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**GOVERNMENT OF THE COMMONWEALTH OF DOMINICA**

**Presentation of the Commonwealth of Dominica**

**United Nations Committee on the Elimination of  
Discrimination against Women**

**21 January, 2009**

**Presented by  
Mrs. Ruth Allport  
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Culture, Gender Affairs and Information.**

Madam Chair, Distinguished members of the CEDAW Committee, members of NGO and other organizations, ladies and gentlemen.

It is a distinct opportunity for me to represent the Government of the Commonwealth of Dominica and to start the process of a constructive dialogue on the status of women in my country. My government is very conscious of the fact that we have not met our reporting obligations under CEDAW since ratification. We have analyzed the many challenges and reasons for this shortcoming and we are pleased to use this opportunity to demonstrate to the Committee that much progress has been achieved since we ratified this very important women's human rights convention.

### **Progress in Implementation**

Madam Chair, the commitment to fully addressing and redressing gender discrimination, and achieving the objectives of all the articles of CEDAW is evident in the prioritization of the development of a National Policy and Action Plan for Gender Equity and Equality in the Commonwealth of Dominica. This plan, completed in 2006, was ratified by the Cabinet in September 2007. The policy, prepared with inter-ministerial collaboration and with a strong involvement by the NGO sector, was informed by the obligations set out in CEDAW.

This National Gender Policy reaffirms the Government's commitment to gender equality and social justice. It provides a framework to guide and inform the transformation of existing inequitable gender relations; to facilitate social and domestic peace; to reduce the levels of violence in the society; and to improve the quality of life at all levels of society. The underlying premise of the Government's gender policy is that the status of women affects the status of the household and of children.

The main strategies for achieving the objectives of the gender policy through gender mainstreaming are:

- Promoting an approach that is grounded in research and gender analysis of roles, social relations and power balances between women and men
- Putting in place mechanisms to enable policy dissemination, communication and implementation throughout the society
- Ensuring ownership of the policy by promoting public education
- Improving our system of gender-based and disaggregated data collection and analysis
- Promoting women's economic empowerment as key to sustainable development while advocating for gender equality at all levels
- Establishing gender responsive implementation, monitoring and evaluation mechanisms for development within government and other agencies
- Promoting the use of gender-sensitive and gender-inclusive language in legislation, government documents and educational material

Among the action points to be addressed are:

- Adopting a gendered approach to entrepreneurial development, including in the agricultural sector;
- Enacting legislation where needed, including sexual harassment
- Ensuring equal access and enjoyment of labour entitlements by all categories of workers, and in particular domestic workers and agricultural workers
- Instituting male and female mentorship programmes at all levels of the education system, and integrating gender awareness and sensitization in teacher training.
- Establishing an institution for teen mothers, with a view to addressing the issues and outcomes of teen pregnancy.

- Reviewing legislation regarding unions other than marriage
- Instituting a family court

Madam Chair, the commitment to gender equality is not just located in the Gender Policy. Dominica's medium-term and poverty reduction strategy, the 'National Policy Framework for Growth and Social Protection' (2006) reiterates the imperative of achieving the empowerment of women and the redressing of gender disparities. This Framework contains measures aimed at boosting women's participation in the labour force, and increasing both productivity and earnings.

The government realizes that implementation of the Gender Policy will depend on wide cross-sectoral input and commitment. To this end an intensive capacity building programme will be implemented drawing on the gender mainstreaming manual, which is in the final stages of preparation at this time.

### **Institutional Framework**

The national machinery for women evolved from a Women's Desk established in 1979 to the Women's Bureau in 1982. This Women's Bureau has been mainly located in its present Ministerial placement - Ministry of Community Development, Culture, Gender Affairs and Information. The Bureau is headed by a Director who provides leadership to four (4) other staff members - a Coordinator of Research and Development, one (1) Field Officer, a Communications Officer and an Administrative Officer. The Director reports directly to the Permanent Secretary.

The Bureau has worked to:

- Institutionalize gender analysis in all aspects of the government's planning process;
- Encourage and enforce policies and legislation that promote and protect gender equity in social and economic spheres;
- Improve women's access to economic resources;
- Improve women's participation in political affairs and decision-making; and
- Improve women's access to basic services.

The Bureau collaborates closely with key sectoral ministries and the umbrella women's organization - the Dominica National Council for Women. In the past, the Bureau convened an Advisory Committee comprised of persons from governmental agencies and the NGO sector (trade unions; youth and women's organizations, faith-based organizations). This Committee allowed for broad-based stakeholder involvement in the work of the Bureau. The National Gender Policy has recommended the continuation of this mechanism. The Bureau also shares its expertise with a number of inter-governmental committees addressing a range of issues- nutrition, education, crime etc. This participation is one strategy to build wide understanding and commitment to gender analysis and programming.

The government has recently undertaken a Ministerial review and plans are in place to strengthen the Bureau through a better integration within the Ministry's policy and planning portfolio and policy implementation within other ministries.

### **Thematic Progress**

Madam Chair, the Constitution of the Commonwealth of Dominica prohibits discrimination on the basis of sex and guarantees equality under the law and the equal protection of the law. Dominica has also ratified a number of international conventions, demonstrating its commitment to the elimination of all forms of discrimination on the basis of sex. These include:

- Convention on the Rights of the Child 1990
- International Covenant on Civil and Political Rights (1993)
- International Covenant on Economic, Social and Cultural Rights (1993)
- Inter-American Convention on the Prevention, Punishment and Eradication of Violence Against Women - "Convention de Belem do Para (1995)
- Supplementary Convention on the Abolition of Slavery, the Slave Trade and Institutions and Practices similar to Slavery (SCAS)

Consistent with the legal tradition of the Anglophone Caribbean Countries, conventions are not automatically incorporated into domestic legislation upon ratification. Legislative actions, however, have been taken to eliminate direct and indirect sex discrimination as follows:

- **The Protection against Domestic Violence Act 2001**

- **The Labour Contract Act** which embodies the principle of equality between men and women and prohibits differences in rates of pay for same work based on the sex of the employee
- **The Social Security Act** which provides for 12 weeks maternity leave. Also, male public sector workers are now entitled to paternity leave pursuant to an agreement between the main trade union and the government signed in December 2008.
- The amendment to the **Title by Registration Act** to accommodate low cost transfer of property between spouses. This has given a tremendous boost to married women's property ownership.
- **The Sexual Offences Act of 1998**

Additionally, Dominica is participating in the OECS Family Law and Domestic Violence Legislative Reform Project, which seeks to bring family law into conformity with CEDAW and CRC. The model legislation under consideration includes Bills for Child Maintenance, Domestic Violence, Status of Children and Child Care and Adoption.

Notwithstanding the legislative and policy framework, inequality persists in cultural practices. This is evident in women's vulnerability to gender-based violence and HIV, the disproportionate burden of care for children, high levels of female headed households and limited participation of women in political decision-making at the highest levels. In all these areas, the Government has and continues to take measures to confront discriminatory cultural practices.

### **Gender-based Violence**

Madam Chair, in relation to gender-based violence, emphasis has been given to law reform, police training, social services for survivors of domestic violence, the development of data collection protocols, and public education through the media, popular theatre and workshops. This work is done in collaboration with women's NGOs, trade unions and faith-based institutions.

In the area of law reform, the Sexual offences Act 1998 provides that all trials of sexual offences are to be held in closed court except at the sentencing stage; and anonymity of both complainant and accused is assured during and after the trial, though in the case of the accused, this is lost upon conviction. The need for a corroboration warning has been abolished; as has the admissibility of the sexual reputation or history of the complainant other than with the accused, except where a special application is made for such evidence to be admitted in the interest of a fair trial. The

Act also allows for the admissibility of video recorded evidence on the part of minors. Such evidence may be given not only by a victim but also by a child witness to a sexual assault.

The Protection against Domestic Violence Act of 2001, which gives a wide definition to the term "abuse", allows for a range of protection orders to be made to secure the safety of spouses, former spouses (whether married or common-law), and persons who have had intimate relations though not sharing a residence and children. The orders include non-molestation, exclusion, occupation and tenancy. The Act allows the court to grant a range of financial relief, including interim maintenance awards for the benefit of the applicant or any child. The Act mandates that there shall be a police response to every complaint of domestic violence, whether or not the complainant is the victim. The Act also establishes a Domestic Violence Register which is kept by the Chief of Police.

The government has also established a Child Abuse Prevention Unit that is responsible for public education programmes as well as the counseling of child victims of abuse. All cases of sexual abuse are supposed to be referred to the police. In addition the development of the Child Abuse Guidelines has allowed for the ongoing development of closer inter-agency collaboration in the interest of the protection of children and the punishment of perpetrators.

There is still much work to be done to strengthen the laws relating to the prevention of gender-based violence. A major area of concern is the inadequate enforcement mechanisms in these pieces of legislation. There is recognition that there is need for further review of the Domestic Violence and Sexual Offences laws to address this deficiency, as well as other issues such as rape within marriage, and the sexual abuse and exploitation of minors over sixteen (16) years.

### **Economic Security**

Employment and occupational structure in Dominica show that men and women participate in the economy along established gender roles. This is seen in the strong representation of women in the public service, particularly at the junior and middle administrative ranks. Women have faced different obstacles to men in obtaining work in productive sectors. This is supported by statistics which show that historically the participation rate of women in the measured labour force is lower than that of men. In general, the sectors in which women have participated and their position in these sectors have always placed them at a lower earning potential than men.

Madam Chair, Dominica has recorded 11% and 12% unemployment in 2006 and 2007. The primary cause of current poverty in Dominica is the relatively high levels of unemployment and under-employment and reduced incomes for many of those still in employment. Despite economic difficulties which arose from the contraction of the banana industry, efforts are being made to diversify the economy into other areas of agriculture and small business enterprise. Nonetheless, the country has maintained almost 100% primary school enrolment and has achieved a doubling of secondary school enrolment since 1991. All primary health care services are provided free of cost. Dominica has almost achieved universal provision of basic infrastructure (water, electricity, roads).

The determinants of poverty and the differential experience and impact on women and men have informed the policy framework to eradicate poverty. Women's poverty is linked to the burden of care for children, the aged and sick and the limited economic and labour market options.

A number of policies have been pursued, including: boosting women's participation in the labour force and increasing both productivity and earnings. Specific programmes targeting women include the Dominica Social Investment Fund, the Basic Needs Trust Fund, the Dominica Rural Enterprise Project, National Shelter Development Project and the Legal Aid Service.

In addition the Women's Bureau oversees a small revolving loan fund to assist poor, rural women in areas such as production, marketing and diversification.

### **Health:**

Women have full and equal access to health services. The Government has progressively established a primary health care system that addresses the specific health care needs of women at fifty two (52) Health Centres throughout the country. Pre and post-natal health care is available at all Health Centres, as well as public education around the advantages of breastfeeding. The health services also provide for a well-managed immunization system for children, access to anti-retroviral treatment to prevent mother to child transmission of HIV, contraception and reproductive health care services, and diagnostic services for the prevention and treatment of cancers. Primary health care is substantially subsidized by the government, however all health care is free for those under 18 and above 65.

The government is in the process of developing its National Strategic Plan on HIV/AIDS. Vulnerability to HIV is determined in large measure by gendered factors and the National AIDS Programme recognizes the need to address the unequal and stereotypical gender relations which drive and explain the HIV epidemic.

Up to 1990, teenagers (15 to 19) formed the second highest reproductive age-group. From 1990 to 1995, the 20-24 age group registered the highest number of births, as this group accounted for 30 to 33 percent of total births each year. From 1996 to 2003 the age of the group registering the highest number of births progressively increased. While the rate of teen pregnancy at present is the lowest in recent times, it remains a concern.

### **Education**

Madam Chair, there are no institutional barriers in access to education. All children under the age of sixteen are required to go to school. Primary and secondary school education is provided by the Government largely free of charge and Dominica appears to sit comfortably with the MDG goal of the elimination of gender disparities in primary and secondary education.

Dominica experiences the trend observable in the Caribbean region with both sexes having equal access to education but higher rates of non-completion and non-certification for boys in the formal academic system. Gender disparities are also observable in subject selection choices, with boys dominating technical/vocational training and girls predominating in academic subjects at the tertiary level, especially in the areas traditionally associated with women - humanities, teaching, nursing etc. It must be noted, however that with the advent of the Youth Skills Training Programme in the mid 1990s, many females have followed courses usually undertaken by males. Further, the Women's Bureau in collaboration with the DNCW, have trained women in a number of traditionally male-dominated occupations.

Women generally pursue tertiary education to a higher degree than men. The higher levels of attendance and academic achievement by girls, however, have not translated into equal labour market opportunities. Women continue to dominate in the lowest paid sectors of the economy since labor market conditions continue to be restricted by traditional segmentation.



The Government is continuing the process of expanding the range of educational and occupational choices for both boys and girls.

### **Political and Public Life**

Given the Constitutional guarantees of non-discrimination there is no legal impediment to women's equal participation in political life. However cultural attitudes and gender stereotypes explain the continued low representation of women in elected positions at the highest levels. Currently there is only 1 elected woman out of a total of 21 elected parliamentarians and a total 6 women out of a total of 32 elected and appointed parliamentarians. These include the Speaker of the House, the Attorney General and 2 ministers of government. One of the four (4) political parties is now headed by a woman.

Madam Chair, Dominica has the distinction of having had the first female Prime Minister in the Western Hemisphere, Dame Mary Eugenia Charlés. This has contributed greatly to the increasing role and involvement of women in the political arena and in the public sector, acknowledged by the growing appointment of women at the most senior executive level - Permanent Secretary and Head of Department. Presently there are 7 female Permanent Secretaries out of a total of 12, and 8 Heads of Departments or Directors of Statutory Corporations out of a total 16.

Similarly in the teaching service, traditionally dominated by female teachers, most primary and secondary schools are headed by women principals. There is also equal representation of women in the Foreign Service.

We are seeing growing participation of women at the level of local government. Presently 25% of the 46 Village Councils are chaired by women.

### **Family**

Varied types of family structures characterize the Dominican society. Based on the religious background of the Dominican society, the nuclear family is the most socially accepted unit. However, the single parent household is prevalent.

Men and women have equal rights in marriage and dissolution of marriage save and except that primary custodial rights of children born within the marriage are vested in the father by virtue of an old Guardianship of Infants Act. There is no presumption of equal ownership of assets acquired during the marriage and held in one party's name, a situation that is practically of greater disadvantage to women who historically do not have the same levels of legal ownership of property as male spouses. The law also does not recognise common law unions for the purposes of property settlement or spousal support after the breakdown of such relationships.

In relation to the maintenance of children, both parents have the obligation to provide financial support. However, women carry a disproportionate burden of care of children, particularly of those born outside of marriage since primary custodial rights are vested in the mother by virtue of the Maintenance Act. There continues to be a need to reform the laws to ensure reliable, adequate and enforceable contributions for the care of children by fathers and to establish the presumption of joint custody.

Dominica is in the process of reviewing the model legislation prepared by the OECS Secretariat on a range of family laws including child support and custody and guardianship of minors, with a view to bringing them into conformity with CEDAW and CRC.

It should be noted that women and men have the same nationality rights and are equally entitled to transfer nationality and residence status to spouses and children.

### **Indigenous Women**

Madam Chair, recognising the historical disadvantage and marginalization of indigenous peoples in the Caribbean, the government is committed to pay special attention to the economic and social development of this community.

With regard to gender equality, the government is aware of the cultural practices that are discriminatory against indigenous women and is working in consultation with the Carib Community to address this disadvantage.

## **Addressing Gender Stereotypes**

Madam Chair, understanding that discrimination is mostly rooted in cultural practice rather than in legal or policy frameworks, the Women's Bureau has consistently engaged in media and public education campaigns to ensure that the national community is aware of and committed to the goal of gender equality and women's empowerment. These campaigns are often undertaken in collaboration with women's organisations.

## **Conclusion:**

Madam Chair. Distinguished members of the Committee, the Commonwealth of Dominica, as a small island developing and vulnerable state, suffered one of the worst economic crises of its history during 2001 to 2003. This was due in part to the deteriorating fortunes of the banana industry, precipitated by USA-supported challenges to the European Union Banana Import Regime at the World Trade Organization (WTO). As a result we have had to undergo a structural adjustment programme, undertake stringent fiscal measures, which required sacrifices of the population as a whole in order to stabilize the deteriorating fiscal and economic position. The impact of Hurricanes Dean and Omar over the last 18 months has been doubly devastating. We are slowly returning to a period of sustained economic growth, and we are moving steadily towards the diversification of our economy.

Madam Chair, it is within this context that Dominica is committed to the immediate enforcement of non-discrimination norms and the progressive realization of social and economic rights.

Madam Chair, it is within this framework that we undertake to prepare a complete initial and periodic report on our compliance and implementation of CEDAW to be presented for consideration by the Committee in 2010. We hope that this meets with your approval and that in the spirit of constructive engagement, the Committee will consider our suggestion.

Madam Chair, Distinguished members of the CEDAW Committee, my colleague, the Speaker of the House the Hon. Alix Boyd Knights and I are prepared to answer any questions that you may wish to pose to us.