of activism on violence against women and International Women's Day.

It has become more evident following the implementation of the Integrated Multi –Sectoral project referred to in previous responses. There is also an increase in men's participation in the campaign to reject violence against women.

Additionally, in the preparation of the CEDAW Report, one-on-one meetings are held with members from civil society and prior to submission of the first draft report; it is circulated for final comments and presented to civil society.

Question 17:

Are there cooperation agreements with the media and publicity agencies to promote women rights and disseminate the contents of the Convention of Belem do Para?

Response to Question 17:

There are no cooperation agreements with the media to disseminate the contents of the Convention of Belem do Para; however, radio and television programmes are scheduled to address the Conventions as part of the Bureau of Gender Affairs regular programme.

Question 18:

Has there been an increase in the number of entities in charge of receiving complaints of violence against women? If so, identify the type of institution, on which date it occurred, how many were added and where they are located? If not, indicate why that number did not increase and the measures taken in that regard.

Response to Question 18:

There has been an increase in the number of entities in charge of recording complaints of violence against women. In the past, the Police Station was the primary institution; however the Bureau of Gender Affairs have created a domestic violence network comprising of the Police Department, the Legal Aid Clinic, the Welfare Department, Dominica National Council of Women and the Bureau of Gender Affairs.

Question 19:

Are there any administrative provisions or others that ease access to justice for women and guarantee due process, such as:

- a) *Specialized officers?*
- b) *Private spaces?*
- c) *Free legal services?*
- d) *Interpreters in indigenous languages?*
- e) *Guidelines on confidentiality and data protection of the victim, her family and/or witnesses?*
- f) *Others? Please specify.....*

Please also explain what measures are taken so that rural, indigenous and afro-descendent women can access to justice.

Response to Question 19:

There are no legal limitations in terms of free access to justice in Dominica. Both men and women have equal rights and access to justice. The Legal Aid Clinic provides free legal services. However, records indicate that mainly women access this service, particularly in cases of abuse. In some cases, there are specialized officers who can deal with cases of violence. It must be noted that there are no government-funded safe houses. A local NGO – Dominica National Council of Women provide limited housing for women living in abusive homes for those who require such service.

Question 20:

Which of the following mechanisms are in place for ensuring the effectiveness of measures to protect women, their relatives, and/or witnesses in cases of violence?

- a) *Funds for transportation?*
- b) *Mechanisms for rescuing women?*
- c) *Change of identity?*
- d) *Witness protection?*

- e) *Clearance for leaving the country?*
- f) *Secure networks for reference?*
- g) *Others? Please specify.....*

Response to Question 20:

Presently, the mechanisms listed above are not available. Due to demography of the country, and culture, domestic violence and other cases of violence are treated in terms of legal prosecution. There are not enough resources to fully protect the victim. Under the Protection Against Domestic Violence Act, a protection order can be placed against the assailant.

Question 21:

Are there assessments and studies on how much time it actually takes to provide protection orders after a complaint is reported? Are there statistics on how many and what type of protection orders were granted last year to women victims of violence as compared to the total number of protection orders requested?

Response to Question 21:

Protection Orders are granted almost immediately as it is clearly stated in the Protection Against Domestic Violence Act. However, there are no assessments or studies undertaken by the Departments involved due to strained human resources. It is hoped that with the creation of the domestic violence network will ensure that all data as it relates to violence is recorded and published.

Question 22:

Are there any protocols of care for women, girls, and female adolescents who are victims of violence, in the official language and in indigenous languages, for use by:

- a) *The police and the staff of entities that receive complaints?*
- b) *Prosecutors' offices?*
- c) *Health system personnel?*
- d) *Others? Please specify*

If such a protocol exists, kindly attach a copy. If not, or if only an official language version exists, explain the measures taken to draft one and/or translate it.

Response to Question 22:

There are no official protocols; however, in child abuse (children under 18) cases, there's a reporting protocol between the schools, health, welfare division and police department.

Question 23:

Do judges and prosecutors use the Convention of Belém do Pará and international human rights treaties in their judgments and rulings? Has a study or an assessment been made of the use of these instruments in the work of judges and prosecutors? If such a study exists, please outline its main conclusions and/or the relevant judgments.

Response to Question 23:

There are no records of Judges and magistrates using the Convention of Belem do Para and other international human rights treaties in their rulings.

Question 24:

Are there studies or assessments on judges and prosecutors about:

- a) the influence of stereotypes, prejudices, myths and customs in the prosecution of cases of violence against women; and how these affect the trial and/or the sentencing?*
- b) If judges and other judiciary officers take into account or use negatively the personal history of the victim or her previous sexual experience in delivering the sentence?*

If such a study exists, please outline its main conclusions and/or the relevant judgments.

Response to Question 24:

No official studies or assessments have been undertaken.

IV. SPECIALIZED SERVICES

Question 25:

Has the number of government (not civil society) shelters and integrated support centers for women victims of violence and their children increased over the past four years? If so, please indicate how many have been added and where they are located. If not, what measures have been taken to increase their number and when are the new shelters and support centers expected to begin to operate?

Response to Question 25:

Presently, there are no government-funded shelters for female victims.

Question 26:

Over the past four years has the coverage of free specialized services provided by the government (not civil society) expanded and/or been enhanced, for example:

- a) Free pre-trial legal counsel?*
- b) Free legal counsel during trials?*
- c) Free 24-hour national telephone hotlines?*
- d) Health care programs, including Sexual health programs and services for legal interruption of pregnancy?*
- e) Psychological counseling, therapy, support and self-help groups?*
- f) Other? Please specify*

If they have increased and/or enhanced, please explain how. If not, explain why and the measures taken to ensure such an increase and/or enhance.

Response to Question 26:

The Legal Aid Clinic has been operating since 2003. The services of the Clinic have been promoted over the last four years mainly by referrals from the Police, the Bureau of Gender Affairs,

and other institutions. Women's groups also promote the services of the Clinic. For criminal matters, a report has to be made to the Police.

Question 27:

Are there information campaigns for the promotion of these services among women?

Response to Question 27:

Yes; local institutions (both governmental and non-governmental) promote the availability of these services.

Question 28:

Have existing services mentioned in questions 25 and 26, as well as client satisfaction been evaluated? If so, describe the results of those evaluations and the measures taken by the State to comply with the recommendations and improve services. If not, describe the measures being taken to conduct an evaluation this year.

Response to Question 28:

An overall evaluation of the system is a measure which can be undertaken in the upcoming year with the specific objective being to determine the effectiveness of the services and client satisfaction. However, it must be noted that in the past, evaluation of such services were undertaken as part of individual projects such as the Multi-sectoral Approach to end violence against women and the study to enable the preparation of pilot interventions to address intersections between HIV/AIDS and Violence Against Women in Barbados and Dominica.

V. BUDGET

Question 29:

In the past four years, what percentage of the national budget has been allocated to programs to combat violence against women (not only family or domestic violence)? Please specify if the source of such allocations are public funds, private funding or international cooperation.

Response to Question 29:

The national budget has no specific allocations to programs that aim at addressing violence against women. The Bureau of Gender Affairs under the Ministry of Social Services, Community Development and Gender Affairs, is granted about 3% of the government's budget (EC\$320,000 – EC\$340,000) annually to execute its programs. As part of the Bureau's programs there are allocations made to address violence against women.

Question 30:

In the past four years, what percentage of the annual national budget has been allocated to:

- a) *Women's police stations, prosecutors or other entities that receive complaints?*
- b) *Training of functionaries?*
- c) *Specialized services: women's shelters, free help hotlines, free legal advisory services, free legal counsel, and free psychological counseling?*

- d) *Campaigns to prevent violence against women?*
- e) *Health services for women affected by violence nationwide?*
- f) *Other? Please specify.....*

Response to Question 30:

There are no women's police stations; police stations are unisex but much needs to be done in terms of better accommodations for female police officers. Additionally, its not possible to state budget allocations as these programs fall under the headings of separate ministries. The government does provide a yearly contribution to the Dominica National Council of Women to address violence against women.

VI. INFORMATION AND STATISTICS

Question 31:

In the past four years, has the State conducted studies and research on violence against women and/or implementations of the Convention of Belém do Pará in your country? If so, present the main conclusions of those studies and indicate whether any type of follow-up has taken place at the national level. If not, which measures have been taken to conduct them?

Response to Question 31:

The state has not conducted studies on the Convention of Belem do Para due to inadequate human resources. There are consultations held island wide on issues of violence against women. Minimal research has been conducted on the issue of violence against women – the multi-sectoral violence against women project is one such research project undertaken.

Question 32:

In the past four years, which activities have taken place to promote and support research on violence against women, in coordination with civil society organizations and with academic institutions in your country?

Response to Question 32:

As part of the Integrated Multi sectoral project undertaken jointly by the Bureau of Gender Affairs and the Dominica National Council of Women in collaboration with nine other government and non government agencies, one component was related to an unpublished study on the Legal and Policy framework for Responding to violence Against Women. Among other recommendations, this study found that more in-depth studies be done to gain understanding of the impact of domestic violence/gender based violence on the socio-economic and of the various correlates to better inform policy action.

Question 33:

In the past four years, have surveys been periodically conducted on:

- a) *Violence against women?*
- b) *Women's understanding of their rights?*
- c) *Women's familiarity with the public services available, in the event that they are victims of violence?*
- d) *Other? Please specify.....*

If such surveys have been conducted, indicate whether the survey interviewers were given prior training on the topic and the methodology used, and report on the survey results. If not, report on measures taken to conduct such a survey.

Response to Question 33:

Yes; periodic research has been conducted and the survey interviews were given prior training. Overall, women in Dominica are aware of their rights and are familiar with public and private services available to assist them,

Question 34:

Have publicly accessible records been kept of the number and characteristics of reports or cases of violence against women (not only family, intra-family, or domestic violence) by:

- a) *The police and other entities that receive complaints?*
- b) *The courts and prosecutors' offices?*
- c) *Health care services?*
- d) *Other? Please specify*

If these records are kept, report on the number of complaints received each year and on any other data collected on the victim, disaggregated by age, geographical location, ethnicity, marital status, educational level, occupation and relationship to the aggressor. If not, report on the measures taken to establish these records

Response to Question 34:

The Police Department provides data on crime in general based on reports and indicatable. The data however, is not disaggregated by age, geographical location, ethnicity, marital status, educational level, occupation.

Question 35:

Is any information from the past four years available on:

- a) *The number of women victims of violence each year by age, marital status, type of violence, and geographic location?*
 - b) *The number of cases of violence against women that were prosecuted as compared to the total number of complaints of violence against women?*
 - c) *The number of convictions for violence against women as compared to the total number of complaints?*
 - d) *The number of women victims of femicide² each year by age, marital status, and geographical location?*
 - e) *The number of convictions for femicide as compared to the total number of cases recorded?*
 - f) *Other? Please specify*
-

If such information is available, kindly provide figures. If not, explain the measures taken to obtain such figures in the future.

Response to Question 35:

There is information available recording the incidences of violence against women; however the information has not yet been dissected by age, marital status, geographic location, convictions etc. The Domestic Violence Network Project will provide a central registry for the collection of the said data.

Question 36:

Is there any mechanism or body for coordination between the institutions for women/gender and the public entities that draw up and compile national statistics, to improve the compilation of data on violence against women? If such a mechanism or body exists, please explain which one, its purpose and functions.

Response to Question 36:

The Bureau of Gender Affairs is the government's machinery charged with the implementation of gender mainstreaming and the advancement of women. The Bureau has always undertaken some form of data collection to a limited degree. However, since 2007, the Bureau, in a effort to strengthen this aspect of its portfolio and as part of the Integrated multi-sectoral project some improvement has been realized in this regard. Further strengthening is anticipated through a supplementary project currently being implemented aimed at data collection for both domestic violence and gender-based violence. This project is multi-faceted and will include other institutions such as the Police Department, Statistical Division, Legal Aid Clinic, Welfare Division and the Dominica National Council of Women.