



**Convention on the
Rights of the Child**

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COMMITTEE ON THE RIGHTS OF THE CHILD

Thirty-sixth session

**CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 44 OF THE CONVENTION**

Concluding observations: Dominica

1. The Committee considered the initial report of Dominica (CRC/C/8/Add.48), submitted on 21 January 2001, at its 963rd and 964th meetings (see CRC/C/SR.963 and 964), held on 28 May 2004, and adopted, at the 971st meeting (CRC/C/SR.971), held on 4 June 2004, the following concluding observations.

A. Introduction

2. The Committee welcomes the submission of the State party's initial report and appreciates the fact that it not only mentions the progress made but also identifies the difficulties, making recommendations for further actions. The Committee also welcomes the written replies to the list of issues (CRC/C/Q/DMA/1), which gave a clearer understanding of the situation of children in the State party. It further notes with appreciation the constructive dialogue held with the delegation of the State party.

B. Positive aspects

3. The Committee notes with appreciation:

(a) The amendment to the Education Act No. 11 of 1997 in order to provide early childhood education for children from 0 to 5 years instead of from 3 to 5 years as previously;

(b) Act No. 22 of 2001 on Protection against Domestic Violence which contains specific provisions covering various forms of violence against children;

(c) The amendment to the Maintenance Act in 2001 to provide access by unwed fathers to their children and also increased weekly child maintenance by 50 per cent;

(d) The Social Security Miscellaneous Amendment regulation through which maternity grant was increased by 100 per cent, retroactive to 1996;

(e) The ratification of the Optional Protocols to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, and on the involvement of children in armed conflict.

C. Factors and difficulties impeding the implementation of the Convention

4. The Committee acknowledges the challenges faced by the State party, namely the vulnerability to natural disasters, including hurricanes, and the economic difficulties which impede progress to the full realization of the children's rights enshrined in the Convention.

D. Principle areas of concern and recommendations

1. General measures of implementation

Legislation

5. While noting the efforts undertaken by the State party to harmonize its legislation with regard to children, the Committee is nevertheless concerned that the existing legislation does not fully reflect the principles and provisions of the Convention.

6. The Committee recommends that the State party take all necessary measures to ensure that its legislation conforms fully with the principles and provisions of the Convention, and ensure its effective implementation.

National plan of action

7. The Committee takes note that a national plan of action, which will coordinate the activities of both public and private sector focusing on children's needs, is in preparation but is concerned at the delay in finalizing, adopting and implementing it.

8. The Committee encourages the State party to expedite its efforts in developing and effectively implementing a comprehensive national plan of action for the full implementation of the Convention that includes a focus on children as well as youth, incorporating the objectives and goals of the outcome document of the General Assembly Special Session on Children entitled "A world fit for children". Furthermore, the Committee recommends that the plan of action include all issues related to children as discussed at the recent retreat with Cabinet and senior policy makers and that it involve all actors, including children. In this regard, the Committee recommends that the State party seek technical assistance from, inter alia, UNICEF.

Coordination

9. The Committee notes the coordinating role of the Social Welfare Division of the Ministry of Community Development and Women's Affairs, the advisory and monitoring role of the National Committee on the Rights of the Child and the plans to set up an inter-ministerial committee for children. However, the Committee is concerned about possible overlap which may impede the effective coordination of all the activities regarding the implementation of the Convention.

10. The Committee recommends that the State party take all measures to ensure effective coordination between all bodies and organizations in the implementation of the Convention.

Independent Monitoring

11. The Committee is concerned at the absence of an independent mechanism with a mandate to regularly monitor and evaluate progress in the implementation of the Convention and which is empowered to receive and address individual complaints.

12. Taking fully into account the Committee's General Comment No. 2 (2002) on national human rights institutions, the Committee encourages the State party to pursue its efforts to develop and establish an independent and effective mechanism, provided with adequate human and financial resources and easily accessible to children, that will monitor the implementation of the Convention, deal with complaints from children in a child-sensitive and expeditious manner, and provide remedies for violations of their rights under the Convention.

Resources for children

13. The Committee welcomes the various measures taken to improve the economic growth of the country such as debt restructuring, diversification of agriculture and the creation of various funds. However, it remains concerned that budgetary allocation is still insufficient for the implementation of the Convention, particularly in the areas of health and education.

14. The Committee recommends that the State party pay particular attention to the full implementation of article 4 of the Convention by prioritizing budgetary allocations to ensure implementation of the economic, social and cultural rights of children, in particular those belonging to economically disadvantaged groups, "to the maximum extent of ... available resources and, where needed, within the framework of international cooperation".

Data collection

15. While taking note of the efforts made in the collection of statistical data by the various ministries, the Committee is nevertheless concerned about the lack of an integrated, analytical and disaggregated data-collection system which cover all areas of the Convention. It also notes that such data are crucial for the monitoring and evaluation of progress achieved and the formulation and assessment of policies with respect to children.

16. **The Committee recommends that the State party continue its efforts to develop a comprehensive system of data collection that covers all areas of the Convention. This system should cover all children up to the age of 18 years, with specific emphasis on those who are particularly vulnerable. It further encourages the State party to use these indicators and data in the formulation of laws, policies and programmes for the effective implementation of the Convention. The Committee recommends that the State party seek technical assistance from, inter alia, UNICEF, in this regard.**

Training and dissemination of the Convention

17. The Committee welcomes the efforts made by the National Committee for the Rights of the Child to promote public awareness and education of the provisions and principles enshrined in the Convention. However, the Committee is concerned about the cultural norms and societal beliefs regarding children which perceive the promotion of childrens' rights as the erosion of parental rights and societal control.

18. **The Committee recommends that the State party strengthen its efforts to ensure that the provisions of the Convention are widely known and understood by adults and children alike and continue its systematic education and training on the Convention for all professional groups working for and with children, including parliamentarians, law enforcement officials, teachers, as well as children and their parents.**

2. Definition of the child

19. The Committee is concerned that the minimum age for access to employment (12 years) is not in harmony with the age at which compulsory education ends (16 years). Furthermore, the Committee is concerned that the distinction between a child (under 14 years) and a young person (between the ages of 14 and 18 years) may result in confusion and less protection for a young person.

20. **The Committee recommends that the State party increase the minimum age for admission to employment in order to harmonize it with the age at which compulsory education ends. It also recommends that the State party ensure that, despite the current distinction between a child and a young person, both receive the same protection under the Convention.**

3. General principles

Non-discrimination

21. The Committee is concerned that societal discrimination persists against vulnerable groups of children, including children with disabilities and Carib Indian children.

22. **The Committee recommends that the State party increase its efforts to ensure implementation of existing laws guaranteeing the principle of non-discrimination and full compliance with article 2 of the Convention, and adopt a proactive and comprehensive strategy to eliminate discrimination on any grounds and against all vulnerable groups.**

23. **The Committee requests that specific information be included in the next periodic report on the measures and programmes relevant to the Convention on the Rights of the Child undertaken by the State party to follow up on the Declaration and Programme of Action adopted at the 2001 World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance and taking account of General Comment No. 1 (2001) on the aims of education.**

Respect for views of the child

24. **While taking note of the establishment of the National Youth Council, the Youth Parliament and the Youth Division, the Committee remains concerned that, owing to cultural norms and societal attitudes, children have limited opportunities to freely express their views within the family, in schools and in the courts.**

25. **The Committee recommends that the State party ensure that children's views are given due consideration in the family, the schools and the courts.**

4. Civil rights and freedoms

Birth registration

26. **The Committee notes with appreciation the various actions taken by the State party. However, the Committee is concerned about children who have not been named and registered in accordance to article 7 of the Convention.**

27. **The Committee urges the State party to increase its efforts, including legislative measures and awareness-raising campaigns, to ensure the registration of all children at birth, in accordance with article 7 of the Convention.**

Corporal punishment

28. **The Committee is deeply concerned at the wide use of corporal punishment in the State party. It also notes with concern that corporal punishment is mentioned in the Education Act of 1997 and that the Magistrate Code of Procedure allows the whipping of a male child or a young person.**

29. **The Committee recommends that the State party:**

(a) Remove all provisions from laws that allow corporal punishment and explicitly prohibit corporal punishment by law in the family, schools and other institutions;

(b) Continue the constructive dialogue with political leaders and the judiciary with the aim of abolishing corporal punishment;

(c) Continue to strengthen public education campaigns among community leaders, school administrators and parents about the negative consequences of corporal punishment of children and promote positive, non-violent forms of discipline as an alternative to corporal punishment;

(d) Establish an effective mechanism, either separate or as a part of a mechanism that includes dealing with child abuse, to receive, monitor and investigate complaints, including intervening where necessary, and ensure that victims of corporal punishment have access to assistance for recovery; and

(e) Seek technical assistance from, among others, UNICEF in this regard.

5. Family environment and alternative care

Parental responsibilities

30. The Committee notes with concern the limited degree to which fathers assume their parental responsibility.

31. The Committee recommends that the State party undertake measures to strengthen the capacities of families to take care of their children, and in particular pay attention to strengthening the role of fathers.

Family environment and alternative care

32. The Committee notes with appreciation that there are no institutions in the State party for the placement of children. The Committee takes note of Operation Youth Quake, which caters for children in need of placement, but remains concerned at the insufficient financial and human resources required for its effective functioning.

33. The Committee encourages the State party to continue to strengthen Operation Youth Quake by providing it with sufficient resources and support to enable it to function efficaciously.

Child abuse and neglect

34. The Committee welcomes the establishment of the Child Abuse Prevention Programme by the State party and other efforts to address child abuse and neglect. However, it remains concerned about the high incidence of child abuse in the State party.

35. The Committee recommends that the State party:

(a) Undertake studies on domestic violence, ill-treatment and abuse of children, including sexual abuse within the family, in order to adopt effective policies and programmes to combat all forms of abuse;

(b) Develop a national system for receiving, monitoring and investigating complaints and, when necessary, prosecuting cases, in a manner which is child sensitive and ensures the victims' privacy;

(c) **Strengthen the activities of the Social Welfare Division and its cooperation with non-governmental organizations and provide it with the necessary resources to establish a comprehensive and nationwide response system which would provide, where appropriate, support and assistance to both victims and perpetrators;**

(d) **Seek technical assistance from, among others, UNICEF and UNDP in this regard.**

6. Basic health and welfare

Children with disabilities

36. The Committee is concerned about children with disabilities who often suffer from societal discrimination, and that a significant proportion of them do not attend school or participate in social and cultural life.

37. **The Committee recommends that the State party:**

(a) **Continue to strengthen efforts to combat discriminatory attitudes towards children with disabilities, particularly amongst children and parents, and promote their participation in all aspects of social and cultural life;**

(b) **Formulate a strategy that includes appropriate teacher training, to ensure that all children with disabilities have access to education and, wherever possible, that they are integrated into the mainstream education system;**

(c) **Take note of the Standard Rules on the Equalization of Opportunities for Persons with Disabilities (General Assembly resolution 48/96, annex) and of the Committee's recommendations adopted at its day of general discussion on the rights of children with disabilities (CRC/C/69, paras. 310-339).**

Health and health services

38. While taking note of the positive measures undertaken by the State party to address the issues related to health services, the Committee remains concerned at the poor availability of drinking water and adequate sanitation facilities in certain areas of the country and specifically in the Carib Territory.

39. **The Committee recommends that the State party take all necessary measures to ensure access to drinking water and adequate sanitation facilities throughout the country.**

Adolescent health

40. The Committee is concerned at the high incidence of teenage pregnancies and alcohol abuse among adolescents and the insufficient level of youth mental health services, particularly in rural areas and for Carib Indian children.

41. **The Committee recommends that the State party:**

(a) **Undertake effective measures to reduce the rate of teenage pregnancies through, inter alia, making health education, including sex education, part of the school curriculum and strengthening the campaign of information on the use of contraceptives;**

(b) **Undertake effective preventive and other measures to address the rise in alcohol consumption by adolescents and increase the availability and accessibility of counselling and support services, in particular for Carib Indian children;**

(c) **Strengthen mental health and counselling services, ensuring that they are accessible to, and appropriate for, all adolescents, including Carib Indian children and those in rural areas.**

7. Education, leisure and cultural activities

42. The Committee takes note of the efforts undertaken by the State party to establish programmes such as the Education Trust Fund and Free Textbooks in order to assist children living in poverty. However, the Committee is concerned at the sustainability of such programmes. Furthermore, the Committee is deeply concerned about the quality of education, access to education by pregnant girls and teenage mothers and the high drop-out rate, in particular among boys.

43. **The Committee recommends that the State party, in the light of the Committee's General Comment No. 1 (2001) on the aims of education:**

(a) **Carefully examine the budget allocations and measures taken within this field with regard to their impact on the progressive implementation of the child's right to education and leisure activities;**

(b) **Seek to implement further participatory measures to encourage children, especially boys, to stay in school during the period of compulsory education; take further measures to facilitate the access to education of children from all groups in society, particularly children living in poverty;**

(c) **Ensure that school attendance officers use child-sensitive means to bring more children to school and take other measures to give children incentives to stay in the educational system;**

(d) **Provide education opportunities for pregnant girls and teenagers mothers so that they can complete their education;**

(e) **Continue and strengthen the training of young teachers in particular and retain teachers in primary and secondary education;**

(f) **Include human rights education in the curriculum;**

(g) **Seek further technical assistance from UNICEF and UNESCO, among others.**

8. Special protection measures

Drug abuse

44. The Committee welcomes the existence of the Drug Prevention Unit within the Ministry of Health. However, the Committee is concerned about the sustainability of its activities. The Committee is further concerned at the lack of a minimum age for purchasing alcohol and other controlled substances.

45. **The Committee recommends that the State party provide the Drug Prevention Unit with the necessary human and financial resources to ensure continuation of its activities. It further recommends that it set the minimum age for purchasing alcohol and other controlled substances at 18 and take all the necessary measures to fully implement and enforce this minimum age.**

Juvenile justice

46. The Committee is concerned at the lack of juvenile courts and at the fact that children may be sentenced to a penalty at the “President’s pleasure”, to life imprisonment and to whipping in private.

47. **The Committee recommends that the State party:**

(a) **Ensure the full implementation of juvenile justice standards and in particular articles 37, 39 and 40 of the Convention, as well the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules) and the United Nations Guidelines for the Prevention of Juvenile Delinquency (the Riyadh Guidelines), and in the light of the Committee’s 1995 day of general discussion on the administration of juvenile justice (CRC/C/69);**

(b) **Enhance training programmes on relevant international standards for all professionals involved with the system of juvenile justice;**

(c) **Seek technical assistance from, among others, UNICEF and OHCHR.**

48. **The Committee also recommends that the State party:**

(a) **Review the sentencing of children at the “President’s pleasure” so that the decision is in the hands of the judge;**

(b) **Abolish the sentences of whipping and life imprisonment;**

(c) **Separate children from adults in detention, including in pre-trial detention centres.**

Children belonging to a minority or an indigenous group

49. The Committee acknowledges the various measures undertaken with regard to the Carib Indian children. However, the Committee is concerned about the limited enjoyment of their rights; particularly with regard to their access to education and health owing to widespread poverty.

50. **The Committee recommends that the State party continue and strengthen its efforts to improve the enjoyment of the rights of Carib Indian children, in particular by effective measures to reduce poverty in the Carib Indian Territory.**

9. Optional Protocols to the Convention on the Rights of the Child

51. The Committee, while welcoming the ratification of the Optional Protocols to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, and on the involvement of children in armed conflict, notes with concern that the submission of the initial reports on the Optional Protocols are overdue.

52. **The Committee urges the State party to submit its initial reports on the Optional Protocols as soon as possible.**

10. Dissemination of documents

53. **Finally, in light of article 44, paragraph 6, of the Convention, the Committee recommends that the initial report and written replies submitted by the State party be made widely available to the public at large and that the publication of the report be considered, along with the relevant summary records and concluding observations adopted by the Committee. Such a document should be widely distributed in order to generate debate and awareness of the Convention and its implementation and monitoring within the Government, the Parliament and the general public, including concerned non-governmental organizations.**

11. Next report

54. In light of the recommendation on reporting periodicity adopted by the Committee (see CRC/C/139), the Committee underlines the importance of a reporting practice that is in full compliance with the provisions of article 44 of the Convention. An important aspect of States parties' responsibilities to children under the Convention is ensuring that the Committee on the Rights of the Child has regular opportunities to examine the progress made in the Convention's implementation. In this regard, regular and timely reporting by States parties is crucial. As an exceptional measure, in order to help the State party catch up with its reporting obligations so as to be in full compliance with the Convention, the Committee invites the State party to submit its second and third reports in one consolidated report by 1 September 2006, the due date for the submission of the third report. This report should not exceed 120 pages (see CRC/C/118), and the Committee expects the State party to report thereafter every five years, as foreseen by the Convention.
