



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

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**Committee on the Elimination of Discrimination
against Women**
Forty-third session

Summary record of the 871st meeting

Held at the Palais des Nations, Geneva, on Wednesday, 21 January 2009, at 3 p.m.

Chairperson: Ms. Gabr

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The meeting was called to order at 3.05 p.m.

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

Consideration of the implementation of the Convention in Dominica in the absence of a report (continued)

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

2. **Ms. Neubauer**, following up on the discussion on specific articles of the Convention held at the previous meeting, said that although progress had been made in women's participation in decision-making, their level of representation in Parliament was unacceptably low: only one of the 21 elected members of Parliament and six out of the total of 32 were women. Since special temporary measures were considered unconstitutional, she asked if any other types of measures were planned to redress the gender imbalance in elected office. She also would like to know if women had reached the higher levels of the foreign service.

3. **Ms. Bailey** said that she found surprising the association of violence against women with drug and alcohol use and not with the pervasive patriarchal culture, which was reinforced throughout the Caribbean region in schools, the churches and the media. The fact that women and men chose to study different subjects was evidence that the curriculum was segregated by gender, as those choices came from socialization. She asked if there were separate girls' and boys' schools, and if so, whether both offered traditionally male or female subjects like cooking and woodworking, for example.

4. **Ms. Belmihoub-Zerdani** said that the women of Dominica already involved in public life should take the lead in helping other women enter that sphere by providing leadership training. Technical cooperation and assistance from a number of United Nations bodies should be available to fund such training, given the economic problems and structural adjustment Dominica had experienced in recent years. It might also be possible to give political parties an incentive to include women in their lists by making their funding dependent on meeting quotas.

5. **Ms. Awori** requested more information about enforcement of the Protection Against Domestic

Violence Act. She also asked for details on the structure of the judiciary and whether the backlog of pending cases was due to a lack of human resources.

6. **Ms. Boyd-Knights** (Dominica) said that under the Protection Against Domestic Violence Act, the police had an obligation to act, but not within a specific time frame, which made its enforcement less effective than expected. Problems had been encountered with the enforcement of the Sexual Offences Act, which failed to specify who had the legal obligation to report offences, for example sexual activity with a minor under 16, to the police.

7. The structure of the judiciary included High Courts — the circuit courts and Court of Appeals — which gave priority to criminal matters, and localized magistrates' courts. Currently there were six magistrates' courts but only three magistrates, two men and one woman; the number was clearly insufficient. The magistrates' courts gave priority to domestic violence cases. Unattractive conditions of employment and salary levels contributed to the difficulty in recruitment of judges.

8. The assistance of United Nations agencies in providing training would be very useful in increasing women's interest in politics. Most of the highest posts in the foreign service were indeed held by men; there was only one woman at the highest level.

9. **Ms. Ameline** asked if real political will to increase women's participation in public life existed, and if so, if there was a time frame for putting such a policy in place.

10. **Ms. Allport** (Dominica) said that the country's legislation provided for non-discrimination; women's lack of participation thus was not a question of political will.

11. There were boys', girls' and co-educational schools in Dominica. All offered a comprehensive curriculum; for example, girls' schools offered sciences and mathematics. The choice of fields of study might well be culturally conditioned, but segregation by fields of study was not promoted through the schools.

Articles 10 to 14

12. **Ms. Patten**, returning to the issue of employment, noted that the aim of the Convention was to promote women's substantive equality rather than just formal equality. The Committee's general recommendation

No. 25 on special temporary measures could help in pressing the Government to adopt such measures in the sphere of employment. She would like to know what measures had been taken to promote women's access to skilled and non-traditional jobs and what efforts were being made to close the pay gap between men and women in the private sector.

13. Turning to women in the informal sector, she asked how street vendors were being incorporated into economic and social policy and what was being done to improve their lives.

14. Lastly, she requested that statistics on the economy should be included in the report to be submitted to the Committee in 2010.

15. **Ms. Bailey** said that the situation in the Caribbean was unique, because in many countries of the region, including her own, women were more highly educated than men yet had higher rates of unemployment. That pointed to the existence of discriminatory hiring practices, and she asked if any initiatives had been taken to address them. Because of such practices, women were pushed into the informal sector, and she wanted to know what was being done to provide them with benefits. She inquired whether anything was being done to incorporate the principle of equal pay for work of equal value into the Labour Code.

16. **Ms. Allport** (Dominica) said that many women were employed in administrative positions in the civil service, but women held over 50 per cent of senior positions as well. Statistics showed that, while women were more highly educated than men, the largest sector of the job market was skilled labour such as carpentry and masonry, rather than white-collar jobs requiring education. The increase in tourism over the past three years since the collapse of the banana industry had led to an increase in the informal sector of the economy, and policies for street vendors were in development. Measures taken included providing small loans and market facilities. Currently all workers, whether or not they were self-employed, contributed to social security and received benefits.

17. **Ms. Boyd-Knights** (Dominica) said that the principle of equal pay for equal work was difficult to enforce among smaller employers. Women's career development in the private sector was accelerating, and many were being awarded Government scholarships to study abroad. Since 1985, the University of the

Western Caribbean had graduated more women lawyers than men, yet they had just begun to reach the higher ranks of the judiciary, for instance the Court of Appeals.

18. **Ms. Arocha Dominguez** said that statistical data on women's health, including information on life expectancy, causes of mortality, incidence of breast and cervical cancer and access to and cost of health-care services, should also be included in the 2010 report. She was glad to know that the Government was addressing the issue of teen pregnancy, and asked if sexual education programmes provided contraceptive services and the prevalence of their use by both youth and adults. As abortion was illegal, she would like to have information about the impact of clandestine abortion on the maternal mortality rate. She also inquired about programmes on HIV/AIDS and infection rates for men and women.

19. **Ms. Pimentel** asked if any health-care services were offered specifically to elderly and disabled women. She inquired whether there were any exceptions to the prohibition on interruption of pregnancy and whether there was any desire to change the punitive laws in that area.

20. **Ms. Allport** (Dominica) said that life expectancy in Dominica was 76 years for women and 74 years for men. The main causes of mortality among women were non-cancerous disease, cancer, hypertension, diabetes and heart disease. More women used Government health centres than men. Breast cancer could be diagnosed at the hospital, and most of the cost of treatment was covered by the health insurance scheme. Sex education programmes were conducted in cooperation with the organization Planned Parenthood and the schools. With regard to HIV/AIDS, a special project office had been set up to manage education programmes, confidential testing and treatment, which were integrated into the services offered in the health centres.

21. **Ms. Boyd-Knights** (Dominica) said that abortion was illegal under the Offenses Against the Person Act. No statistics were available on the rate of clandestine abortion. Currently there was absolutely no political will to change the laws, and in fact the "right to life" movement was very active in the country. An extensive public awareness campaign on HIV/AIDS was under way, especially in secondary schools, and was having an impact.

22. Health-care services were offered throughout a woman's life cycle. Pre- and post-natal care worked well, but older women did not receive as much attention as they were not inclined to seek it. Basic care was available for disabled women but more needed to be done.

23. **The Chairperson** asked whether women suffered discrimination when applying for bank loans.

24. **Ms. Zou Xiaqiao** asked about the proportion of women in the rural population and whether the Government had any strategy or programme of action to improve their situation. She also wished information regarding their employment, health and access to land and other resources, and the main problems they faced. In relation to health, figures on infant and maternal mortality, disaggregated for rural and urban areas, would be useful. Information should also be provided on access to medical care and information in rural areas and whether women had to walk long distances for hospital care. She asked about the proportion of rural women giving birth in hospital and whether the ratio was different for women in urban areas. It would be interesting to receive more details of the Rural Enterprise Project, including the number of women who had benefited from its implementation. Information would also be welcome on the ratio of women workers in the agricultural industry and whether they benefited from the 12 weeks of maternity leave provided for in the Social Security Act.

25. **Ms. Allport** (Dominica) said that although there was no discrimination against women for bank loans or financial services, fewer women than men had access to bank loans in view of the need for collateral, as property was usually in the man's name. A recent change to the Title by Registration Act had facilitated the transfer of ownership of land between spouses and made it easier for women to access loans. There were also a number of specific programmes for loans with lower collateral requirements that were available to women, including rural women. A small business unit had been set up in the context of the Rural Enterprise Project to provide loans and there were other programmes providing direct assistance for individual investors.

26. There were some differences in terms of services between rural and urban areas, as it was more difficult and expensive to provide them in small and isolated villages, especially when they were located in the

mountains. Infrastructure services such as roads and electricity were provided throughout the country and statistics would be included in the report.

27. The high level of migration had resulted in some houses being left empty. A new housing programme was making houses available to poorer families and specifically to single-parent households. In addition, a programme initiated a few years previously had given squatters on government land the opportunity to purchase the land at a nominal price. A large proportion of the purchasers were female heads of households.

28. The most significant problem faced in rural areas was underemployment or unemployment, owing to the contraction of the banana industry, the main rural employer, since 2001. Efforts had been made to improve the tourism sector and women were now moving from agriculture to the informal tourism sector. She did not have statistics for the Rural Enterprise Project, which had been completed one and a half years previously.

29. There was little difference in infant mortality rates in rural and urban areas as all births took place in a hospital or health clinic and an ambulance service was available. Health centres provided medical care and information.

30. **Ms. Coker-Appiah** repeated her question about the rate of HIV/AIDS infection and asked for information on prevention programmes. Most countries in the region used the "abstinence, be faithful and use condoms" (ABC) approach, and she wondered whether such a programme could be effective in a Catholic and very patriarchal country such as Dominica. In such societies, women were often unable to negotiate regarding condom use or other sexual matters. She also wondered whether a link had been observed between the maternal mortality rate and the availability of contraceptives. If it was not immediately available, information on HIV/AIDS and the maternal mortality rate and its link with access to contraceptives should be included in the report.

31. **Ms. Pimentel** said that many studies had been conducted in the region on the link between the criminalization of abortion and the maternal mortality rate. When the delegation returned home, it should take into account not only the Convention but also the Committee's general recommendations, including No. 19 on violence against women and No. 24 on

women and health. The Committee was also working on a draft general recommendation on older women, which Dominica could make use of when preparing a special policy on older women.

32. **Ms. Patten** repeated her question as to whether the Government intended to amend section 24 of the Labour Standards Act to provide for equal pay for women, especially in the light of the request to that effect made by the International Labour Organization two years previously.

33. **Ms. Belmihoub-Zerdani** wondered what percentage of the population was indigenous and requested more information on efforts to support the economic and social development of indigenous women. In view of the reference made in the presentation to discrimination against indigenous women, it would be interesting to hear what remedies were available to them. Dominica had signed the Convention without making any reservation, and should therefore “pursue by all appropriate means and without delay a policy of eliminating discrimination against women” in accordance with article 2.

34. When the members of the delegation returned to Dominica, they should hold a press conference to report on their dialogue with the Committee, which was taking place 20 years after ratification of the Convention. It was important to sensitize the general population and especially members of the Government to the issues they had discussed. The delegation had committed itself that morning to mobilizing all forces, including NGOs, to bring about change.

35. **Ms. Ameline** asked if there were plans to reform the social security system and allow for voluntary contributions.

36. **Ms. Allport** (Dominica) said that although Dominica was a Catholic country, the education system promoted condom use and there were also HIV/AIDS prevention programmes. As for older women, two new programmes would be launched over the next few months to provide services for them. One programme was specifically for centenarians: there were many centenarians in Dominica, most of whom were women.

37. There was no discrimination against indigenous people in legislation. The Government was working with the Carib Council to change cultural attitudes that affected women.

38. The social security system had been reformed about two years previously and was an inclusive system that covered self-employed persons. Contributions were voluntary and educational programmes were in place to inform self-employed persons of the retirement and other benefits provided.

39. **Ms. Boyd-Knights** (Dominica) said that the girl guides and boy scouts were involved in promoting a new programme that had replaced the ABC approach. Although Dominica was a Catholic country, it had the lowest birth rate in the Caribbean and contraceptive use was widespread.

40. Caribs accounted for 5 per cent of the population. She was unaware of any plan to amend section 24 of the Labour Standards Act but would include exact information in the report.

Articles 15 and 16

41. **Ms. Coker-Appiah** noted that although women and men had equal rights in general in relation to marriage and divorce, there were exceptions for custody rights and for provisions on property ownership by married couples. She welcomed the fact that Dominica was reviewing the model family laws of the Organisation of Eastern Caribbean States with a view to amending its own legislation. She wondered if any of the model laws covered women’s property rights, especially with regard to divorce. In developing countries, most women used all of their resources to help their spouses to acquire property, but were left with nothing if they divorced their husband, as the property was usually in his name.

42. **Ms. Allport** (Dominica) said that OECS and the United Nations Children’s Fund (UNICEF) had offered to provide assistance with the review of the family laws. The process should be completed within six months.

43. In relation to property rights, the Government had embarked on a complete land tenure and administration reform programme about two years previously. As part of that programme, the Title by Registration Act had been amended to facilitate the transfer of property between spouses.

44. **Ms. Boyd-Knights** (Dominica) said that there was no inequality on dissolution of marriage. In 1998, the State had lowered the fees for the transfer of land title, which had previously been prohibitive, especially

when a house had added to the value of the land. Many women had taken advantage of the new act.

45. The old family laws would be not merely amended, but repealed and replaced by new laws. In the case of intestacy, a widow in Dominica currently received only 10 per cent of her deceased husband's property. The new succession law would remedy that situation and also make provision for common law unions. The new laws were very comprehensive and would also address divorce, inter alia, by providing for the marital home to be common property.

46. **Ms. Halperin-Kaddari** asked if there was a timetable for the new legal framework and requested clarification of whether the new legislation would provide for any property accumulated during a marriage to be automatically divided between the spouses in the case of divorce. It would also be interesting to hear whether the property to be divided would include assets such as pension rights and savings, in addition to real property such as land. She wondered whether women in de facto relationships would have the same rights, and whether there were provisions for alimony to be paid to the spouse in a weaker position.

47. She asked whether the current custody provisions, whereby primary responsibility for legitimate children lay with the father and for illegitimate children with the mother, would be revoked, and whether the principle of the best interest of the child would be taken into account. She also wished to hear about economic responsibility for child maintenance after a divorce.

48. **Ms. Awori** asked how land tenure in Carib territory affected women and whether it was discriminatory. She also wondered whether the reform of the marriage laws would benefit Carib women.

49. **Ms. Boyd-Knights** (Dominica) said that land in the Carib territory was owned by all Caribs in common. There was no individual ownership, although individuals could make use of it and pass it on to their children. If they left the land, it reverted to common ownership. Perhaps because of that situation, the community did not approve of a Carib woman marrying a non-Carib. The report would contain more specific information. Carib women would benefit from the marriage laws in the same ways as all women, except in relation to land ownership. The child custody

provisions would apply to all women, regardless of their marital status.

50. There was no fixed timetable for the new legislation and it was not certain what the final text would be, as the Government might choose to make amendments. She expected that the new legislation would make provision for parents to have joint custody of their children in a marriage or other union. Under the current arrangement, primary custodial rights were vested in one or other of the parents, although other circumstances were also taken into account. She did not know how the new legislation would deal with alimony. It was not a significant issue in Dominica as women often earned the same or more than men.

51. **Ms. Allport** said that the articles of the Convention would be discussed at the Parliamentary level during the review of family law. She thanked the Committee for offering her delegation the opportunity to discuss the situation of women in Dominica and said that her country intended to submit a report in 2010.

52. **The Chairperson** thanked the delegation for participating in a constructive dialogue with the Committee and welcomed the fact that the Speaker of Parliament had been a member of the delegation. The Committee had demonstrated its flexibility by considering the oral presentation in the absence of a written report. Not all of its questions had been answered, but she hoped that Dominica would follow the Committee's guidelines in the preparation of its report and provide more details on the situation of women in Dominica as well as some statistics disaggregated by gender. Additional information was also needed on the details of legislation and its implementation. Political will had been demonstrated by Dominica's participation in the present dialogue and the members of the delegation should make efforts to sensitize both the general public and members of the Parliament to its importance. They could benefit from cooperation with civil society and NGOs, and should also take advantage of the expertise available at the regional level.

The meeting rose at 5.05 p.m.