

DOMINICA : CEDAW Alternative Information

**to the Committee on the Elimination of All
Forms of Discrimination Against Women**

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Prepared by the National Coalition of Dominican Women

Introduction

Dominica, with a land mass of 751 Km square miles, is located in the Eastern Caribbean and lies between two French Islands, Guadeloupe to the north and Martinique in the south. The 2001 census recorded the population at 69,625; 49.3% of whom were females. This tropical mountainous volcanic island is often mistaken with the Spanish speaking Dominican Republic. The Commonwealth of Dominica gained political Independence from The United Kingdom in 1978.

Approximately three thousand indigenous people known as “The Caribs,” are located in the Northeast of the island on a total of 3,782.03 acres of land held in common.

The Country is predominantly Christians with Catholics in the majority. The official language is English with the Creole language (a French dialect) largely spoken.

Forty percent of the Country’s work force is employed in agriculture. In addition to its regular shipment of bananas to the United Kingdoms, Dominica also supplies most of the other Caribbean Islands with fresh produce on a regular basis.

Dominica adopted the Convention on the Elimination of All Forms of Discrimination Against Women, on 18th December 1979 and ratified it on 15th September, 1980. Since ratification Dominica has undertaken to promote social progress and a better standard of life for its citizens. However, much remains to be done.

In ratifying the Convention, Dominica agreed to comply with the implementation procedures which included the Reporting Procedure as referred to under Article 18. However, the state has not yet submitted even an initial report to date. While efforts are being made by the Women’s Bureau, a department of the Ministry of Community Development, Gender Affairs and Information through consultation we are not certain of the status of the report. The DNCW is concerned and questions the reason why the Government did not submit the respective reports in violation of the mandate of Article 18.

During this era a number of social and political changes which impacted positively on the life of women occurred, among which were

- The ratification of the CEDAW convention,
- The UN Declaration on the Decade for Women 1975- 1985
- The Beijing Conference for Women in 1995, which identified the three critical areas for the platform for further action namely: Women in power and decision making, Domestic violence against women and Women in the Economy
- The legal reform to protect women’s rights
- The establishment of The Dominica National Council of Women in 1986, an umbrella organization which represents the interests of women and promotes the rights of women in collaboration with other partners

- The establishment of the Government's National Women Bureau in 1979. The Women's Bureau serves as the government machinery for the furtherance of policies and programs towards the advancement of women.

However challenges remain in areas including Domestic violence and Violence Against Women and girls, The Indigenous Women, The Disabled Women, Education, Health, Economic, concerns of the Elderly, the indigent, and resources to administer social programs.

Violence Against Women in Dominica

The Constitution of Dominica provides for equal and inalienable rights for all persons. The state has enacted many laws and policies, as well as has ratified the present international treaty, all of which aim to remove discriminatory practices that prevent women from performing to their full potential. Some examples are:

- Children and Young Persons Act Chapter 37:50
- Sexual Offences Act No. 1 of 1998,
- Maintenance Act Chapter 35:61,
- Age of Majority Act Chapter 37:0,
- Education Act No. 11 of 1999,
- Marriage Act Chapter 35:01,
- Intestate Estate Act Chapter 9:03
- Social Security Act Chapter 31:01
- Labour Contracts Act Chapter 89:04,
- Labour Standards Act Chapter 89:05
- Protection Against Domestic Violence Act No. 22 of 2001,
- Married Women's Property Act 35:60,
- Matrimonial Causes Act UK 1973,
- Employment of Women,
- Young Persons and Children Act Chapter 90:06
- Protection of Employment Act Chapter 89:02,
- Protection of Wages Act Chapter 89:07,
- Wills Act Chapter 9:01,
- Balem de Pora and CEDAW

These above instruments uphold the principles of fundamental human rights and beliefs. However, available data and information from in-depth research on violence against women highlight an increase in violence against women and girls and a growing culture of violence within the society.

A recent report by the Government on the health situation in Dominica revealed that injuries caused by violence were among the three leading health issues of concern for the health ministry..

A study on Domestic Violence conducted in 2001 by the Women’s Bureau, revealed that various forms of abuse take place between partners in relationships in all districts in Dominica, regardless of social status and age, which affect women specifically. Thirty-one percent (31.8%) of the respondents revealed that they had experienced some form of abuse either in a current or former relationship. Reported cases from police files, records of patients at the hospitals, and counseling records show physical battering of women still continues. This impact of violence on women is backed by the work experience of the Dominican National council of Women, wherein despite having an open door policy on providing services for violence related issues, we found that in surveying our clientele for past 2 years, (2006-2008) 82% of all our clients were women.

Specifics 2006-2008	No. of Cases	%
Males	33	18%
Females	153	82%
TOTAL	186	100%
Report of physical abuse	57	31%
Report of Financial abuse	44	24%
Report of psychological abuse	50	26%
Report of regarding children behavior	23	12%
Sexual and emotional	12	7%
TOTAL	186	100%
REFERRALS WITH COUNSELING		
Legal aid		12%
Police and other attorneys		20%
Supported through shelter and other means		28%
Referred to Welfare Division		5%

Counseling only		35%
TOTALS		100%

Police case files (surveyed over a three year period of 1999- June 2003) recorded 624 cases of domestic violence. In total more than ninety percent of reported cases involved female victims. Recent discussions with the police indicates that about 99% of persons seeking protection under the Protection Against Domestic Violence Act are women

Apart from domestic violence, undocumented evidence suggest that women suffer sexual harassment but many feel insufficiently empowered to take action or feel that it is too difficult to seek redress in the absence of legislation.

There is concern about human trafficking and sexual exploitation of women on our shores from neighboring islands, which according to reports leads to even more conflict among some families. While Dominica laws forbid any acts of exploitation and human trafficking certain gaps may need to be addressed and regulatory measures need to be put in place to remove any possible means for the exploitation of women.

The situation as regards our girl children is also a major cause for concern. A report on rights of children from 1999 to 2003 in the Organization of the Eastern Caribbean States shows Dominica to have the highest level of abuse of children, and particularly sexual abuse of the girl child. Alarmingly, there were 327 reported sexual abuse cases, with about 98% of these against the female child over a four year period.

Despite much work and effort and awareness building on the issue of violence against women, this social ill continues to have negative impacts on the family and entire society. The Legal Aid Clinic came into operation to assist with legal representation for all vulnerable groups including women and the girl child in situations of violence.

However, the law cannot be effective without accompanying mechanisms, counseling, mediation, support groups, a functioning crisis centre/shelter, and a proper court system such as a family court. At this time there is an apparent lack of these necessary facilities to effectively respond to violence against women. For example police officers have complained of having nowhere to take women victims for safety when called during the night to deal with a crisis situation. Counselors have indicated a feeling of helplessness in dealing with many cases due to a lack of support systems or sufficient follow-up evidence

There are also problems related to court procedures. Many Domestic Violence cases are adjourned prematurely due to a number of reasons including delays in serving of orders, lack of follow through or gaps in the law itself.

Police officers have also indicated some difficulties encountered in administrating or in implementing the Domestic Violence Act.

There are also complaints of lack of technical expertise within the relevant institutions to offer assistance to victims.

Other reported problems include unwillingness of persons to give evidence especially if the perpetrator is a relative, frustrations with court procedures, and even acceptance of bribes when the victim is a minor. There also seems to be a lack of sufficient information to allow decision-making as regards the law and processes.

Widespread discussions at the community and national level and input from various stakeholders reveal the need to:

- Review and amend the 2001 Protection Against Domestic Violence Act to facilitate implementation and strengthen the legal aid clinic
- Review/enact legislation or policy to address trafficking in persons (women and girls) and discourage exploitation of women for prostitution and deal with issues of sexual harassment
- Accelerate efforts towards family law reform to include among other measures, the recognition of common law unions
- Give consideration to ratifying the CEDAW optional protocol
- Review social protection systems to deal equitably with risk and vulnerability caused by poverty, sickness, lost of employment, disaster, etc.
- Promote active dialogue and engagement between the justice system and religious, cultural, civil society institutions and communities to discuss women's human rights at all levels
- Strengthen the Statistical Office and other key institutions to undertake gender-sensitive research and data collection and analysis and create linkages to enable sharing of information

The above discussion certainly suggests **the need for a zero tolerance approach to violence against women and to employ a more strategic and integrated approach involving all sectors to effectively deal with this malaise of violence against women and girls.**

Economy and Poverty.

One of the greatest concerns of women over the past two decades is the state of the economy. The 75% decline in the export of bananas to the European Market, the increase in internal debt from 35% GDP in 1997/8 to 70% of GDP in 2002/2003, and the stringent measures of the external forces especially the structural adjustment policies brought much hardship to bear on women and impacted negatively on the lives of women. Most affected were rural women, women single heads of households (who form 39 % of the single heads of households), and unemployed and dependant women who were faced with the difficulty of fending for the family

Labour

A 1999 Labour force survey revealed that female unemployment was higher than that of males. Among the young women 15 to 29 years of age the unemployment rate was as high as 39%. There was also a high rate of underemployment particularly among women who are forced to work for wages below the required level of income to support themselves and their families

Rural women, wives and partners have been particularly affected due to the collapse of the banana industry. Many of these women who lost income from the banana crisis were not equipped with the necessary skills to pursue other methods of income generation.

Unemployment especially among the vulnerable groups was repeatedly cited as a serious problem during the Dominica Poverty Assessment conducted in 2002.

The 1995 DNCW report on the “Status of Women” revealed that 50% of the county’s poor were women with 40% from the rural area. They were faced with meeting increased school fees, high cost of imported food, and with meeting other basic requirements. The women adopted varied survival strategies to keep their families alive including:

1. seeking employment in the city and overseas
2. undertaking multiple jobs which are usually menial, poorly paid and insecure
3. increased reliance on support from family members locally and overseas
4. reliance on Government support
5. other strategies to reduce expenditures
 - Using local medicines as compared to over the counter or prescription medicine which they would not have to pay subsistence food production through back yard gardening.
 - Disconnection of utility services such as telephone and water to access public conveniences

Employment

The right to work is an inalienable right of all human beings as recognized by CEDAW Article 10 and the International Labour Organisation (ILO).

Employment and occupational structure show that men and women participate in the economy along established gender roles with tasks assigned to women often having lower status and value.

One such area of work is that of Domestic workers who are paid below the minimum wage and whose rate of pay is less than any other category of work.

There is strong representation of women in the public and private sector in administrative positions, which is typical and consistent with stereotypical gender roles.

Professions dominated by women by custom are mainly nursing, teaching and secretarial duties, which do not attract the best pay, working condition and work related benefits, as compared to say men in the police force.

Some working women experience sexual harassment on the job but are unable to seek redress due to the absence of appropriate labour laws.

Women with disability are denied opportunities for participating in the labour force and by extension contributing to the economy due to lack of physical access to work places and subtle workplace policy.

Women in the informal sector face multiple difficulties including lack of safe transportation and increased cost of transportation, high cost of insurance needed to conduct their businesses, sexual harassment and lack of available finance to sustain their businesses.

The value of the contribution of the work done by those in the informal sector is more often than not unrecorded and unrecognized. Dominica has signed and ratified at least 23 ILO conventions; among those are: 1. Protection of Employment Act chapter 98:02, 2. Labour Contract Act chapter 89:04; Section 10 of the Labour Contract Act states that there should be equal wages for work of equal value. However, these provisions are not being implemented.

Indigenous Women

Caribs (kalinago) form 4% of the population of Dominica. The Country Poverty Assessment of 2002 and the Growth and Social Protections Strategy reveals that 70% of the Community lives in poverty and half are indigent.

Carib Women today still suffer from marginalization, stigmatization and deprivation. Housing conditions are among the worst. They lack the basic needs such as safe drinking water, toilet and kitchen facilities. Many households are headed by Carib Women who live in small and over crowded single room very poorly constructed.

Although there is the right to education and health and other services, access to these services is very difficult. There are no Secondary School in the Carib Territory therefore girls sometimes have to hitch hike to school. Another factor is the cost of travel and lack of finance which adds to the burdens on families' already low incomes. As a result, there are school dropouts and in some instances teenage pregnancy. There is also the exposure to male exploitation.

The schools do not provide services for girls with special needs.

The main source of employment among the Carib women is the making and vending of traditional crafts. The lack of proper organized Market and Distribution Center cause competition by vendors and exploitation by buyers.

There is also the problem of obtaining capital for micro production as women do not have the necessary collateral which would enable them to access funding from the financial institutions.

Carib women are still stigmatized and discriminated against as a result of past history books which stated that "Caribs were hostile, savage and cannibals' who ate the arawaks" These expressions have caused some women to shy away from their true identity.

The majority of the elderly Caribs are women. Most of them live with and depend upon family and friends. Few receive public assistance. Some are neglected and abandoned.

Health

The Carib Reserve is equipped with Health Centers. However, while these clinics are available, women find it difficult to access secondary care from the Health Districts located in Marigot and Castle Bruce. The major problem cited is distance and cost. Imagine a sick woman have to hitch ride or walk some five miles plus to receive treatment. One other example is that of a mother having to walk at least three times a day to attend to her sick child at the hospital.

Domestic violence among Caribs

Like other women of Dominica, Carib women suffer from domestic violence. Seeking redress is difficult because of lack of finances. A woman would have to travel on foot for approximately ten miles to attend a court hearing. In many instances court hearings are adjourned several times causing frustration and withdrawal of the complaint before the court.

Other professional services such as lawyers and counselors are not readily available and for these reasons many cases are not reported to the authorities and the woman remains in the situation.

There are a number of research documents including the Growth and Social Protection Strategy (GSPS) 2006, The Country Poverty assessment (CPA) 2002, The Carib People Development Plan and the Comprehensive Carib Territory Community Development Program (2003) which confirm the extreme poverty of the indigenous people.

The Government has recognized the extreme situation of poverty among the Carib population and has taken some measures to address the problem. However, the lack of basic needs such as safe drinking water, access to credit, employment, market, skills, education, teenage age pregnancy and school drop outs, lack of access to health services and overcrowded homes remain major concerns.

Issues affecting women with disability

The Dominica Association of Disabled People is a Non Profit Organization, which was formed on Oct 26th 1983. This Organization has established itself as a voice for cross-disability, self help movement in Dominica. From its very inception 85% of its pioneer members have been women, and has maintained that status for the past 25 years.

The Mission statement was “To unite all forms of disability in a common struggle for ‘full participation and ‘equality’ with and among its fellow citizens’.

The pioneers had a mammoth task; to bring an end to discriminatory practices, change society’s mentality, perception, and attitude towards this section of the population, which is estimated to be made up of 12% of Dominica’s population” (D.A.D.P.2005-2009 sustainable development programme).

While on paper there is equal and free access to education at all levels for all, girls and women with disabilities are still not able to participate freely.

Women and especially girls with disabilities are not adequately catered for, since there are little or no specialized schools, specialized trained teachers, and also the necessary alternative means of communication at the schools, make it extremely difficult for them to realize their full potential. They are left home to the mercies of family members making them liabilities instead of being assets to both their family and country.

Rural women suffer the most, as it becomes hard for them to access certain services, such as education and training. The state has not ensured adequate or sustained allocation of resources, leaving the sector to NGOs led services, which are limited and not able to reach the entire population.

Unemployment is a major issue which faces these women, for many reasons, since there is no training and little or no education, they must remain home, to be most times physically, mentally, emotionally and sometimes sexually abused,

The Dominica Protection of Employment Act chapter 89.02 guarantees the right to work yet women with disability continues to be denied the right to continuous employment even when they were employed prior to their disability.

Some are just refused based on their disability, although their mental capability is just the same as a non-disabled person, if employed the wage is different, lack of accessibility and conveniences at the work place for wheelchair users.

It is even a bigger stress for those who can be self employed, as hair dressers, braiders' caterers, and skilled craft workers, but are not able to access finance, because they have no savings and persons are reluctant to be co-signers.

Disable persons remain among the categories of the poorest among the poor, often ignored, and whose inputs to national development issues are neither sought nor accepted. On the other hand, it is the non-disabled population which continues to decide for the development of persons with disabilities in their absence. This has led to a national evocation of the slogan adopted by the Disabled People International in 1981, 'Nothing about Us, Without Us!'

The United Nations Convention on the Rights of Persons with Disability came into being on the 3rd of May 2008, therefore the Dominica Association of Disabled People calls on the present Committee, to urge the government to ratify the Convention on Rights of Persons with Disabilities, since they have started the process by signing it.