



**Convention on the Elimination
of All Forms of Discrimination
against Women**

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**Committee on the Elimination of Discrimination
against Women**
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Summary record of the 870th meeting

Held at the Palais des Nations, Geneva, on Wednesday, 21 January 2009, at 10 a.m.

Chairperson: Ms. Gabr

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The meeting was called to order at 10 a.m.

Consideration of reports submitted by States parties under article 18 of the Convention

Consideration of the implementation of the Convention in Dominica in the absence of a report

1. *At the invitation of the Chairperson, the delegation of Dominica took places at the Committee table.*

2. **Ms. Allport** (Dominica) said that her delegation noted with regret that, owing to economic vulnerability, recent hurricane-related devastation and subsequent fiscal austerity and structural adjustments, Dominica had not submitted initial or periodic reports to the Committee. Sustained economic growth and stability were slowly returning, and the delegation intended to present reports to the Committee in 2010.

3. Notwithstanding, there was progress in respect of the advancement of women. The National Policy and Action Plan for Gender Equity and Equality in the Commonwealth of Dominica had been prepared in cooperation with a number of ministries and non-governmental organizations (NGOs) and ratified in September 2007. It drew on the Convention to provide a framework for legislation with a gender perspective, to facilitate social and domestic peace, to reduce gender violence and to improve the quality of life at all levels. Strategies to achieve gender policy objectives included mechanisms for awareness-raising, improved data collection and analysis, the promotion of economic empowerment of women, monitoring and assessment and the establishment of institutions for women's health and safety. The Government intended to launch a capacity-building programme to aid in the implementation of the policy. Furthermore, the National Policy Framework for Growth and Social Protection contained measures to increase women's participation in the labour force as well as their production and earnings.

4. The Women's Bureau was located in the Ministry of Community Development, Culture, Gender Affairs and Information. Its director reported directly to the Permanent Secretary and its staff included a Coordinator of Research and Development, a Field Officer, a Communications Officer and an Administrative Officer. The Women's Bureau aimed to strengthen the gender perspective in the Government and encourage gender equity legislation, as well as to enhance

women's access to basic services and economic resources and their participation in political and decision-making positions. It collaborated with a number of ministries in addition to the Dominica National Council for Women, and it had established an Advisory Committee of governmental agencies and NGOs. The Women's Bureau worked with intergovernmental committees to increase national awareness of and commitment to gender equality and the empowerment of women. The Government planned to strengthen the Women's Bureau through better integration within the Ministry.

5. The Constitution of the Commonwealth of Dominica prohibited gender-based discrimination and guaranteed equality under the law. Dominica had also ratified a number of international conventions on civil and political rights, the rights of the child and of women and on the abolition of slavery. Legislative action had been taken to incorporate the conventions into domestic law. Dominica was also engaged in family law and domestic violence legislation reform with the Organization of East Caribbean States (OECS). It was committed to addressing legislative and policy gaps relating to gender-based violence, HIV/AIDS, female heads of household and the participation of women in political decision-making at the highest levels.

6. The Government had collaborated with NGOs, trade unions and faith-based institutions to strengthen law reform, police training, services for survivors of domestic violence, development of data collection protocols and public education. The Sexual Offences Act provided that all sexual offence trials must be held in closed court until sentencing. The anonymity of the complainant was assured throughout the trial while that of the accused was protected unless convicted. The requirement of corroboration had been eliminated and the sexual history of the complainant was no longer admissible as evidence unless it was required for a fair trial. Video-recorded evidence by minors, whether victim of or witness to sexual assault, had become admissible. The Domestic Violence Act broadened the definition of "abuse" and allowed for a range of protection orders to secure the safety of potential victims of abuse, including financial relief. It established a Domestic Violence Register and mandated a police response to every domestic violence complaint regardless of who made it. A Child Abuse Prevention Unit had been established to raise public

awareness and offer counselling to victims of child abuse, and Child Abuse Guidelines had been developed for closer inter-agency collaboration. The National Shelter Development Project and the Legal Aid Clinic had been established. Still, the Government recognized that domestic violence and sexual offences legislation should address enforcement mechanisms, rape within marriage and sexual abuse of minors over 16 years of age.

7. Men and women participated in the economy along traditional gender roles. Women worked in public service and faced a number of obstacles in obtaining work in productive sectors. Statistically, women who did work in the productive sectors earned less money than men. The Government had established the Labour Contract Act, the Social Security Act and the Title by Registration Act to address economic inequity between men and women. Studies had shown that the primary cause of poverty in Dominica was unemployment, and that, in addition to limited options in the labour market, women's poverty was linked to the burden of care for children, the elderly and the ill. Efforts were being made to diversify the economy and the Government had implemented policies and programmes to boost women's participation in the labour force, including the Dominica Social Investment Fund, the Basic Needs Trust Fund and Dominica Rural Enterprise Project. The Women's Bureau also had established a loan fund to facilitate the access of poor and rural women to the economic market.

8. Primary health services were substantially subsidized by the Government and were completely free for people under 18 and over 65. There were 52 health centres that attended to the health-care needs of women and ensured that they had full and equal access to health care. Immunizations were provided to children, pre- and post-natal care was available at all of the health centres and a breastfeeding awareness-raising campaign had been launched. Reproductive health services and diagnostic services for cancers were also available. In addition to the provision of anti-retroviral treatments to mothers with HIV/AIDS, the National Strategic Plan on HIV/AIDS was in the development stages. While the teen pregnancy rate was at its lowest in recent times, it remained a concern.

9. Despite crushing poverty, the country had maintained near 100 per cent primary school enrolment, and enrolment in secondary school had doubled since 1991. There were no institutional

barriers to access to education and attendance was mandatory for those 16 and under. The Government subsidized nearly all of primary and secondary education and Dominica was on target to meet the Millennium Development Goal of universal primary education. As in other Caribbean countries, while boys and girls had equal access to education, non-completion rates were higher for boys. While subject choices were still made along traditional gender lines, the Youth Skills Training Programme had, since the mid-1990s, encouraged women to study non-traditional subjects. Furthermore, the Women's Bureau had provided training for women in male-dominated occupations. Women's higher educational level had not translated into equal opportunities or remuneration, however.

10. While there was no legal obstacle to full and equal participation of women in political life, cultural attitudes and gender stereotypes persisted and women were poorly represented in elected positions at the highest levels. Still, Dominica had been the first country with a female prime minister in the western hemisphere, which had contributed to raising awareness and acceptance of women's involvement in politics. Women and men were nearly equally represented in the foreign service and the appointment of women at the most senior executive levels was growing. At the local level, 25 per cent of village councils were chaired by women and most primary and secondary schools were headed by women.

11. While there were a number of types of family structures in Dominica and single-parent households were prevalent, the nuclear family was the most socially accepted unit. Men and women had equal rights in marriage and marriage dissolution, with the exception of primary custodial rights of children born within the marriage which, under the Guardianship of Infants Act, were vested in the father. Primary custodial rights for children born out of wedlock were vested in the mother. There was no presumption of equal ownership of assets acquired during the marriage if the assets were held in one party's name. Common-law unions were not recognized in settlement of property or financial support after the dissolution of such unions. While both parents were required to provide financial support for children, women bore a disproportionate share of the burden, in particular for children born out of wedlock. Women and men had the same nationality rights and were equally entitled to

transfer nationality and residence status to their spouses and children. Legislation needed to be reformed to ensure adequate and enforceable care of children by fathers and to establish the concept of joint custody. Dominica was reviewing OECS model legislation on family law to bring it in line with the Convention and the United Nations Convention on the Rights of the Child. The Government was also committed to attending to the economic and social development of indigenous peoples and was working in consultation with the Carib community to address cultural practices that discriminated against women.

Articles 1 to 6

12. **The Chairperson**, speaking as a member of the Committee, said that Dominica had long ago ratified the Convention with no reservations, yet it had not submitted a report. While economic conditions did affect reporting, she wondered whether Dominica should seek technical assistance.

13. **Ms. Coker-Appiah** said that she would like to learn whether legislation had been passed to make the Convention directly applicable in Dominica, and if not, whether the Government had plans to ensure that all provisions of the Convention were directly applicable in domestic law. She would also like to learn whether the Constitution or legislation defined discrimination in line with the Convention, and whether special procedures or institutions dealt specifically with issues of discrimination against women. In particular, she would like to know when family courts would be established and whether they would treat issues related to discrimination against women.

14. **Ms. Šimonović** asked whether the delegation had requested technical assistance from the Office of the High Commissioner for Human Rights during the reporting process. She wondered whether non-compliance in reporting indicated that Dominica viewed the Convention as non-binding. The Government had submitted a report to the Committee on the Rights of the Child (CRC) and clearly understood the reporting process. She would like to know whether a special working group or mechanism would be established to assess compatibility of national laws with the Convention. She would also appreciate information about legal measures that could be taken to bring discriminatory legislation in line with the Convention. More information about cooperation with NGOs and plans to include them and the Parliament in

the reporting process would also be helpful. Finally, she would like to learn about any plans to inform the Parliament about the Convention and whether there were plans to ratify the Optional Protocol.

15. **Ms. Awori** asked how the Women's Bureau ensured that its policies were disseminated to women on the ground, and whether it provided training on the Convention to Government and other public officials.

16. **Ms. Arocha Dominguez** said that she would like more information about the decision by the Government to reform the Women's Bureau despite its close collaboration with a number of ministries and NGOs. She would also like to know more about the relationship of the Women's Bureau with offices that produced statistics, as data were helpful when measuring progress.

17. **The Chairperson**, speaking as a member of the Committee, said that she would like to know whether the delegation would use temporary special measures in the future.

18. **Ms. Allport** (Dominica) said that her delegation deeply regretted not having submitted a final report. Efforts had been made to finalize the report at its various stages and an advisory committee had assisted the Women's Bureau in preparing a number of draft reports. The delegation had accepted technical assistance from the United Nations Development Fund for Women (UNIFEM) and it was committed to submitting the report in 2009, including information through 2008. It hoped to have the opportunity to present the report in 2010. The Convention was perceived as a binding instrument and the lack of reporting was owing to gross negligence on the part of the delegation. There were limited human resources available and the Women's Bureau was a very small unit engaged in a number of issues. The reform by the Ministry was intended to assign more gender planning and policy implementation duties to the Women's Bureau and to allocate practical measures on the ground to agencies that would provide direct services.

19. **Ms. Boyd-Knights** (Dominica) said that temporary special measures taken included recruiting male teachers to encourage boys to stay in school and thereby reduce domestic violence related to unemployment or underemployment. Public assistance to female heads of households had been increased and free secondary school bus services were available in rural areas to increase girls' access to education. As the

banana industry had fallen and the tourism sector expanded, women were starting businesses as vendors, and the Government had established facilities for them. The Government also intended to establish homes for pregnant adolescents. A system had been set up to allow pregnant girls to continue their education in another school.

20. **The Chairperson**, speaking as a member of the Committee, explained that temporary special measures might include quotas and other measures that were limited in time.

21. **Ms. Allport** (Dominica) said that the Ministry in which the Women's Bureau was located had an excellent working relationship with the Central Statistics Office. Much of the statistics work done by the Women's Bureau was done in collaboration with that Office. The Women's Bureau also had a research and development officer to collect gender data and report it to the Central Statistics Office.

22. **Ms. Boyd-Knights** (Dominica) explained that conventions ratified by Dominica were incorporated into national legislation over time. The delegation acknowledged its international legal obligation to provide reports to the Committee. The Constitution described protections of fundamental rights and freedoms for both men and women, reinforced by the Interpretation and General Clauses Act which specified that the word "he" included women. Laws had been enacted to ensure that all discrimination against women would be eliminated. There was no special tribunal for discrimination against women, but it was a constitutional right for anyone who had suffered an abuse of rights to have access to court. The Legal Aid Clinic had been established for those with limited financial means. Inheritance laws were completely non-discriminatory in Dominica; however, there was no law on divorce that allowed for automatic division of property. When divorcing, if property was in the man's name, the woman would have to make a case to ensure her share. The process would be the same for a man if the property were in the woman's name, though it was more likely for the property to be in the man's name. The OECS had drafted family law, including on a family court, that Dominica, as a member of OECS, was reviewing in an effort to harmonize legislation.

23. **Mr. Flinterman** said that he welcomed the submission of the first combined report in 2009 and hoped that the Government would also ratify the

Optional Protocol. He would like to learn whether the judiciary had been trained on the Convention, including the Committee's general recommendations and the Optional Protocol in order to interpret national legislation in conformity with it.

24. **Ms. Patten** said that she would like to hear more about the Legal Aid Clinic and laws enacted to allow women access to justice. She would also like to learn whether the judiciary was gender-sensitive.

25. **Ms. Coker-Appiah** asked for more information about when the national gender policy had been adopted, whether action points had been implemented and the results of the action points.

26. **Ms. Rasekh** said that she would like to learn more about mechanisms and approaches for the implementation of the national gender policy on the ground. She would also like information on how sexual offences legislation functioned in practice.

27. **Ms. Neubauer** asked whether the national gender policy had an established mechanism to track how it and the Convention were implemented. Since the Women's Bureau was understaffed, ministries and State institutions needed to know about gender issues for policy monitoring and assessment purposes. She wondered whether there was a legal or Constitutional basis for non-implementation of temporary special measures and called on the Government to reassess its definition of the measures to bring it in line with that of the Convention.

28. **Ms. Belmihoub-Zerdani** said that she would like to know whether there was a law defining discrimination in line with the Convention.

29. **Ms. Šimonović** said that she would appreciate more information about technical assistance from UNIFEM. The Government should view the reporting process as a way to raise awareness of the Convention as a legally binding instrument, and should include all relevant stakeholders, including NGOs and Parliament. Turning to inheritance rights, she requested clarification of her understanding that if a man died with no will, his widow could not inherit or sell marital property, though she could live in it and pass it to her children.

30. **Ms. Ameline** asked to what extent ministries were involved in defining quantitative objectives for non-discrimination and how good practices could be

implemented. She would also like to know whether a regional approach was used.

31. **Ms. Murillo de la Vega** requested information on specific measures taken for the health and counselling of women victims of abuse, in particular indigenous and disabled women.

32. **Ms. Allport** (Dominica) said that preparation of the report had involved the public sector, community-based organizations and the private sector in a national consensus-building effort including key stakeholders. The initial stages of discussion with UNIFEM had begun, and would resume upon her return to Dominica. The first step was to assess what was required to finalize the report. The judiciary was trained on the application of the Convention on the national level. While rapid turnover in magistrates and judges and the small size of the judiciary had made it difficult to consult on a regular basis, the delegation would make special efforts to involve the judiciary further in the reporting process. Throughout the process, policy was presented and documents were submitted to Parliament for feedback.

33. **Ms. Boyd-Knights** (Dominica) said that a Legal Aid Clinic had been established to facilitate access to justice for the poor; it was used mostly by women. The two lawyers assigned to the clinic were mandated to request assistance of other lawyers at a reduced rate if needed. The Sexual Offences Act provided that whenever an adult had sexual intercourse with a minor whom he employed, the adult had committed an offence for which there was a stiff penalty. It did not cover employees over the age of 18 and, while it was inadequate, it was a step forward. Temporary special measures as defined by the Convention were considered unconstitutional because they favoured one gender.

34. The Intestates Estate Act was not gender-biased and stated that when a person died with no will, the surviving spouse was entitled to 10 per cent of the gross value of the estate. The remaining 90 per cent was divided evenly between the children, legitimate or not, and the surviving spouse.

35. The judiciary was regional, so all harmonization of Dominican law was done regionally. The chief magistrate and family law magistrate were women and they understood the Convention. While it may not be acknowledged in the course of a trial, the Convention

was acknowledged in the decision-making process of the judge.

36. **The Chairperson**, speaking as a member of the Committee, said that temporary special measures were not unconstitutional when they were limited in time.

37. **Ms. Šimonović** said that she would like information about how Dominica handled ratification of and reporting under the Inter-American Convention on the Prevention, Punishment and Eradication of Violence Against Women, and how it influenced national legislation. She would also like to learn more about family law and domestic violence legislation reform. She wondered what types of protection orders were available and whether there was statistical data on orders issued and their implementation. She also wondered whether there was cooperation with NGOs to provide shelters and a hotline for women victims of violence.

38. **Ms. Coker-Appiah** said that she would like to know whether the Domestic Violence Act was going to be brought in line with the Convention and OECS guidelines. She would be interested to learn about studies to identify the forms and prevalence of violence, and wondered whether data had been disaggregated by gender. Violence seemed more prevalent in the Carib community, and she wondered about violence within other ethnic groupings. Turning to cultural stereotypes, she asked for more information about cultural behaviour, in particular gender rules, within ethnic groups.

39. **The Chairperson**, speaking as a member of the Committee, said that she would like to know whether there were studies or data on trafficking in persons and, if not, whether any had been planned.

40. **Ms. Allport** (Dominica) said that data on the forms of violence reported had been collected and disaggregated. Information showed that most violence centred around drugs and, in particular, alcohol. The Carib community showed high levels of alcohol consumption. There were no other indigenous groups in Dominica.

41. **Ms. Boyd-Knights** (Dominica) said that the OECS legal department had prepared legislation on family law that was under review by its member States. The Domestic Violence Act provided for a number of types of protection orders including those that prevented the respondent from entering or remaining in

specified areas. The Act interpreted abuse to include emotional, psychological, financial, sexual and physical abuse. It included visiting relationships and allowed any witness to abuse to report it to the police on behalf of the victim and thereby enable an interim order. Once the interim order was obtained the perpetrator and the victim made their cases. Even if victims were then persuaded to drop the case, the magistrate could hear the matter and demand that the victim give evidence. Orders could also be made for maintenance, custody and tenancy. The orders had been drafted in consultation with the Women's Bureau.

42. The Dominica National Council of Women did operate a shelter and a hotline, with the participation of the Women's Bureau. The Women's Bureau also supported other methods to counter domestic violence. For example, four villages had been selected for awareness-raising campaigns, which had revealed that most violence was linked to alcohol use and took place on weekends. The men would go to church on Sunday, gather after the service to drink and then go home and perpetrate acts of violence. Villages had been encouraged to enact their own sanctions but there had been no follow-up. One challenge was to eliminate the traditional view that when men beat women, it was out of love. Awareness-raising campaigns had begun to address the issue. Finally, the delegation was not aware of any trafficking in persons, though the Sexual Offences Act addressed the issue.

Articles 7 to 9

43. **Ms. Awori** asked for more data on women in high public offices. She would like to learn how women participated in the labour market and in civil society. More information about Carib women would also be helpful.

44. **The Chairperson**, speaking as a member of the Committee, asked whether women married to a non-Dominican man could transmit their nationality to their children.

45. **Ms. Allport** (Dominica) said that while she did not have data on women in political office, they were equally represented in high public offices. More representation at the political level was needed, though the shortfall was also owing to personal choice. While temporary special measures had not yet been discussed in full, the delegation would make them a priority.

46. **Ms. Boyd-Knights** (Dominica) said that women and men could confer the same rights to abode and citizenship on their spouses and their children. Women held high positions in the private sector, including in banks and on statutory boards. Workshops had been held to enhance women's interest in political office, with limited success. Young Carib women were able to study at the university level. The Carib chief had recently encouraged Carib women and men who married outside of the community to leave the village.

47. **Ms. Allport** (Dominica) said that the number of women participating in local government had increased — approximately 25 per cent of local councils were chaired by women.

Articles 10 to 14

48. **Ms. Bailey** said that she would like to learn about indirect costs for education, access for subpopulations including the disabled, rural and poor girls and the main cause of girls dropping out. She would also like to know how continuing education was provided and whether there was substantive equality for girls once they had access to the classroom. It would be helpful to hear about ideological barriers that forced girls into traditional career choices and strategies being implemented to remove those barriers. She would like information about children, in particular girls, exposed to violence in school and at home. Finally, she wondered whether any action had been taken to address the recommendations made at the stakeholders' workshop.

49. **Ms. Zou Xiaoqiao** said that she would like information on dropout rates for boys and girls and teenage pregnancy rates. She wondered whether pregnant girls had to attend other schools because they provided particular services to them, and whether there was a reproductive health curriculum for boys and girls. It would be helpful to know how the Government ensured that all children under 16 had access to school and what practical measures had been taken to help them. She wondered whether educational material had been reviewed to remove gender-biased language and whether teachers had been trained on gender equality.

50. **Ms. Allport** (Dominica) said that the curriculum was not segregated along gender lines, yet still, girls tended to choose humanities. Welfare and education officers monitored attendance. Children of poor families had access to public assistance programmes

through the Ministry of Education, Human Resource Development, Youth Affairs and Sports. Efforts to provide free school bus services in rural areas were ongoing. Elementary schools were available in most communities, but it was not possible to have them in every village. The curriculum included reproductive health education, and the Ministry of Education provided school counsellors to students who had difficulties. Textbooks did show gender bias, though a complete review had not been done owing to financial constraints. There were provisions for students with special needs in specific schools.

51. **Ms. Boyd-Knights** (Dominica) said that transfer grants were available for primary and secondary school students. An educational trust fund, scholarships and other programmes also assisted the poor in funding education. She did not know of anyone consciously not educating girl children. Public and private institutions handled continuing education for children who dropped out of school. While Dominica did not produce its own textbooks, efforts would be made to select texts that were as unbiased as possible. An organization for planned parenthood strengthened reproductive health education and held workshop sessions in schools. She did not know of instances when indirect education costs favoured boys over girls. Career choices outside of stereotypical gender roles were on the increase. Lastly, pregnant girls went to different schools for the sake of anonymity.

The meeting rose at 1 p.m.