



International Covenant on Civil and Political Rights

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List of issues prepared in the absence of the initial report of Dominica

Constitutional and legal framework within which the Covenant is implemented (art. 2)

1. What is the status of the Covenant under domestic law? Can provisions of the Covenant be directly invoked before domestic courts? If so, please provide detailed examples of cases in which this was done and with what results.
2. Please provide information on the availability of remedies for individuals claiming a violation of their rights as contained in the Constitution and the Covenant. Are there any examples of implementation of Section 16 of the Constitution?
3. Please provide information on the steps taken, if any, towards establishing a national institution in accordance with the Principles relating to the Status of National Institutions for the Promotion and Protection of Human Rights adopted by General Assembly resolution 48/134 (Paris Principles).

Non-discrimination, rights of minorities and equal treatment of men and women (art. 3, 26 and 27)

4. Please indicate the legislative and administrative measures and recent court decisions relating to protection against discrimination in law and in fact, in any field regulated and protected by public authorities, on any ground such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.
5. Please provide information on women's status in the political, economic and social life of the country. Please supply information on levels of employment among women, the proportion of women in positions of responsibility both in the private and public sector, and whether women and men receive equal pay for equal work. Please also indicate the literacy and school enrolment rates for women as compared with those for men. Indicate all legislative and other steps taken to eliminate stereotypes discriminating against women and to put an end to discriminatory actions, both in the public and private sectors, which impair the equal enjoyment of rights by women and men.

6. According to information before the Committee, Caribs (Kalinagos), in particular women are subjected to discrimination in various aspects of daily life. Please comment and indicate whether any measures have been taken to address this problem. Furthermore, provide information on the measures taken to ensure that the rights of the Carib people under article 27 of the Covenant are fully guaranteed.

7. According to information before the Committee, persons with disabilities face discrimination in the State party, especially in employment. Please provide information on: (a) steps taken to eliminate discrimination against persons with disabilities, especially with regard to access to employment, education and services; (b) statistical data on the participation of persons with disabilities in the labour force and education, and (c) steps taken to improve accessibility of public transport and public places for persons with disabilities.

8. According to information before the Committee, homosexuals face discrimination in daily life in the State party. Furthermore, the Sexual Offences Act criminalises consensual sexual activity between persons of the same sex and these acts are punishable by between five (5) and twenty-five (25) years of imprisonment. Please provide information on the number of cases, if any, in which this provision has been applied, and if there are any steps taken to decriminalize same sex relationships?

States of emergency (art.4)

9. Please state the grounds upon which a state of emergency under Section 14 of the Constitution can be lawfully declared, and the rights in the Covenant and Constitution which are not amenable to derogation in times of public emergency. Has this Section ever been applied?

Counter-terrorism measures and respect of Covenant guarantees

10. Please indicate the legislative measures that have been adopted to combat terrorism, and to what extent they may affect the rights guaranteed under the Covenant.

Right to life, prohibition of torture and cruel, inhuman or degrading treatment or punishment (art. 6 and art. 7)

11. According to information before the Committee, a *de facto* moratorium on executions has been in existence since 1986. Are there plans to abolish the death penalty? Under the criminal code, what crimes incur the imposition of the death penalty? Do mandatory sentences of death still exist?

12. Please comment on reports according to which various incidents of excessive use of force while making arrests and cases in which Police Officers injured and shot people in 2007.

13. Please provide detailed information on the magnitude of the problem of violence against women, in particular domestic violence. What is the national legal framework to combat such violence, in particular measures for ensuring that acts of domestic violence are effectively investigated and perpetrators prosecuted and sanctioned? Also provide information on any other steps taken to combat domestic violence, such as training for judges, prosecutors, police and health officers and awareness-raising campaigns for women on their rights and available remedies. In addition, please provide information on: (a) the number of complaints received; (b) investigations carried out; (c) the types of penalties

imposed; (d) compensation awarded to the victims and; (e) the number of safe shelters and any other resources allocated to assist victims of domestic violence.

14. Corporal punishment is still on the statute books of Dominica, and according to information before the Committee, in 2009, a reported ninety percent (90%) of children have experienced corporal punishment in the home and/or in schools. What measures have been taken to abolish all forms of corporal punishment?

Elimination of slavery, forced or compulsory labour (art. 8)

15. Please provide information as to whether and to what extent human trafficking occurs on the State party's territory, as well as on legislation aimed at preventing, combating and punishing human trafficking, if any.

Right to liberty and security of person, treatment of persons deprived of their liberty and right to a fair trial (art. 9, 10 and 14)

16. Please provide information on permissible grounds of deprivation of liberty and on redress mechanisms in place to address instances of unlawful arrest or detention. Furthermore, please provide information on the legislative requirements for placing persons in police custody and pre-trial detention, including on the maximum length of custody and pre-trial detention. Also elaborate on the rights of persons while in police custody, including access to a lawyer, and on the maximum period of detention before an individual is brought before a judge.

17. Please also provide information of the number of complaints received during recent years regarding incidents of ill-treatment by law enforcement officials. Please provide detailed information regarding procedures, if any, whereby a complaint of ill-treatment by prison officials or other authorities in places of detention, including in psychiatric institutions, can be filed and duly investigated, perpetrators brought to justice, and victims offered redress and compensation.

18. According to information before the Committee, juvenile detainees and pre-trial detainees are not segregated from adults and convicted prisoners respectively. Please provide information on measures taken or envisaged to ensure the segregation of accused from convicted persons, and the separation of juveniles from adult prisoners.

19. The Committee notes reports regarding unsanitary prison conditions and that most of the buildings are in state of disrepair. Please provide information on the efforts being undertaken to improve prison conditions.

20. Please explain the procedure for granting legal aid and provide details of the number and type of cases in which legal aid has been sought, granted and denied in recent years. Comment, in particular, on the availability of legal aid for constitutional motions.

21. Please provide information on specific measures taken to guarantee the independence and impartiality of the judiciary, including through the constitution or laws establishing clear procedures and objective criteria for the appointment, remuneration, tenure, promotion, suspension and dismissal of the members of the judiciary and disciplinary sanctions taken against them, including in cases of corruption.

Freedom of opinion and expression (art. 19)

22. Please provide detailed information on: (a) how freedom of opinion and expression is guaranteed in law and in practice, including on all aspects of circulating information in any form and through any media; (b) the legal regime that regulates the ownership and licensing of the press and the broadcasting media; and (c) the existence of non-State controlled media.

23. Please provide detailed information on the legislative framework for filing lawsuits of libel against journalists and its implementation in practice. Comment particularly on the libel suit Prime Minister Skerrit filed against the *Times* Newspaper in 2007. Furthermore, comment on the court cases brought by the opposition parties alleging that the government restricted media access by the opposition to main government owned radio station and by purchasing all the advertising time on the largest private station thereby restricting the opposition to a smaller private station that only reached about one quarter of the country?

Right to freedom of association (art. 22)

24. What, if any, are the legislative restrictions on the right to form and join trade unions? Are certain categories of workers subject to particular restrictions? What percentage of the total work force belongs to a trade union?

Marriage, family and measures for the protection of minors (art. 23 and 24)

25. Please provide information on legislative and practical measures adopted to implement article 23 of the Covenant.

26. Please provide information on legislative and practical measures adopted to combat child abuse and exploitation. Please also comment on measures taken to harmonise the minimum age for employment and the age at which compulsory education ends.

27. According to information before the Committee, indigenous Carib children (Kalinagos) have been adopted by people from neighbouring French islands following irregular adoption procedures. Please comment on such information, and on the legislative measures taken by the State to deal with inter-country adoptions.

Dissemination of information relating to the Covenant (art. 2)

28. Please indicate the steps taken to increase awareness and understanding of the Covenant among the general public and State employees, especially teachers, judges, lawyers and law enforcement officials.
