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**Note No. 62/2004**

The Permanent Mission of the Commonwealth of Dominica to the Office of United Nations in Geneva presents its compliments to the Office of the United Nations High Commissioner for Human Rights and has the honour to forward the enclosed information on Child Pornography on the Internet for the Commonwealth of Dominica.

The Permanent Mission of the Commonwealth of Dominica avails itself of this opportunity to renew to the Office of the United Nations High Commissioner for Human Rights, the assurances of its highest consideration.

Office of the United Nations High Commissioner  
for Human Rights  
Geneva

London, 10 November 2004



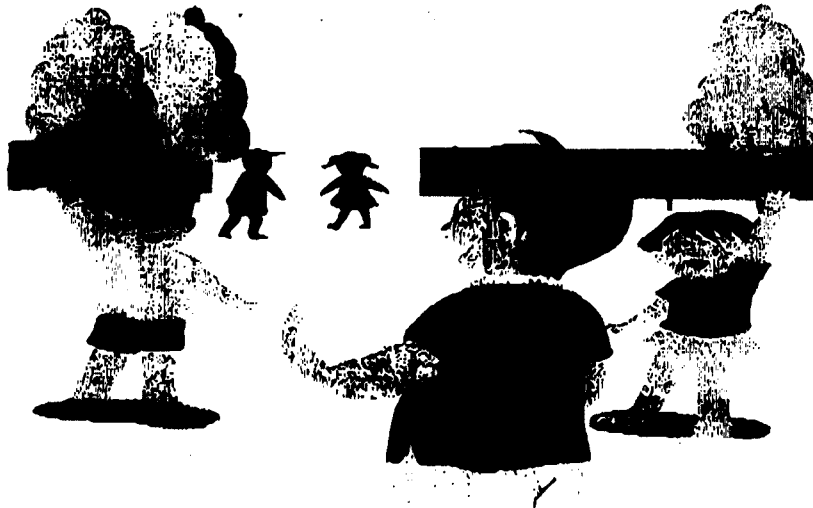
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**REPORT TO THE COMMISSION AT ITS SIXTY-FIRST SESSION  
ON THE STATE OF CHILDREN, CHILD PROTECTION  
AND  
CHILD PORNOGRAPHY**

*Child Pornography  
(On the Internet)*



**DOMINICA**

As mentioned in Dominica's state report submitted to the Committee on the Rights of the Child dated 21<sup>st</sup> January 2003 and the report submitted to the twenty-ninth session of the Working Group on Contemporary Forms of Slavery with regards to the State of Dominica, the magnitude of the problem of Child Pornography over the internet is not at all great within the Commonwealth of Dominica.

The Sexual Offences Act No. 1 of 1998 makes provisions relating to sexual crimes, including the abduction, procuring and prostitution of persons. Section 4(1)(c) of the Act sets the age of consent at sixteen years, up from fourteen years as stipulated under the previous Act. Section 7 provides for a maximum of 25 years' imprisonment for any person who has sexual intercourse with any person under the age of fourteen years, while s. 8 specifies a penalty of fourteen years for attempting to have sex with another person between the ages of fourteen and sixteen years.

Section 4(1)(c) states,

*A person is guilty of the offence of unlawful sexual connection with another person if that person has sexual connection with that other person –*

*(c) with the consent of the other person if the consent is –*

*(i) obtained from a person under the age of sixteen years.*

Section 7(1)(b) states,

*Any person who has sexual intercourse with another person who –*

*(b) is under the age of fourteen years, whether or not the other person consented and whether or not the first mentioned person believes that the other person is fourteen years of age or more,*

*is guilty of an offence and liable on conviction to imprisonment for twenty-five years.*

Section 8(1)(c) states,

*Any person who has sexual intercourse with another person who –*

*(b) is fourteen years of age or more but has not attained the age of sixteen years,*

*is guilty of an offence and liable on conviction to imprisonment for fourteen years.*

The Act provides penalties for offences such as procuring for prostitution, abduction and unlawful detention of person with intent to have sexual intercourse.

**Section 18** of the Act states,

*Any person who –*

- (a) procures or induces a minor to have sexual intercourse with any person in Dominica or elsewhere;*
- (b) conspires with any other person to effect the procurement of a minor as aforesaid;*
- (c) procures another for prostitution, whether or not the person procured is already a prostitute, in Dominica or elsewhere; or*
- (d) procures another to become an inmate of a brothel, whether the person procured is already an inmate of a brothel in Dominica or elsewhere,*

*is guilty of an offence and liable on conviction to imprisonment for*

- (e) fourteen years for an offence contrary to paragraphs (c) and (d); and*
- (f) twenty-five years for an offence contrary to paragraphs (a) and (b).*

**Section 19** states,

*A person who –*

- (a) by threats or intimidation procures another person to have sexual intercourse with any person in Dominica or elsewhere;*
- (b) by deception procures another person to have sexual intercourse with any person in Dominica or elsewhere; or*
- (c) applies, administers to or causes to be taken by any person any drug, matter or thing with intent to stupefy or overpower that person in order to enable any other person to have sexual intercourse with that person,*

*is guilty of an offence and liable on conviction to imprisonment for twenty-five years.*

At the moment, no law exists to deal with the specific problem of Child Pornography via the internet. Sexual perpetrators are prosecuted under the **Sexual Offences Act No. 1 of 1998**, however, this Act is unable to deal with the advent of child pornography over the internet. The Public Relations Officer of the Dominica Police Force indicated that because of the nonexistence of laws regarding this problem there are no guidelines as to how the Police should deal with perpetrators of such crimes.

In addition, there is little or no resource available to the Police Force, neither do there exist the necessary skill in the Police Force, to detect the culprits responsible for such technological crimes. This problem, however, has been brought to the attention of the necessary authorities.

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