



**Convention on the
Rights of the Child**

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**COMMITTEE ON THE RIGHTS OF THE CHILD
CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 44 OF THE CONVENTION**

Initial reports of States parties due in 1993

DOMINICA

[21 January 2003]

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Introduction

1. The Commonwealth of Dominica is the northernmost and largest island in the Windward Chain with a landmass of 751 square kilometres. It is strategically located between the French islands of Guadeloupe to the north and Martinique to the south. The island gained its independence in 1978 from Britain and now enjoys membership in a number of international and regional organizations including the Organisation of Eastern Caribbean States (OECS) and the Caribbean Community (CARICOM).
2. Based on the 1991 population census, Dominica recorded a population count of 71,183 persons. It is estimated that forty-one (41) per cent of the population is 18 years and under (see appendix 1A).
3. The population under 15 years of age decreased, both in numbers and percentages, from 29,406 in 1981 (39.9 per cent) to 23,139 (33.3 per cent) in 1991. The decline in the 0-14 age group was mainly due to the sharp reduction in fertility, which occurred in Dominica in the 1970s (1991 Census Report).
4. The elderly population continues to increase. In 1991, it totalled 789 more persons than in 1981 and according to the census figures, the elderly form 8.8 per cent of the total population, up from 7.2 per cent in 1981.
5. The consistent decline in the young population and continued increase of the elderly will very likely present a challenge for present and future economic and social planning.
6. Sex ratios (males per 100 females) have not shown an excess of males over females, although for the 1981 and 1991 censuses, the sexes were almost equally divided (99 males per 100 females).
7. Since independence and until the late 1980s, Dominica had been a stable economically growing country with reasonably good social indicators fuelled by strong growth in agriculture and manufacturing. The domestic economy grew at an average annual rate of 5.2 per cent in real terms during the period 1981-1990. However, since then, continued growth in Dominica's economy has been sluggish resulting in a gross domestic product (GDP) growth rate of 2.09 per cent over the period 1994-1999. This was primarily due to relatively weak institutional capacity (lack of skilled human resources and financial resource) and dependence on a single crop - banana - whose preferential market is being threatened by trade liberalization and its vulnerability to hurricanes and tropical storms. Economic growth is largely dependent on external trade due to the small domestic market, but this is constrained by limited physical access cushioned by the absence of an international airport. In addition, industrial expansion has been constrained by lack of accessible capital for investment and our present inability to attract local and overseas investors. Inadequate sewage facilities also constrain industrial expansion and pose environmental risks. Presently under consideration is a water and sewage disposal system for areas in the capital.
8. According to a Review of the Economy 1999 (George, 2000), "Central Government's fiscal position deteriorated sharply in 1999 with a current account deficit of 0.8 per cent of GDP being recorded compared to a current account surplus equivalent of 1.3 per cent of GDP in 1998.

Central Government cash flow pressures persisted with some adverse effect on the rate of implementation of the Public Sector Investment Programme (PSIP). As a result of borrowing operations during the year, Central Government disbursed outstanding debt increased from \$348.63 million in 1998 to \$475.87 million in 1999 or 66 per cent of GDP.” The main contributors to the slight improvement in the economy were activities in agriculture, tourism and construction.

9. In 1996, Dominica ranked 64 out of 174 countries, according to the United Nations Human Development Index (HDI) which is used as a basis for assessing the living standards of countries. However, in 1997, there was upward mobility with Dominica ranking 41 out of 175. Since then, the ranking shows a decline with 51 out of 174 in 2000. This points to erosion in living standards, which is attributable to the State’s economic decline, which has affected per capita income.

10. A 1995 study of living conditions in Dominica undertaken with technical assistance from the British Development Division reported that an estimated 27.6 per cent of the population was living in poverty.

11. Dominica is at present attempting to identify issues and priorities for poverty reduction and alleviation. This effort is supported, among others by the World Bank, the United Nations Economic Commission for Latin America and the Caribbean (ECLAC) and the Caribbean Development Bank (CDB).

12. The fundamental economic challenge that Dominica faces is to accelerate growth to an extent where full employment is created and growth itself contributes to sustainable development. The Government will place increased emphasis on accelerating the pace of agricultural diversification and the development of Dominica’s eco-tourism product, which include, among other things, the improvement of air access and the institutionalization of standards. The Government is promoting Dominica as a major financial centre in the Caribbean through offshore banking and the registration of international business corporations and maritime operators. Further, the development of an informatics and information technology industry is also central to the Government’s attempt at adding value to national income and reducing the unemployment rate. These initiatives will be pursued through partnership with both local and foreign investors, including institutions of higher learning.

13. The Government has announced measures to restore discipline and prudence in its operations. These include improving the management capacity of the Government’s financial resources and restructuring its debt through divestment of assets, which is intended to lead to further private sector participation in economic activities. In addition, shifting the burden of taxation from direct to indirect taxation, thereby improving efficiency and promoting savings and investments, is also under consideration.

14. Despite the poor state of Dominica’s economy, programmes and activities geared to improving the status of Dominican children have over the past 10 years been accorded high priority. In that regard, social policies and legislative reform in favour of children have had positive results. The United Nations Children’s Fund (UNICEF) and other funding agencies have for many years worked in partnership with Dominica in enhancing the quality of life of

children and their families. UNICEF's programme of cooperation has not only benefited children, but has impacted on overall national development, in particular the Ministries of Health, Child Rights Promotion and Early Childhood Development.

I. GENERAL POLITICAL AND LEGAL STRUCTURE

15. Dominica is a former British colony. It became an independent country on 3 November 1978. On assuming that status, Dominica chose to become a democratic parliamentary republic. The State has remained a member of the Commonwealth.
16. The Constitution is based on the Westminster model. Consistent with the model, the Constitution provides that the executive authority of Dominica is vested in the President (Constitution, chap. IV, sect. 58). The President is elected by Parliament, and shall hold office for a term of five years.
17. Dominica's electoral system is also patterned on the British Westminster System. The multiparty system provides for the election of a prime minister as Head of Government. Through general election, the Government may serve a term of five years and can be re-elected.
18. The branch of Government invested with the function of making laws is the Legislative. Dominica has a unicameral legislature (*ibid.*, chap. III). The House consists of 21 elected representatives (sect. 33). In addition, nine senators may either be elected or appointed (sect. 34). At present, the senators are appointed. Five are appointed by the President with the advice of the Prime Minister, and four are also appointed by the President, but on the advice of the Leader of the Opposition.
19. The life of Parliament is fixed at five years, at the end of which a dissolution takes place through a proclamation by the President. A general election must be held within three months after the dissolution (*ibid.*, chap. III, sect. 5.4).
20. The executive structure of the Government is headed by the Cabinet, which is presided over by the Prime Minister and comprises the appointed Cabinet ministers. The Cabinet formulates policy and is vested with the general control of the Government.
21. The judiciary is that structure of Government responsible for administering the laws of the State and determining issues and disputes arising under these laws.
22. The Constitution is held as the supreme law of Dominica. It is the law which establishes and defines the powers and authority of the main instruments of the State. All other laws must be consistent with the Constitution, otherwise they can be declared null and void.
23. The Constitution (chap. I) deals with the protection of fundamental rights and freedoms. The rights of children are guaranteed. Chapter I states,

“whereas every person in Dominica is entitled to the fundamental rights and freedoms, that is to say, the right, whatever his race, place of origin, political opinions, colour, creed or sex, but subject to the respect for the rights and freedoms of others and for the public interest, to each and all the following, namely:

“(a) Life, liberty, security of the persons and the protection of the law;

“(b) Freedom of conscience, of expression and of assembly and association;
and

“(c) Protection for the privacy of his home and other property and from deprivation of property without compensation.”

24. Any person who alleges violation of his human rights has authority under the Constitution to apply to the High Court for redress (*ibid.*, chap. I, sect. 16 (10)).

25. Dominica’s court structure provides for three levels of adjudication, namely the Magistrate Court, the Supreme Court and the Eastern Caribbean Court of Appeal. Juvenile courts fall under the jurisdiction of the Magistrate Court, but special provisions are made for the establishment and proceedings in Juvenile Courts (Children and Young Persons Act, chap. 37:50, sects. 11 and 18).

26. If any person is charged with a criminal offence, unless the charge is withdrawn the case shall be afforded a fair hearing within a reasonable time by an independent and impartial court established by Law (Constitution, chap. I, sect. 8 (1)). Any person may apply to the High Court for redress if he thinks that his rights and freedoms are being violated. The High Court may make declarations and orders, issue writs and give such directions as it may consider appropriate.

27. For the purpose of holding Magistrate Courts in the State, there shall be a Chief Magistrate and such other magistrates as may be appointed from time to time. The magistrate has jurisdiction to try both summary and civil matters, as well as the holding of preliminary inquiries.

28. Appeals from decisions of both High Court and Magistrate Court can be lodged with the Eastern Caribbean Court of Appeal headed by a Chief Justice. The Court of Appeal has periodic sittings in Dominica. In the event of an unsuccessful appeal, an individual has recourse to the British-based Privy Council

II. GENERAL MEASURES OF IMPLEMENTATION

Measures taken to harmonize national laws and policies with the provisions of the Convention

29. The Government of Dominica has enacted much of the legislation required to implement the Convention.

30. Since ratification of the Convention, certain legislation has been reformed in keeping with Government’s resolve to protect the rights of children, and thereby conform to the provisions of the Convention. The following legislation was amended or enacted:

(a) Sexual Offences Act, No. 1 of 1998. This Act came into effect in 1998 and makes provisions relating to sexual crimes, including the abduction, procurement and prostitution of persons. Section 4 (1) (c) of the Act sets the age of consent at 16 years, up from 14 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 14 years, while section 8 specifies a penalty of 14 years for attempting to have sex with another person between the ages of 14 and 16 years. Section 27 makes provision for hearings in camera for minors while section 33 provides for admissibility of video recorded evidence. The law as it relates to corroboration of evidence for or against the person charged is eased (sect. 28) while parents or guardians of minors may be called as compellable witnesses (sect. 29);

(b) Children and Young Persons Act, chap. 37:50. This statute was enacted in 1970 and provides for the care, supervision and protection of children and young persons. Section 39 (1) of the Act was amended by the Children and Young Persons (Amendment) Act 1995 so that persons liable to make a contribution in respect of a juvenile could be required to increase their financial contribution to EC\$ 50 per week where a fit person order is made. Section 5 of the Act was amended to provide stiffer penalties for persons convicted of any offence under the Act;

(c) Maintenance Act, chap. 35:61. The Maintenance Act primarily provides for paternity, affiliation and support for the child. Section 5 of the Act was amended by the Maintenance (Amendment) Act 1995. A maximum of EC\$ 50 weekly for the maintenance of a child is now provided. This is an increase from the EC\$ 35 weekly which was formerly provided under the Act.

31. A review of legislation pertaining to children has been undertaken. The consultant's report indicated that generally "the laws of the Commonwealth of Dominica are in conformity with the letter and spirit of the Convention. However, in some instances there is a lacuna between the law, its practice and its enforcement". For example, the Citizenship Act, chap. 1:10 as presently exists does not protect the child against statelessness. In addition, the Social Security Act, chap. 31:01 places a limit on the number of children for which parents can receive social security benefits (presently two). This means that not every child is actually entitled to social security.

32. The following legislation is under consideration for enactment: (a) the Domestic Violence Act; (b) the Families and Children Act.

33. In addition to the above, a feasibility study has been undertaken for the establishment of a Family Court. In keeping with that concept, a Family Court Act would have to be enacted.

34. The formulation of policies is receiving attention. Child abuse management procedures to better protect abused children are now in place. In addition, regulations to govern the operation of day-care centres are soon to be implemented.

Coordinating children's policies and monitoring the implementation of the Convention

35. The Ministry of Community Development, through its Social Welfare Division, is the main government department responsible for policy on matters relating to children. This, however, does not rest exclusively with that Ministry, since other relevant departments, like Health and Education, in addition to non-governmental agencies, locally, regionally and

internationally, collaborate on children's policies. Worth mentioning are UNICEF, the Pan American Health Organization (PAHO), the World Health Organization (WHO), the National Children Home (NCH) with headquarters in Barbados, and the Committee for the Concerns of Children in Dominica.

36. The Ministry of Community Development is directly responsible for the monitoring and implementation of the Convention. This is being done jointly with the Committee on the Convention on the Rights of the Child, whose role is to advise Government on matters relating to the rights of children, monitoring the implementation of the Convention, and the promotion of child rights activities.

Article 42. Publicizing the provisions of the Convention

37. Government and its appointed Committee on the Convention on the Rights of the Child have jointly undertaken a national public education campaign to promote awareness of the principles and provisions of the Convention.

38. So far, a number of district workshops targeting both adults and children alike in both rural and urban areas have been held. Separate workshops have been convened for professional and other groups working with and for children. These include teachers, police and others working in the administration of justice, policy makers in the government system, health personnel, media personnel and social workers.

39. In addition, a national children's consultation was convened. At that consultation, the children were educated on the Convention. They also examined positive issues in Dominica as they related to the Convention and they looked at areas where child rights are being violated. The children adopted a number of recommendations to better protect the rights of children in Dominica. These were subsequently presented to Government for consideration and action.

40. The Social Welfare Division, through its Child Abuse Prevention Programme, and the Adult Education Division, have conducted educational sessions on the rights of the child with Parent-Teachers Associations and other groups.

41. The Committee for the Concerns of Children, a non-governmental organization, has for the past several years held an annual week of activities which highlighted either child abuse or parental responsibility.

42. The Social Centre, another non-governmental organization, has an annual month of activities during which some attention is given to educating parents, pre-schoolers and the general public on certain child rights. Other groups such as Dominica Save the Children (DOMNIKSAVE) and the Christian Children Fund (CCF) have activities and programmes geared at improving the status of children.

43. Dominica fully supports the World Declaration on the Survival, Protection and Development of Children. In keeping with the provisions of the Declaration, a National Plan of Action for children is in the preparation phase. The objective of the Plan of Action is to

coordinate the programme of activities of both the public and private sector, focusing on children's needs and incorporating them in the National Development Plan. The Plan established goals for the survival, development and protection of Dominica's children and identifies strategies and actions to achieve them.

Article 44, paragraph 6. Publicizing the report

44. The Government of Dominica is committed to publicizing this report as widely as possible. Copies of the report will be made available to all relevant government and non-governmental departments/organizations, media houses and individuals for comments. Copies will be sent to public institutions like libraries for perusal by students and other members of the public. The various schools will receive copies.

45. The above effort will reinforce Government's commitment to making this report as widely available to the public.

Recommendations

46. The political will of the Ministry of Community Development and Women's Affairs to implement the Convention needs to pervade the entire government system.

47. The Ministry of Community Development, in collaboration with the Committee on the Convention on the Rights of the Child, needs to accelerate the revision, finalization and implementation of the National Plan of Action for children and their families.

48. The said Ministry should formalize the position of CRC coordinator within the Ministry.

49. There needs to be better collaboration between Government and non-government organizations in working with children.

50. There is a need to restructure the Social Welfare Division by rationalizing the responsibilities of the Division. The staff at the Division should be increased.

51. A coordinated process of data identification, collection, analysis, feedback and dissemination in relation to children and families should be established.

III. DEFINITION OF THE CHILD

(art. 1)

52. A child is defined under the Children and Young Person's Act (chap. 37:50, sect. 2) as "a person under the age of fourteen". The expression "young person" is reserved for persons who are between the ages of 14 and 18 years. The term "juvenile" or "minor" is used generally to refer to persons who are under 18 years. This Act makes provision for the care, supervision, and protection of children and young persons.

Age of majority

53. The age of attainment of majority is defined in the Age of Majority Act (ibid., sect. 3) which states, “a person shall attain full age on attaining the age of eighteen years”. The adoption of 18 years as the formal age of majority was made in 1990 in place of the age of 21 years.

54. The provision allows a person to exercise the democratic right to vote.

Legal and medical counselling without parental consent

55. The minimum age at which a child may obtain legal counsel without parental consent is not specifically addressed in legislation. However, the Constitution of Dominica (chap. I, sect. 15 (1)) provides that any person who is detained has the right to be afforded reasonable facilities to consult a legal practitioner of his/her own choice. It follows then that the right to have legal representation is guaranteed to all children.

56. It is felt that legislation should address the minimum age for legal counselling. This will be thoroughly examined.

End of compulsory education

57. The Education Act No. II of 1997 defines compulsory school age to mean from 5 years to 16 years of age. According to section 36 of the Act, “... the parents of every child of compulsory school age shall ensure that the child receives an education by regular attendance at school”.

Employment: part-time/full-time

58. The Employment of Children (Prohibition) Act (chap. 90:05) defines a child as “a person who is under the age of twelve years”. Section 3 of that Act prohibits the employment of persons under that age. The prohibition, however, does not include engagement of children in domestic or agricultural work of a light nature at home by parents or guardians of the child.

59. The Employment of Women, Young Persons and Children Act (chap. 90:06, sect. 4 (1)) states: “No child shall be employed or work in any public or private industrial undertaking, or in any branch thereof, other than an undertaking in which only members of the same family are employed.”

60. The Act defines a child as a person under the age of 14 years.

Hazardous employment

61. In reference to hazardous employment, the Employment of Women, Young Persons and Children Act, (chap. 90:06) defines a child as “a person under the age of fourteen years”. A young person means a person who has ceased to be a child and who is under the age of 18 years.

62. The Act states that no child shall be employed or work on any ship. In respect of young persons, section 7 (1) states: “No young person shall be employed or work during the night in any public or private industrial undertaking, other than an undertaking in which only members of the same family are employed.”

63. Section 7 (2) of the Act allows young persons over the age of 16 years to undertake certain work during the night. Employers, however, must keep a register of all such employment (ibid., sect. 4 and chap. 89:04, sect. 7).

Sexual consent

64. The legal minimum age at which an individual may give sexual consent is 16 years. This age forms part of the Sexual Offences Act No. 1 of 1998. 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 with the consent of the other person if the consent is obtained from a person under the age of sixteen years”.

Marriage

65. The minimum age at which someone may enter marriage is 16 years. The Marriage Act, (chap. 35:01, sect. 29 (2)) states: “Any marriage solemnised or celebrated between persons of whom is under the age of sixteen years shall be null and void.”

66. The Act specifies that where either of the parties, not being a widower or widow, is under the age of 18 years, no marriage shall take place between them until the consent of a parent or guardian is obtained. The court may dispense with such consent on the application to the court by either party (sect. 31).

Voluntary enlistment in the armed forces and conscription in the armed forces

67. Dominica currently has no defence forces, so the question of enlistment or conscription into the armed forces does not arise. However, the Police Act (chap. 14:01) provides for the establishment of a police force. Section 5 (a) of the Act states: “No person shall be appointed in the Police Service unless he has attained the age of eighteen (18) years but has not (unless the Commissioner in any special case otherwise determines) reached the age of thirty (30) years.”

Voluntarily giving testimony in court

68. The Children and Young Persons Act (chap. 37:50, sect. 28 (1)) states that where in any proceedings against any person for any offence any child of tender years is called as a witness, his/her evidence may be received though not given under oath if in the opinion of the court he/she is possessed of sufficient intelligence to justify the reception of the evidence and understands the duty of speaking the truth.

Criminal liability

69. The Children and Young Persons Act also fixes the age of criminal responsibility. Section 3 states, “it shall be conclusively presumed that no child under the age of twelve years can be guilty of an offence”. Section 4 provides that every court in dealing with a juvenile

(a person under the age of 18 years) who is brought before it as being in need of care or protection, or as an offender or otherwise, shall have regard to the welfare of the juvenile and shall, if it considers it necessary, take steps for removing the juvenile from undesirable surroundings.

Deprivation of liberty

70. In Dominica, persons are not deprived of their liberty, except where the due process of the law and courts so determine. The Government Training School Act (chap. 12:34) states that a child under the age of 12 years may not be detained at a training school when found guilty of an offence for which punishment could be imprisonment.

Imprisonment

71. The minimum legal age at which a person may be imprisoned is 14 years (Magistrate Code of Procedure, chap. 4, sect. 92). A magistrate may order the transfer to prison of a person detained in a government training school. The person has to be found to be incorrigible or to be exercising a bad influence on the other inmates of the school.

Consumption of alcohol and other controlled substances

72. There is no minimum age set for the consumption of liquor or other controlled substance. However, the Children and Young Persons Act (sect. 5 (1) and (2) (c)) prohibits the giving or sale of any intoxicating liquor to any child under the age of 12 years.

73. The use of narcotic drugs comes under the Drugs (Prevention of Misuse) Act (chap. 40:07). Section 16 of this Act makes it an offence for a person to have a controlled drug in his possession. The legislation defines a controlled drug as a narcotic drug or a psychotropic substance. It is also an offence to use a child as a carrier for trafficking purposes.

Summary

74. The age group that seems to require urgent attention is the group between 14 and 18 years. Where delinquent behaviours are exhibited and these minors brought before the court, there is great difficulty in dealing with them since it is felt that the Children and Young Persons Act contains inadequate sentencing options. Calls for the establishment of a training school as provided for under the Children and Young Persons Welfare Act (chap. 37:51) is now receiving consideration.

75. According to the Act, the school is one at which delinquent and maladjusted children and young persons may be given such training and instruction, and be subject to such disciplinary and moral influence, as will be conducive to their rehabilitation and reformation and the prevention of crime.

76. According to the review of legislation pertaining to children in Dominica conducted in 1999, the laws of Dominica conform to the strict terms of the Convention, which allows legislation to prescribe different ages for the definition of a "child". Accordingly, various laws give different ages for the definition of the child. The varying ages for the definition of a child can sometimes produce conflict. Hence, there is a need for harmonized ages for the definition of the child in relevant areas.

Recommendations

77. A standardized definition of the child under present legislation should be established.
78. A system of legal aid should be instituted.
79. No individual under the age of 18 years should be engaged in night employment.
80. Legislation should be enacted setting a minimum age for the consumption of liquor or other controlled substance; this should not be less than the age of majority.
81. A government training school for young offenders should be established.

IV. GENERAL PRINCIPLES

Article 2. Non-discrimination

82. The Dominica Constitution, chapter 1, recognizes and protects the fundamental rights and freedom of the individual:

Section 13 (1): “No law shall make any provision that is discriminatory either of itself or in its effect.”

Section 13 (2): “No person shall be treated in a discriminatory manner by any person or authority.”

83. The Constitution defines “discriminatory” as affording different treatment to different persons attributable wholly or mainly to their respective descriptions by sex, race, place of origin, political opinions, colour or creed whereby persons of one such description are subjected to disadvantages or restrictions to which persons of another such description are not made subject or are accorded privileges or advantages which are not accorded to persons of another such description.

84. Section 114 of the Education Act No. 11 of 1997 prohibits discrimination in educational establishments.

85. In addition, the Intestates Act (chap. 9:03) provides for the equal status of children whether born in wedlock or out of wedlock in cases of succession to real and personal estate on intestacy.

86. Except for the isolated charge of discrimination by some adults, such claims are seldom made by children or voiced on their behalf by adults or organizations representing their interests.

Article 3. Best interest of the child

87. Dominica continues to strive to uphold the principles outlined in article 3 of the Convention. Certain laws recognize this right as attempts are made to improve on the general welfare and status of children.

88. The concept of the “best interest of the child” is emphasized. The Maintenance Act (chap. 35:61, sect. 12) gives the court power in matters of custody, “on being satisfied that the mother of a child is not a fit and proper person to have custody of the child, [to] appoint some person other than the mother to have custody of the child”. The same applies in the event that the mother dies, becomes of unsound mind, or is in prison.

89. The Act also fixes fines or imprisonment for a person who misapplies monies paid by any person for the support of the child, or who withholds proper nourishment from the child, or who in any manner ill-treats or deserts the child.

90. The Children and Young Persons Act (chap. 37:50, sect. 9) makes provision for a juvenile to be committed to the care of a fit person, where it is proved that the juvenile is being ill-treated, assaulted or neglected in a manner likely to cause unnecessary suffering. The law empowers any police officer, probation officer or authorized person to take before a juvenile court any juvenile in need of care or protection, which includes control and guidance, as well as discipline.

91. In the absence of children’s homes, the Welfare Division’s Foster Care Programme caters for children in need of care and protection. However, difficulties are being encountered in obtaining the services of foster parents. This is due to lack of financial support and the constraints associated with uncertainties about the behaviour of the children.

92. In addition to the above, the concept of “the best interest of the child” is reflected in the Adoption of Infants Act (chap. 37:03) and the Guardianship of Infant Act (chap. 37:04). The expression “better opportunities” for the child is often used by petitioners during adoption proceedings, which in most cases turn out to be in the best interest of the child.

93. The Sexual Offences Act No. 1 of 1998 provides for parents or guardians to be called as a compellable witness either for the prosecution or the defence. This helps stop parents from withholding information, especially in cases where the child has been sexually molested either by family members or friends of the family.

94. The Welfare Division’s Public Assistance Programme enhances the concept of the best interest of the child. Parents found to be deserving of such monthly allowances on behalf of the child would be so accommodated. Budgetary limitations, however, are a difficulty presently being experienced.

Article 6. The right to life, survival and development

95. Dominica upholds the fact that every person, including the child, has the inherent right to life. This right is protected and enshrined in law, namely:

(a) The Dominica Constitution, which protects an individual’s right “not to be deprived of his life intentionally save in execution of the sentence of a court in respect of a criminal offence under the law of Dominica of which he has been convicted.” (chap. 1 sect. 2 (1));

(b) The Offences Against the Persons Act (chap. 10:31, sect. 3 (1) (b)) which states that a person convicted of murder when he was under the age of 18 years shall not have the sentence of death pronounced or recorded against him. The individual would instead be detained in such a place and under such conditions as the President may direct. For the past five years, six juveniles have been convicted on manslaughter charges. One is at present serving a seven-year prison term for manslaughter.

96. The above Act also prohibits the following offences which deny the right to life:

- (a) Infanticide (sect. 7) is punishable like the offence of manslaughter;
- (b) Abortion (sect. 56) is punishable by imprisonment for 10 years;
- (c) Concealing the birth of a child (sect. 58) is punishable by imprisonment for two years.

97. Any person who administers drugs or uses instruments to procure an abortion could be indicted for murder, manslaughter, or infanticide, as the case may be.

98. The Offences Against the Person Act (chap. 10:31, sect. 3 (1) (c)), states that “where a woman convicted of an offence punishable with death is found, in accordance with the provisions of the Act, to be pregnant, the sentence to be passed on her shall be a sentence of imprisonment for life instead of sentence of death”. The intention here no doubt is to preserve the life of the unborn.

99. The Children and Young Persons Act (chap. 37:50) gives protection to juveniles to help ensure their survival and development. The Act covers the post-natal period, which is a vulnerable period for the newly born. Section 5 (1) of the Act states that any person having the custody, charge or care of any juvenile who wilfully assaults, ill-treats, neglects, abandon or exposes, in a manner likely to cause the juvenile unnecessary suffering or injury to health, is liable to imprisonment. For the purposes of this section of the Act, neglect could be failure on the part of any person being able to do so who refuses to provide adequate food, clothing, rest, medical aid or lodging to the juvenile. The death of an infant under three years of age by suffocation while in bed with some other person could also be tantamount to neglect.

100. The Apprentices Act (chap. 90:03) makes provision for the development of the artistic and other capabilities of the child. Section 3 of the Act states, “any person using and exercising any art, mystery, craft or occupation may take any person of any age not less than 10 nor more than 16 years, to serve and be bound as an apprentice for a term not exceeding five years”. Owners of a ship or vessel may take and retain apprentices in like manner. This piece of legislation is not used by the court.

101. The child’s proper development is often hindered by certain factors. Among these is the capability of parents and guardians to adequately provide for their children. Their economic circumstances often do not permit this. Government gives financial help to parents considered destitute. However, such monthly public assistance allowance should be reviewed with a view to increasing it in order that needy parents can more effectively meet children’s requirements.

102. A total of 600 children are accommodated among the 2,170 recipients of public assistance.

103. Health personnel have formulated a national programme geared at enhancing the nutritional status of babies through breastfeeding. There is no legislation in place which makes it obligatory to breastfeed children. This may need some consideration, although in practice mothers do breastfeed. The immunization of children is key to the prevention of certain childhood diseases. Full immunization coverage against major diseases in children one year and under was recorded in 1999. However, primary health care workers point to a few cases where children are not immunized because of certain beliefs of their parents. This is particularly so in the case of some parents belonging to the Rastafarian cult. Such incidents call for close monitoring, and the possible enactment of legislation obliging persons to have all children immunized.

Article 12. Respect for the views of the child

104. There seems to be little provision in legislation for respecting the views of the child. In practice, however, children's views are usually taken into consideration. No reference is made in legislation to the views of the child in custodial proceedings. It is, however, a practice at common law to take into account the child's wishes, although this may not be the deciding factor.

105. The Constitution of Dominica stipulates in chapter 1, section 10 (1): "Except with his consent, a person shall not be hindered in the enjoyment of expression, including freedom to hold opinions without interference." The Constitution also provides freedom to receive ideas and information. The Government is attempting diligently to protect this freedom within certain limitations. However, the exposure of children to unsavoury television programmes and certain music is of concern. Government has an obligation to take whatever action is deemed necessary to prevent certain television programmes having adverse effects on children. In this regard, the support of parents in taking necessary steps at home is essential.

106. The Cinematograph (Censorship) Act (chap. 20:06), will be examined to possibly include provisions for regularizing television programmes.

107. Avenues through which the child could openly express his views should be encouraged. One such avenue could be through forums such as the National Youth Council, which has now been re-established. Government, through the Youth Division, facilitated the re-emergence of the National Youth Council. Persons are of the opinion that the views of children need to be better reflected in matters of policy for children, and also when drafting new legislation. This concern will be taken into consideration when plans and programmes geared towards the overall development of children are being formulated.

108. Within the family, the views of the child can be facilitated only through the efforts of parents. This could be part of a package on parenting education. At school, the child's views can be expressed through student councils, which exist mainly at secondary schools and colleges. Court proceedings involving children provide the opportunity for the child's views to be heard.

109. The views of the child are highlighted in the following legislation:

(a) Adoption of Infants Act (chap. 37:03, sect. 4) requires that a court, before making an adoption order, give due consideration to the wishes of the child who is old enough to understand the nature of the matter before the court;

(b) Apprentices Act (chap. 90:03, sect. 5) requires that the consent of juveniles be obtained before being apprenticed in any trade;

(c) Children and Young Persons Act (chap. 37:50, sect. 25) gives the child the opportunity to make a statement, answer questions or give explanations in relation to evidence and mitigating circumstances relevant to a legal matter relating to him.

110. Dominica does not have well-equipped child counselling or psychological services, nor specific legal aid for children. The implication is that in practice, the child's opinion may be ignored.

Recommendations

111. For better service delivery to children, there is a need to strengthen the work of non-governmental organizations.

112. Public assistance programmes should be improved. This assistance should be monitored when given to ensure that it is used for the intended purpose.

113. The Adoption of Infants Act should be reviewed to ensure that petitioners for adoption are resident for a period of time before the adoption takes place.

114. Professional services should be increased to provide children with social and legal advice as well as counselling services.

115. Administrative policy or legislation should attempt to reflect the views of the child.

V. CIVIL RIGHTS AND FREEDOMS

Articles 7 and 8. Name, nationality and identity

116. The Constitution makes provision for ensuring the protection in Dominica of fundamental civil rights and freedoms. For example, section 12 of the Constitution grants immunity to citizens from expulsion from Dominica. Such guarantee therefore extends to the child. Being a member of a family, legal requirements are stipulated for every person to be given a name, nationality and identity. The Constitution at chapter VII safeguards the identity of the child as a Dominican citizen.

117. The Citizenship Act (chap. 1:10) generally protects nationality and citizenship rights. Section 2 of the Act contains provisions that are evidence of the State's attempt to prevent statelessness. However, certain provisions in the Act pose potential difficulty and can result in a child being rendered stateless.

118. The Registration of Births and Deaths Act (chap. 35:30, sect. 16) states that the parents of every child, whether born alive or stillborn, has the duty, within 14 days after birth, to give or cause to be given to the Registrar, information as to the particulars required to be registered concerning such birth. One such particular is a name, to which every child is entitled.

119. Section 17 of the same Act states that in the event of a default on the part of parents or other persons in having a child duly registered, the Registrar may, at the end of 14 days from the birth, require persons entitled to give information concerning the birth to attend personally at the Registrar's Office or at any other place appointed in order to provide the necessary information. There are isolated cases of children not registered. A penalty is fixed for failure to register.

120. The Act at section 23 (1) makes provision for the registration of the name of a child or alteration of same. This, however, is to be done within a 12-month period. There are parents who do not comply in registering the names of children. A survey of the Registry Record of Births reveals that many births are inserted in the records of birth, but with no indication of the child's name. No penalty is stipulated in the Act for failure on the part of parents to register the name of a child.

121. Section 7 (Part II) of the Maintenance Act (chap. 35:61) gives to parents the right to initiate affiliation proceedings, including the application for a paternity order. Consequent to these proceedings the child may also benefit from a maintenance order from the court. The provisions also apply to children born out of wedlock.

122. Although some parents or guardians may be prepared to properly register the child's name or make alterations, a cost factor is involved if the stipulated time has expired. Some parents are unable to meet the cost. There is no government financial allocation to assist parents who cannot meet the legal cost of furnishing the required documents.

123. The State is divided into 26 registration districts, each headed by a Registrar of Births and Deaths with the responsibility of ensuring that every child born in his district is registered. Hospital personnel are also required to furnish information for the registration of a child after birth. There is a Central Registry, administered by the Registrar General, where every birth registered in the district and hospitals must be recorded. It is from this record that certificates of birth, an important legal document, are issued.

124. The Legitimation Act (chap. 37:02) makes provision for a child who claims to be the legitimate child of his parents to apply to the High Court to confirm his status. This provision entitles children to maintenance by their parents.

125. Persons under the age of 18 years can also be made citizens through registration by virtue of being adopted by a person who is or was before his death or would but for his death become a citizen of Dominica. The law also allows Dominican nationality through marriage or naturalization.

126. A child's surname may be changed through the process of adoption, as contained in the Adoption of Infants Act (chap. 37:03).

127. Dominica's Registry was destroyed by fire on 16 June 1979. Considering the importance of documents contained in any Registry records, particularly births and deaths records, legislation was enacted to authorize the making of new registers of births and deaths to replace those destroyed by fire (Registration of Births and Deaths (New Registers) Act, chap. 35:31). There is therefore an ongoing re-registration process.

128. As indicated, there are children whose births appear on the Registry's record, but with no name. The child in fact is given a name by parents but the necessary steps are not taken to complete the process of officially registering the child's name.

129. The majority of births registered without a name originate from births recorded at Dominica's main general hospital. The information on these births, plus out-district births, is generally incomplete.

130. The child's right to know his or her parents and be cared for by them is being met in most cases. The Children and Young Persons Act (chap. 37:50) places a duty on parents or anybody in law to provide for the care, supervision and protection of children and young persons. In addition, the Infants Protection Act (chap. 37:05) relates to the protection of infants.

Article 13. Freedom of expression

131. The Constitution of Dominica guarantees freedom of expression. The child's rights therefore are the same as those of other persons except where these rights are in contravention of the rights and freedoms of other individuals, or contrary to public interest.

132. Chapter 1, section 10 (1), of the Constitution states: "Except with his own consent, a person shall not be hindered in the enjoyment of his freedom of expression, including freedom to hold opinions without interference, freedom to communicate ideas and information without interference, and freedom from interference with his correspondence."

133. Section 19 of the Education Act II of 1997 states that a "student may express any religious, political, moral or other belief or opinion so long as the expression does not adversely affect the rights or education of other students, or the rights of other persons in the educational institution."

134. The Dominica child has certain available avenues that encourage dialogue and free expression. Radio call-in programmes facilitate free expression both to adults and children. Schools include debates among their extracurricular activities. Debates are also organized by certain organizations as well as mock parliamentary sessions. Children often take these opportunities to fully express themselves, as they also do at forums organized by Government and other agencies.

135. Children do have the opportunity, if they so wish, to express themselves within the family, although there may be certain cultural restrictions, for example, in situations where the norm is "children should be seen and not heard".

136. The presence of adults in court proceedings could hinder a child from freely expressing his views. Attempts have been made to clear this hurdle both through practice and legislation. An informal atmosphere is created in certain court proceedings by allowing only persons who are absolutely necessary to be present.

137. The Children and Young Persons Act (chap. 37:50, sect. 13 (1)) states: "In a Juvenile Court no person other than the members and officers of the court and the parties to the case, their solicitors and counsel and other persons directly concerned in the case shall, except by leave of the court, be allowed to attend."

138. The Sexual Offences Act No. 1 of 1998 also provides for hearing in camera for specific offences.

139. One constraint is that court officers are sometimes not well sensitized to a child's feelings and ability to express herself/himself, particularly during a court hearing.

Article 17. Access to appropriate information

140. The Constitution (sect. 10) makes provision for the protection of the freedom of expression to all persons, including children. The mass media have a role to disseminate information that would benefit everyone, particularly children. The media do provide such information, but on a limited scale. Media houses are to be engaged in discussions concerning more educational children's programmes.

141. The interest of the child is taken into account when certain information is disseminated. The Cinematography (Censorship) Act (chap. 20:06) provides for the censorship of films for public exhibition. A board is appointed under the Act to approve films prior to public viewing. "The approval of the Board shall not be given with respect to any film which in their opinion depicts any matter that is contrary to public order or decency; or the exhibition of which would for any other reason be undesirable in the public interest." Persons who fail to comply with this regulation may face the imposition of a fine.

142. The Dominica Broadcasting Corporation Act (chap. 45:06) was enacted to provide for radio and television broadcasting services in Dominica. It is the duty of the Board established under the Act to ensure as far as possible that nothing which offends against good taste or decency is included in programmes. In addition, programmes are to maintain a proper balance in their subject matter and a high general standard of quality (sect. 8 (1)).

143. While the Cinematography (Censorship) Act (chap. 20:06) and the Dominica Broadcasting Corporation Act (chap. 45:06) make provision for censorship, there is a lack of enforcement of the laws.

144. The Publications Act (chap. 20:03) provides for the preservation of books printed in Dominica.

145. Children have access to information through public libraries. Save for a central library located in the capital, few communities have public library facilities. The Public Library Act (chap. 28:70) was enacted in order that information can be readily available to children.

146. Implicit in the Education Act II of 1997 is the fact that children have access to educational material and information. For example, section 4 (1) (b) states that the Minister of Education shall, subject to available resources, exercise the powers conferred on him to ensure the promotion of the education of the people of Dominica by the establishment of institutions for the purpose of fostering the spiritual, cultural, moral, intellectual, physical, social and economic development of the community.

147. In this age of technological advancement, some children are able to make use of home-based computer Internet.

148. The Seditious and Undesirable Publications Act (chap. 10:03) prohibits the circulation of seditious or undesirable publications. At section 8 (1) of the Act, the court has the power to prohibit circulation of a seditious publication which is likely to lead to unlawful violence or appears to have the object of promoting feelings of hostility between different classes of the community.

Article 14. Freedom of thought, conscience and religion

149. This inherent fundamental human right is protected under section 9 (1) of the Constitution, which states: “Except with his own consent, a person shall not be hindered in the enjoyment of his freedom of conscience, including freedom of thought and of religion, freedom to change his religion or belief and freedom, either alone or in a community with others, and both in public and in private, to manifest and propagate his religion or belief in worship, teaching, practice and observance.”

150. It is stipulated that the consent of the guardian of a juvenile is required before he receives religious instruction or can be involved in any religious ceremony or observance in cases where the juvenile is detained in any prison or correctional institution. A person shall also not be compelled to take any oath that is contrary to his religion or belief, or take any oath in a manner that is contrary to his religion. Section 18 of the Children and Young Persons Act specifically protects the child’s right to religion, as it requires that an order for care in relation to a child or juvenile shall be made taking into consideration the child or juvenile’s religious persuasion.

151. Section 142 of the Education Act No. 11 of 1997 makes provision for students to be excused from collective religious worship, or, conversely, allows the child to engage in religious observance.

152. Parents have the right to state the religion of their children or the faith they should practise.

153. Dominica has a total of eight major religious denominations with 70 per cent of people being Roman Catholics. Religious holidays are observed in keeping with the beliefs of certain religions. In this regard, there are a few religious holidays.

Article 15. Freedom of association and peaceful assembly

154. According to the Constitution (sect. 11 (1)), a child has the right to free assembly and association. It states: “... a person shall not be hindered in the enjoyment of his freedom of assembly and association, that is to say, his right to assemble freely and associate with other

persons, in particular to form or belong to trade unions or other associations for the protection of his interest.” These rights, however, must not be inconsistent with public safety, public morality, public health, or the rights and freedom of other persons.

155. Children are free to establish and join clubs or youth groups.

Article 16. Protection of privacy

156. The Dominica Constitution at section 7 (1) protects this right. It states: “... a person shall not be subjected to the search of his person or his property or the entry by others on his premises.”

157. Notwithstanding the above, the right must not be inconsistent with or in contravention of certain matters concerned with the public interest. Authorized persons may also enter particular premises. Section 10 (1) prohibits interference with correspondence.

Article 37. Protection from inhuman treatment, torture or degrading punishment

158. The Constitution guarantees this right at section 5, which states: “No persons shall be subjected to torture or to inhuman or degrading punishment or other treatment.” Section 4 (1) says that no persons shall be held in slavery or servitude, while sections 3 and 8 secure the right to fair trial and due process.

159. The Children and Young Persons Act (chap. 37:50) protects juveniles from inhuman treatment or degrading punishment. A person could be guilty of an offence if he wilfully assaults, ill-treats, neglects, abandons, or exposes the juvenile in a manner likely to cause him unnecessary suffering or injury to health, including injury to or loss of sight or hearing or limb or organ of the body, and any mental derangement. Stiff penalties are provided under this legislation. However, Dominica’s cultural norms and social attitudes have been impediments to the implementation of child rights, particularly as they relate to corporal punishment. The Education Act No. 11 of 1997 makes reference to corporal punishment. Section 49 (2) states: “Corporal punishment may be administered where no other punishment is considered suitable or effective, and only by the principal, deputy principal or any teacher appointed in writing by the principal for that purpose, in a manner which is in conformity with the guidelines issued in writing by the Chief Education Officer.”

160. The Magistrate Code of Procedure (chap. 26) of 1961 also sanctions corporal punishment. Section 100 empowers a magistrate to order the private whipping of a male child or young person. The individual could receive as many as 12 strokes with a tamarind rod by a policeman, in the presence of an inspector or other officer of police of higher rank than a private. The magistrate may grant approval for other persons to be present during the whipping, including the parent or guardian of the child or young person.

161. The Offences Against the Person Act (chap. 10:31) stipulates that the sentence of death shall not be pronounced on or recorded against a person convicted of an offence if it appears to the court that at the time the offence was committed he was under the age of 18 years. However, it is possible for such persons to be given life imprisonment without the possibility of release.

162. Parents/guardians have a duty to provide direction to their children in the exercise of their rights, and also to seek redress on their behalf when those rights are contravened. Constitution (sect. 16 (1)) provides for redress through the High Court.

Recommendations

163. A programme of educating parents on their duty in the process of properly registering children is necessary.

164. District registrars should be exposed to ongoing training as to the importance of their role and function as registering officers.

165. The setting of time for “family dialogue”, which is an avenue whereby the child could express his views, should be encouraged. Family dialogue can be part of parenting education sessions. These sessions could include proper socialization, which is essential to the child’s development particularly at the early stages.

166. There should be more specific and child-focused legislation to protect children against accessing undesirable information.

167. Periodic workshops for persons engaged in the administration of justice as it relates to the appearance of children before the court should be held.

168. The media should intensify the dissemination of educational programmes or information geared to children.

VI. FAMILY ENVIRONMENT AND ALTERNATIVE CARE

Articles 5 and 18 paragraphs 1 and 2. Parental guidance and responsibilities

169. It is an accepted norm that the responsibility of parenting carries with it the duty to provide appropriate guidance, discipline and instruction relevant to the child’s evolving capacity.

170. Parents are responsible for the upbringing of their children. In order to ensure the proper development of the child, parents are to make arrangements for such matters as education, maintenance, guardianship and the protection of children. Legislation provides for some of these safeguards.

171. The Children and Young Persons Act (chap. 37:50, sects. 5 and 6) prohibits cruelty to juveniles and also allowing them to be in any street for the purpose of begging or receiving alms, or of inducing the giving of alms.

172. The Infants Protection Act (chap. 37:05) punishes abdication of parental care.

173. The maintenance of children is provided for under the Maintenance Act (chap. 35:61). The Act makes provision for either parent to maintain a child, who could be forced to do so if redress is sought through the court. It provides for maintenance of the child until he reaches 15 years and may continue for up to 18 years where the child is pursuing a full-time course of secondary or further education. The Act also seeks to establish the paternity of a child.

174. The Legitimation Act (chap. 37:02) relates to children born out of wedlock. This Act imposes responsibility on the reputed parents of illegitimate children. Section 3 provides for the legitimization of illegitimate children in certain circumstances.

175. The Education Act 11 of 1997 (sect. 36) stipulates that parents are to ensure that children of compulsory school age shall receive an education by regular attendance at school.

176. School attendance counsellors may be appointed to assist teachers in the counselling of children and their parents in the enforcement of the compulsory attendance provisions of the Act (Education Act 11 of 1997, sect. 38). The new Education Act has been described as making an innovative concession to the right of parents or guardians (Antoine, 1998). Although primary school education is compulsory, the parent or guardian has the right to give the child home schooling, if it is approved by the relevant ministry (Education Act 11 of 1997, sect. 21).

177. Socio-economic factors often prevent parents from adequately discharging their responsibility to children. The programmes of the Welfare Division assist parents. Monthly public assistance allowances are given to indigent parents. Based on the circumstances of certain children, they are placed in foster care. Counselling to children and adult family members is also provided.

178. The following non-governmental agencies, some with subventions from Government, provide family assistance, particularly to children:

- Social Centre* - day nursery, pre-school, adolescent skills training;
- Dominica Save the Children Fund* (DOMNIKSAVE) - assistance to nurseries and pre-school and primary school students, parenting education;
- Christian Children Fund* (CCF) - primary and pre-school education assistance;
- Operation Youthquake* (OYQ) - Rehabilitation of delinquent and disadvantaged children;
- Dominica National Council of Women (DNCW);
- National Youth Council (NYC);
- Centre where Adolescents Live and Learn (CALLS).

179. Parental responsibility in the rearing of children is a cause for concern at this time. This is evidenced in cases of abuse, neglect and lapses in caring for children. A number of Government and non-governmental organizations with support from funding agencies like

* Receives subventions from Government.

UNICEF have mounted parenting education sessions to help address the issue of parental irresponsibility. However, this needs to be continued with attempts at getting to the “hard-to-reach”, particularly males and other persons who seemingly do not heed the call to attend the education sessions.

Article 9. Separation from parents

180. It is a generally accepted view in Dominica that the parents of a child are the best persons to provide adequate care and be responsible for his/her upbringing. Certain circumstances, however, do not always permit this. In general, the laws of Dominica provide protection as the child may only be removed from parental care in certain well-defined circumstances of abuse and with appropriate judicial or administrative safeguards (Children and Young Persons Act, sects. 7 and 8). The court is often called upon to decide on the custody of children in matters of separation or divorce. There are the options of sole custody to either parent or joint custody with care and control vested in one parent. The court may also order custody to a fit person other than the parent. The Welfare Division sometimes assists parents in resolving disputes over custody of a child as well as in dealing with issues of access instead of the disputing parties having to resort to the court. According to Antoine (1998), the law does not specifically protect the right of parents to maintain contact and personal relations with the child where the child is separated from his parents or guardians by the State through criminal proceedings. Antoine (1998) also went on to state that divorce is allowed in Dominica, as a result of which children may be separated from a parent. However, the court must consider the best interests of the child in deciding which parent must be given custody of the child. Also, provision is made under the law for ensuring that the child maintains contact with both parents in separation or divorce. This is a discretion of the judge. However, in practice, there is a tendency to exclude fathers from custody.

181. The Maintenance Act (chap. 35:61, sect. 12) empowers a magistrate, on being satisfied that the mother of a child is not a fit and proper person to have custody of a child, appoint some person other than the mother to have custody provided that such person is willing. A custody order with the appointment of a fit person could also be made when the child’s mother dies, becomes of unsound mind, or is in prison. The application for the appointment of a custodian may be made by the child’s mother, putative father, any person entitled to have lawful custody of the child, or any social welfare officer. The court may also order that a child be returned if wrongfully taken out of custody.

182. The Children and Young Persons Act (chap. 37:50) deals with prevention of cruelty to and protection of juveniles. A fit person order, committing a juvenile to the custody of another person other than the parent, could be made by a court if the person who has the custody, charge or care of any juvenile wilfully assaults, ill-treats, neglects, abandons, or exposes the juvenile to unnecessary suffering or injury to health. The court is occasionally requested to make fit person orders in cases of child abuse.

183. The Welfare Division’s Foster Care Programme accommodates children who for necessary reason are forced to be placed with alternative families. These families undertake the normal duties of the natural family. Children who are orphaned, neglected or abused are placed in foster care. The programme now has a complement of 70 children. Adoption of children is permitted after investigation of the child’s circumstances and the suitability of petitioners.

184. Operation Youth Quake, a community-based rehabilitation programme for children, also assists children who for various reasons have to be separated from their parents.

Article 10. Family reunification

185. Dominicans support and uphold the concept of a united family. Certain legislation and services promoted by both governmental and other agencies aim to enhance that principle. The objective, therefore, is to ensure that no hindrance besets family reunification. It is the constitutional right of every national to leave or enter the country (Constitution, sect. 12 (1)). The Immigration Act cements this freedom, as children, where they are citizens of Dominica, have the freedom to move in and out of Dominica provided that administrative procedures are adhered to. Non-nationals with children resident in Dominica are also free to visit the child, providing that they meet conditions set by immigration for entry into the State. Other forms of contact that are regarded as appropriate are practised and encouraged in order to cement closer ties.

Article 27, paragraph 4. Recovery of maintenance for the child

186. A child's growth and development depend heavily on the level of care and support he or she receives. Key to that development is the level of maintenance provided. Certain parents relinquish that responsibility, leaving the child a victim of the parent's negligence. Redress can, however, be sought through the court, which is empowered to order maintenance for a child in the event that a parent refuses to maintain him/her.

187. The Maintenance Act (chap. 35:61) provides for the maintenance of certain classes of person. It states that it shall be the duty of every man or woman to provide reasonable maintenance for a child under the age of 15 years. This includes children born out of wedlock. Where the child is pursuing a full-time course of secondary or further education at an educational institution, the duty, to provide such reasonable maintenance shall continue until the child attains the age of 18 years. The Act also gives the court jurisdiction to prevent a parent from leaving the State if it is satisfied that provision has not been made for the proper maintenance of the child (Maintenance Act, sects. 20-22). Provision is also made for the maintenance of a child by his parents or guardians where that child has been placed in the care of a fit person (Children and Young Persons Act, chap. 37:50, sect. 9). The parent or guardian may be placed under a contribution order.

188. The Maintenance Orders (Facilities for Enforcement) Act makes specific provisions for maintenance to be provided by persons residing in England and Northern Ireland.

189. The Maintenance Act also enforces maintenance for children with disabilities. It states: "It shall be the duty of a man or woman to maintain any child, notwithstanding his age, who by reason of physical or mental disability is unable to maintain himself, but if at any time the disability ceases there shall therefore be no duty to provide such maintenance."

190. An application for the maintenance of a child may be made by a social welfare officer on behalf of a woman who is by reason of mental or physical disability unable to make the application.

191. A maintenance order shall not be made unless the court, having inquired into the financial circumstances of the defendant and the number of persons, if any, whom it is his duty to maintain, is satisfied that the defendant is possessed of sufficient means to provide reasonable maintenance, in whole or in part, for the person in respect of whom he is summoned. However, maintenance orders under the Acts and Regulations tend to be low as ceilings are placed on them. Also, legislation fails to make provision for compulsory deduction of maintenance payments from delinquent parents. Where parents are unable to maintain their children as a result of indigence, there are limited forms of assistance available from the State, for example in the form of financial assistance for schooling purposes.

192. There are fathers who fail to maintain their children or regularly contribute to their support. Mothers often resort to the court for maintenance orders, but even when fathers are so bound, some do not comply. The plight of those mothers is further compounded as some are forced to regularly seek orders for the recovery of long-outstanding arrears. There is a "collecting" section at the court that provides for the receipt of maintenance payments from the father and the collection of same by the mother. Certain mothers complain that this procedure is too cumbersome.

193. Recommendations have been made for the Maintenance Act to be overhauled with certain provisions included to better assist applicants. Different forms of enforcement mechanisms for the payment of maintenance fees is one area to be examined.

194. The recovery of maintenance is one of the main issues. Reasons can be pinpointed for this. Certain fathers cannot be located, some are unemployed, and some fathers have to contribute towards the support of a number of children. In addition, disputes between parents result in fathers withholding maintenance, as a means of punishing the mother. Officers of the Welfare Division are often called upon to serve as intermediaries in resolving such issues, and also to make attempts at securing maintenance for children.

Article 20. Children deprived of a family environment

195. The concept that where at all possible children should remain in their own family environment is accepted in Dominica. Such environment includes both immediate and extended family, which continue to play a vital role in the care and protection of the Dominican child. Where the proper family environment is not encouraging, efforts are made to place the child in a conducive family-type environment. In the Dominican system, great emphasis is placed on foster care since institutional or residential centres do not exist. Operation YouthQuake is an alternative to such centres.

Foster care

196. The foster care programme is administered by the Social Welfare Division. It is an informal system whereby children are placed with a family whose suitability is approved after investigation by staff of the Division. Consideration would have at some point to be given to formalizing, through legislation, the foster care system.

197. Children placed in care are often those who have been abused, neglected or orphaned. The court occasionally makes fit person orders where the welfare of a child is in question. These orders result in the child being fostered. There are mothers who voluntarily agree to have their child taken into foster care. These are teenage mothers or those without the means and capability to adequately care for the child.

198. Children in foster care are often on long-term stay. Occasionally, a parent may request that the child return to her custody. The Division, with the involvement of the parent, is open to adoption, but it is seldom requested. Children in care remain the responsibility of Government until the completion of secondary or higher education.

199. There are at present 70 children in foster care. The programme is encountering certain difficulties. Foremost among these is the Division's inability to secure the services of enough foster parents. Persons show an interest in children of tender ages, while most needing care are in the region of 10 years and over. There is an ongoing programme aimed at securing the services of foster parents. The remuneration paid to foster parents was recently doubled. However, this must continue to be under review since the level of remuneration is regarded as an incentive to obtain the services of foster parents. This is a major challenge considering Government's present economic constraints.

200. Foster parents see their role as assisting a less fortunate child and therefore regard the child in the same way as other members of the immediate family. There is, however, a need for more involvement on the part of the male parent in the life and welfare of the child. This is being emphasized.

201. Foster parents and also prospective parents are given regular training in an attempt to upgrade their parenting skills to more effectively serve the child in their care.

Operation YouthQuake

202. Operation YouthQuake is a community-based rehabilitation service for delinquent and disadvantaged children. It is a non-governmental organization governed by a board of directors. The organization is a registered entity and complements the Welfare Division's Child Care Programme, since in the main it serves children who are in need of care and protection. Monitoring of conditions at the institution is undertaken by the board of directors and also management staff of the Welfare Division. Operation YouthQuake is not a children's home, although there exists a Foster Care Unit which caters for 10 children who are temporarily housed in that unit for eventual absorption in the Welfare Division Foster Care Programme.

203. The service provided by Operation YouthQuake impacts positively on the lives of the 116 children who are serviced through the various programmes. In addition to the Fostering Unit, there is a day-care service and an outreach programme.

204. The organization does encounter certain constraints, chief among them being economic. Major financial support has over the years come from overseas aid donors. Government provides an annual subvention, which meets staff salaries.

205. The institution also has difficulty in maintaining a suitable staff to adequately respond to the needs of the children. Some staff members have been exposed to training, but lack of finance and also the inability of staff to absorb higher levels of training restrict more advanced training. Opportunities for local training are, however, provided.

206. Operation YouthQuake's programme sets up sessions with the parents/guardians of the participants. It is sometimes difficult to have those parents attend sessions of education, and have them recognize the need for their involvement in the life of the child.

207. Government has over the past years not entertained the idea of a children's home. This is because of economic and other reasons. Neither the general public nor professionals have recommended institutional care for children. Government continues to give every possible support to Operation YouthQuake. The institution's programme and Government's own Foster Care Programme are seen as two good alternatives to a children's home.

Article 21. Adoption

208. The Adoption of Infants Act (chap. 37:03) governs the adoption of children. Under the Act, an infant means a person under the age of 18 years. Most adoptions are by the relatives of the infant. A welfare officer is appointed by the court to act as guardian ad litem of the infant upon the hearing of the application. The Registrar General shall establish and maintain at the public registry, a register to be called the Adopted Children Register in which entries of adoption orders shall be made. A register is also kept at the Welfare Division.

209. The Act ensures that an adoption order can only be granted by a court. In Dominica, the Supreme Court exercises that authority. The following rules govern an adoption, as outlined in section 3 of the Act.

210. An adoption order shall not be made in any case where:

- (a) The applicant is under the age of 25 years;
- (b) The applicant is less than 21 years older than the infant in respect of whom the application is made. Notwithstanding that stipulation, the court may, if it thinks it fit, grant an order where the applicant and the infant are within the prohibited degrees of consanguinity;
- (c) The sole applicant is a male and the infant in respect of whom the application is made is a female, unless the court is satisfied that there are special circumstances which justify, as an exceptional measure, the making of an adoption order;
- (d) The consent of every person who is a parent or guardian of the infant is not given.

The following conditions are inscribed in the Act for the dispensation of parental consent:

- (i) The person has abandoned or deserted the infant;
- (ii) The parent or guardian cannot be found;
- (iii) The person is incapable of giving consent;

- (iv) The parent or guardian being liable to contribute to the support of the infant has persistently neglected or refuses to contribute to such support;
- (v) Any person whose consent ought, in the opinion of the court and in all the circumstances of the case, to be dispensed with;

(e) An application is made by one spouse without the consent of the other. However, the court may dispense with such if satisfied that the person whose consent is to be dispensed with cannot be found or is incapable of giving such consent, or the spouses have separated and are living apart and the separation is likely to be permanent;

(f) An applicant who, not being a citizen of Dominica, is not resident or domiciled in Dominica, or in respect of any infant who is not so resident. The court could, however, make an adoption order in favour of an applicant who is not resident and domiciled in Dominica after being satisfied from information emanating from the country in which the applicant is domiciled or resident that he is a fit and proper person in favour of whom an adoption order may be made.

211. In addition to the above, the court, before making an adoption order, shall be satisfied with the following (Adoption of Infants Act, sect. 4):

(a) That every person whose consent is necessary, and whose consent is not dispensed with, has consented to and understands the nature and effect of the adoption order for which application is made and, in particular, that the parent understands that the effect of the adoption order will be permanently to deprive him or her of his or her parental rights;

(b) That the order, if made, will be for the welfare of the infant, due consideration being for this purpose given to the wishes of the infant, having regard to the age and understanding of the child;

(c) That the applicant has not received or agreed to receive, and no person has made or given, or agreed to make or give to the applicant, any payment or other reward in consideration of the adoption except such as the court may sanction.

212. The court also has the power to make interim adoption orders, thereby postponing the determination of the application. This is allowed for a period not exceeding two years by way of a probationary period, upon such terms as regards provision for the maintenance and education and supervision of the welfare of the infant and otherwise as the court may think fit. All consents are required to an interim order, but the court may dispense with such consent.

213. The Act also makes provision in cases where de facto adoption exists. It states that where

“any infant is in the custody of, and is being brought up, maintained and educated by any person or by two spouses jointly as his, her or their own child under any de facto adoption, and has for a period of not less than two years been in such custody and been so brought up, maintained and educated, the court may, upon the application of such person or spouses, make an adoption order authorizing him, her or them to adopt the infant

without requiring the consent of any parent or guardian of the infant to be obtained, upon being satisfied that in all the circumstances of the case it is just and equitable and for the welfare of the infant that no such consent should be required and that an adoption order should be made”.

214. All efforts are made to ensure that the law is enforced in all adoptions and the correct procedures adhered to. The court grants an average of 15 adoptions annually. Most of these adoptions have family connections. Non-nationals do adopt Dominican children, but on a small scale.

Article 11. Illicit transfer and non-return

215. There is no documented evidence or suspicion to indicate kidnapping or retention of children abroad by a parent or third party. The retention of a child abroad by a parent or relatives would most likely be with the consent of the relevant parties. Child stealing and abduction do not pose a problem.

216. The Adoption of Infants Act (chap. 37:03) permits interim adoption orders for a period not exceeding two years by way of a probationary period. The court is also empowered to set certain terms as it thinks fit under an interim order. In the event that the adopter takes the child overseas, the terms of the order would have to be met. No penalty is, however, specified for cases where the adopter fails to have the child return at the expiration of the probationary period.

217. Under the Offences Against the Person Act (chap. 10:31) the illicit transfer and non-return of children is prohibited. The following applies under the legislation:

(a) Child stealing (sect. 54). A person is liable to be prosecuted who unlawfully removes or detains, by whatever means, a child under 14 years from the possession of any person having the lawful care or charge of the child. This carries a penalty of three years' imprisonment;

(b) Abduction (sect. 53). Any person who unlawfully takes, or causes to be taken, any unmarried girl under the age of 16 years out of the possession and against the will of her father and mother, or of any other person having the lawful care or charge of her, is liable to imprisonment for two years. The Sexual Offences Act I of 1998, section 22, also deems it an offence to unlawfully take away or cause to be taken away or detain another person against the will of that other person;

(c) Kidnapping (sect. 65). Any person who without lawful authority forcibly seizes and confines or imprisons any other person within the State, or kidnaps any other with intent, is liable to imprisonment for seven years. According to Antoine (1998), the legal protections which exist against kidnapping in Dominica (Offences Against the Person Act) are very weak with respect to such offences committed abroad. Intricate issues of jurisdiction and conflict of laws may arise which may preclude the jurisdiction or power of the Dominican courts or legal process.

Article 19. Abuse and neglect

218. The abuse and neglect of children has in recent years become a national issue of concern to the general populace. The prevention of maltreatment of children is therefore seen as key to their survival, and also to successful nation-building. Every effort is being made through the means of education, law reform, social programmes and institutional structures to combat the scourge of child abuse and neglect.

219. In Dominica, corporal punishment is often used by adults to alter or combat children's behaviour or to administer discipline. The laws of Dominica permit corporal punishment. The Corporal Punishment Act (chap. 12:73, sect. 3) states that a male juvenile under the age of 16 may be given such punishment in the form of whipping. However, this form of punishment can only be carried out if confirmed by a judge of the High Court. Medical officers and parents and guardians are required to be present. The Education Act 11 of 1997 (sect. 49) states that corporal punishment may be administered where no other punishment is considered suitable or effective, and only by the principal, deputy principal or any teacher appointed in writing by the principal for that purpose, in a manner which is in conformity with the guidelines issued in writing by the Chief Education Officer.

220. Another form of child maltreatment also present in our society is child sexual abuse. This may range from fondling to intercourse between a child or a young person and an adult. Neglect, on the other hand, is often the result of ignorance or indifference on the part of parents or guardians.

221. The care and protection of children within the Public Service is the responsibility of the Welfare Division of the Ministry of Community Development and Gender Affairs. Other programmes administered by the Division are Public Assistance, Care of the Elderly and Probation.

222. The rising reports of child abuse over the past 10 years occasioned the establishment of a Child Abuse Prevention Programme within the Welfare Division. This started as a joint venture between Government and the National Children's Home (NCH), a British-based funding agency. The unit is into its tenth year of operation.

223. The aim of the Child Abuse Prevention Programme is the prevention of abuse of children and the provision of therapeutic counselling, particularly to those children who have fallen victim to sexual abuse. Counselling is also offered to family members in order to help alleviate the hurt and trauma occasioned by the abuse of a member of the household.

224. The Programme has three levels. The first or primary level of prevention involves to a large extent the whole population. The nation is sensitized through public education using the mass media and also a child abuse special week of activities. The impact is seen through the increase of reported cases by members of the public. The second level of prevention involves professionals, particularly teachers, nurses, police and social workers, who come into regular contact with children and their families. These professionals are exposed to training on the issue of child abuse. At a third level of prevention, treatment is provided for victims and their families both to deter abuse and also for rehabilitation.

225. The Welfare Division works in close collaboration with the Committee for the Concerns of Children. This is a multidisciplinary committee that aims, among other things, to help protect children from all forms of abuse. The Committee is engaged in developing prevention programmes aimed at reducing the incidence of child abuse in the community. The Division also collaborates both with other governmental and non-government agencies.

226. Reports of child abuse are received at the Division from concerned members of the public, teachers, health personnel, and sometimes by the child victim. Children also report to teachers, nurses and other persons in whom they confide. Reported cases of neglect and abuse of children are investigated both by the police and staff of the Welfare Division. All reports, except those of sexual abuse made to the Welfare Division, are investigated by officers of the Division. Cases of a sexual nature reported to the Division are referred to the police for investigation as are cases reported to them from other sources. In certain cases officers of the Welfare Division assist the police in court proceedings against perpetrators. Welfare officers make home visits and speak both to the child and other persons, with the objective of determining whether in fact abuse has taken place. If the child is found to be at risk, appropriate action, including a court order, is obtained to house the child in a safe family environment. This often results in the fostering of the child. A child abuse central register, which provides statistics on child abuse, is kept at the Welfare Division.

227. It has been recognized that a multidisciplinary approach to the problem of child abuse is key. To this end, the Division sees the present inter-agency work among welfare, education, health and police personnel as a major achievement. Joint agency procedures for reporting and managing cases of abuse by each agency will soon be implemented.

228. A research study by Sharma and Burnette (1995) on the prevalence of child abuse in Dominica and legal reform has been conducted. Among the recommendations submitted by the researchers are:

- (a) The high prevalence of sexual abuse suggests the need for further explanations of the causes of sexual abuse and measures to prevent it in Dominica;
- (b) The target age group for education aimed at preventing abuse is 9-14 years;
- (c) Recognizing that child abuse has long-term implications, it would be useful to determine the emotional consequences experienced by child abuse victims;
- (d) It would be useful to screen for alcohol abuse and to determine its relationship to child abuse;
- (e) It is necessary to establish a family court.

229. The following legislation, which protects the child against abuse and neglect, forms part of Dominican Law:

- (a) Children and Young Persons Act (chap. 37:50, sects. 5 and 6) - prevention of cruelty to juveniles. Such cruelty includes neglect, assault and abandonment. The State is also empowered to remove the child from such dangers and place him or her in a safe environment. The Social Welfare Division has the jurisdiction to follow the progress of the child;

(b) Infants Protection Act (chap. 37:05) - punishment for neglect of infants;

(c) Offences against the Person Act (chap. 10:31) includes exposing children to life-threatening danger, unlawfully assaulting or beating any other person, and assault occasioning bodily harm;

(d) Sexual Offences Act I of 1998 - relates to sexual crimes, but no provision for mandatory reporting.

230. A review of legislation found that while there are legislative measures in place to protect the child against violence, abuse and ill-treatment, social, administrative and educational measures that can support these legislative procedures are lacking in Dominica. For example, while the law makes provision for a child to be removed from an abusive home and placed in care, childcare facilities such as State-sponsored foster homes are lacking. There is also great difficulty experienced in finding suitable private foster homes for such children.

231. The Welfare Division highlights the following as constraints in effectively dealing with the issue of child abuse and neglect:

(a) Staff shortage - the present complement of 10 staff members is insufficient to cope with child abuse matters in addition to other programmes of the Welfare Division;

(b) Child psychiatrist/psychologist - certain abused children need highly specialized assistance. This cannot now be provided in the absence of a professional;

(c) Finance - there is often need to financially assist the family of the abused child where destitution exists, and also in cases where it is proven that the abuse resulted because of financial constraints. In addition, the families who foster the abused child must be remunerated. Budgetary limitations restrict the level of assistance in these areas;

(d) Homes for crisis situations - this is a requirement for emergency placements. Difficulties are encountered when an abused child is to be moved to a safer environment;

(e) Dissemination of information - the education programme would be better served with more printed information and also more use of the media;

(f) Family court - this type of court system has many advantages. It would, among other things, be a better environment for both abused child and parent, and could also help with the processing of cases including the often long-outstanding child abuse matters.

Article 25. Periodic review of placement

232. The periodic review of children placed in care is essential in order to ensure that they are protected and that their needs are met.

233. Presently, Dominica's childcare system does not include a children's home. However, Operation YouthQuake has a foster care unit. The organization has a periodic review policy for each participant in the programme. This involves the child's parents or guardians, the institution's staff, plus a trained professional who would lend both expertise and experience.

The participant is also involved. Operation Youth Quake employs a field officer who makes home visits and gathers information for participant case reviews. Appropriate action is taken after each review with the aim of ensuring the child's well-being.

234. With reference to foster care, periodic reviews of children in family care are undertaken. It is the duty of each welfare officer to make monthly visits to every foster home to which he is assigned. The foster child's general welfare is monitored, in terms of health, conduct and progress. Personal files are kept where observations on each visit are documented. The Chief Welfare Officer examines the files and convenes periodic placement reviews. Foster parents and children are allowed to share their views. It is also customary that welfare officers hold meetings at the foster home with all parties, particularly when certain emergencies arise. These meetings and reviews are meant to ensure that the child receives the proper care, guidance and protection.

Recommendations

235. The Maintenance Act should be reviewed. Attachment of earnings and measures for the enforcement of provisions under the Act should receive special attention.

236. The Public Assistance Programme should be reviewed in order to assess its effectiveness to recipients.

237. Policy guidelines for the effective operation of day-care centres should be established, along with a policy for children in foster care.

238. "Families and Children Act" should be enacted.

239. A family court should be established.

240. A unit of qualified personnel to plan and implement ongoing national programmes to effectively address problems associated with child abuse should be established.

241. Periodic reviews of child abuse preventive programmes and delivery of services should be undertaken to ascertain the impact and level of aftercare of the abused child.

242. A new approach should be instituted to obtain the services of foster parents and ensure that there always exists a list of prospective foster parents.

243. A programme on proper parenting skills and human growth and development should be incorporated in the school curriculum.

244. A coalition for better parenting is also suggested. This coalition could comprise various groups with the objective of becoming more aware of and effective in dealing with parenting issues. Some emphasis should be placed on parenting by males.

245. The Foster Care Programme should be strengthened.

246. Homes for crisis situations should be identified or established.

247. The Social Welfare Division should establish proper overseas linkages with counterparts in order to better assist families in Dominica to maintain contact with relatives overseas.

248. Legislation should be enacted to provide mandatory reporting of child abuse cases. This should be accompanied by legislation to provide protection for professionals and citizens with respect to mandatory reporting.

VII. BASIC HEALTH AND WELFARE

Article 6, paragraph 2. Survival and development

249. The Government of Dominica has the highest regard for the survival and development of children. In this connection, every effort is being made, wherever possible, to institute programmes for the development of the nation's children and also ensure their safety and survival. The provision of proper health services is seen as key to achieving these goals.

250. Dominica's policy towards health is based on the fundamental principle that, "All citizens have the right to attain the highest possible level of health in order to be able to work and live in accordance with acceptable standards of human dignity at an affordable cost." This principle is upheld in a shared commitment which emphasizes that both the Government and the community are responsible for maintaining and raising the level of health care of the citizens. This became manifest in the development of the primary health-care approach to health development which focuses on the shared commitment to achieving lasting improvement in the quality of life.

251. The proportion of the 1999/2000 national budget allocated to health was EC\$ 32,852,502. This represents 10 per cent of the national estimates and shows a 1 per cent increase over the 1998/99 estimates. From the 1999/2000 allocation EC\$ 8,354,173 were devoted to the provision of primary health care, which is 25.4 percent of the budget of the Ministry of Health. Amidst budgetary constraints, Government remains committed to providing primary and preventive health services at hospitals, health centres and clinics throughout the country. These services are available at no cost to children.

252. A successful and ongoing immunization programme has resulted in the eradication of major childhood illnesses.

253. Dominica's population growth rate can be described as slow. According to statistics, over a four-year period (1991-1994) the growth rate stood at 0.02 per cent. The rate of natural increase is 14.5 per cent. The proportion of females compared to males is 1.07 per cent. This means that to every female there is 1.07 per cent male.

254. The 1991 population census report also shows an increase in the female population of childbearing age (15-44 years), both in number and percentage, between 1981 and 1991. In 1981, they consisted of 14,586 persons, or 26.4 per cent of the total population, while in 1991 they numbered 14,997 persons, or 28.3 per cent of the total population.

255. The Ministry of Health has had great success in the following areas with regard to child survival and development:

(a) A reduction in the infant mortality rate from 28.1 per 1,000 in 1974 to 24 per 1,000 in 1999;

(b) A reduction in the neonatal mortality rates from 19 per 1,000 in 1996 to 11 per 1,000 in 1999;

(c) Mortality in the age group 1-4 years has shown a decline, and is holding at a rate of 1 per 1,000;

(d) Undernutrition among children is virtually non-existent;

(e) The incidence of those diseases controlled through the expanded programme of immunization (EPI) is now under control. Protection measures are in place and an immunization programme is well established. Immunization coverage in the last three years has had 99 per cent coverage for all vaccines used;

(f) A reduction in the number of children born with low birth weight (under 2.5 kg.) from 146 in 1994 to 123 in 1999;

(g) Maintenance of very low maternal mortality (three deaths in the past five years);

(h) A rising rate of exclusive breastfeeding among lactating mothers. In 1986, there was only a 25.5 per cent rate, compared with 32 per cent in 1991;

(i) Gastroenteritis in the under-5s has been reduced. In 1989, the number of cases per 1,000 population was 490 compared with 107 in 1999;

(j) Tetanus toxoid, if needed, is still being administered as necessary to antenatal mothers as well as MMR vaccines;

(k) An established School Health Programme, which includes physical assessment of all school entrants, plus vision and hearing tests. There is also Family Life Education. Teachers, health personnel and other selected persons are being trained in order to empower young people with life skills;

(l) Lowering of the DMFT (Decayed Missing or Filled Teeth Score) by 20 per cent over the 1989 level;

(m) Training of health personnel in acute respiratory disease. An asthma survey is also being conducted;

(n) School entrants receive complete physical examination, booster immunization and referral for further care if needed;

(o) A new instrument has been designed to be used by health workers to assist them in identifying high-risk mothers as well as newborn babies and young children with developmental delays or disabilities;

(p) Developmental milestones have been added to the child health passport in order to assist parents and health works to assess the child's development.

256. The Ministry of Health has set itself the following targets:

(a) Continuation of the National Immunization Programme;

(b) Intensification of the School Health Programme to ensure that school entrants (5 years old) and leavers (13-15) receive screening for vision, hearing and growth. Complete physical examination is done only for entrants in all health districts except two. There is also a referral system in place;

(c) Retraining of health-care workers to equip them with new skills for health promotion;

(d) Full implementation of breastfeeding policy in keeping with commitment to the International Code of Marketing of Breast Milk Substitutes (WHO 1981). The aim is to achieve an 80 per cent rate of infants who are exclusively breastfed;

(e) A screening programme and facilities for development disabilities in children;

(f) Institution of measures to reduce the incidence of acute respiratory diseases;

(g) Counselling of clients on the use of contraceptive methods;

(h) Reduction of obesity in children in selected health districts;

(i) Ensuring that all pregnant women have antenatal care by the twelfth week of pregnancy and 80 per cent coverage for post-natal care;

(j) Reducing the percentage of children (43 per cent) who still have untreated dental decay;

(k) Continuing to intensify health education/promotion activities at all levels, including the development of education strategies, to minimize risk-taking behaviours within the population;

(l) Continuing to intensify partnerships with various organizations and community groups in the prevention and management of HIV/AIDS;

(m) Continuing the mother-to-child HIV/AIDS transmission prevention programme;

(n) Intensifying activities geared towards increasing early antenatal booking;

- (o) Improving the monitoring system to include coverage of pregnant women who were previously fully immunized with tetanus vaccine;
- (p) Reorientation of health services to respond more appropriately to changing health situations;
- (q) Introduction of the Hazard Analysis Critical Control Point (HACCP) system at all levels of the food industry, from the farm to the table;
- (r) Improving and monitoring all existing water systems and providing water to all communities.

Article 23. Disabled children

257. Government is aware of the needs of persons with disabilities and recognizes the need for special provisions for disabled children that would help promote their development and integration into society. However, this would depend on the availability of resources as, according to the Education Act 11 of 1997, section 74 (2) (c), the Minister may, as resources permit, include as part of the system of public education, special education in accordance with the provision of the Act.

258. The Education Act 11 of 1997, sections 81 to 84, makes reference to the education of children with disabilities. Under the Act, the Chief Education Officer is responsible for ensuring that special education is provided for compulsory school-age children who may be in need of the services.

259. The Dominica Association of Disabled People makes representations on behalf of persons with disabilities and implements programmes geared towards improving their status. In 1989 the organization conducted a national stratified random survey. The data collected showed that 10 per cent of the population is in some way disabled. The survey also revealed that 13 per cent of the disabled population is between the ages of 0 and 14 years. The three major impairments in this age group are hearing, seeing and speech (see appendix 2, table 2). A 1999 survey of children with moderate to severe disabilities focusing on the age group 0 to 9 years revealed 233 children between 5 and 9 years of age, which is within the compulsory school-age group. Of that figure, 28 per cent of the children are not accessing education; 60 per cent of them are males. The types of disability include mental deficiencies and sensory, physical and communication disorders. The majority were mental deficiencies of varying severity from moderate to severe.

260. The recommendations from the survey highlighted the need to establish a national early detection and treatment programme. Through the Ministry of Health School Health Programme, children with hearing problems are screened and managed appropriately. The Ministry also targets early detection in the other areas mentioned. The Ministry's medical services include children with disabilities. These services are provided at hospitals, health centres, and at the homes of those children. There is no residential care programme for disabled children.

261. Government adopted a National Policy Statement on Persons with Disabilities in 1995. The statement aims at the integration of disabled persons into the mainstream of society. It attempts to fashion a policy specific to the needs of the disabled population. However, implementation of the policy has not been effected to date due to an inadequate coordinating mechanism.

262. The policy statement outlines the following goals for children:

- (a) To ensure that persons with disabilities, particularly infants and children, are provided with the same medical care within the system as other members of society;
- (b) To ensure that medical and paramedical personnel are trained to give appropriate advice to parents of disabled children;
- (c) To screen all children from birth to 5 years to detect disabilities so that corrective action can be taken;
- (d) To ensure through legislation that new public buildings are accessible to persons with disabilities and equipped with the appropriate facilities;
- (e) To educate children with special needs in the least restricted environment possible with adequate support services;
- (f) To make all schools and facilities accessible to children with special needs through the construction of ramps, rails and other suitable structures;
- (g) To provide persons working with children with special needs with at least basic knowledge to enable them to cope effectively;
- (h) To develop special schools/programmes where feasible for children who cannot be integrated in the mainstream;
- (i) To provide ongoing training and refresher courses for medical personnel, social workers, teachers and day-care providers working with persons with special needs;
- (j) At the end of the period of compulsory education and training, to assist children with special needs in independent adult life, as far as possible.

263. Dominica has only two special education institutions that cater for children with disabilities.

Alpha Centre

264. The Alpha Centre is a non-governmental educational institution for students who are developmentally and mentally delayed. Approximately 160 mentally challenged children are the recipients of the services provided by the Alpha Centre, which provides the following:

- (a) Basic education, which includes academic skills, functional, daily living and self-help skills and vocational skills;

(b) Early intervention through a pre-school programme. The parents/guardians/caretakers accompany the children to the Centre twice weekly. The focus is on skills needed and caregivers are expected to continue the practice of what is learned during those periods when they are at home;

(c) Community-based programme. This includes a focus on parent training and working with parent support groups.

265. Of the teaching staff of five, there is presently one teacher trained in working with children who are mentally challenged while another is a trained general practitioner.

School for the hearing impaired

266. There is a Government-operated institution for children with severe hearing loss. At present, a total of 27 students are enrolled, with a staff of 5 including the principal. The principal and one teacher have received formal training to work with children with hearing impairments. The children begin as early as 3 years of age. They follow the same school curriculum as used in the mainstream, with the addition of speech training. They work according to ability level. The school faces constraints in the area of classroom space, and also lacks proper visual material.

267. Under the Welfare Division's public assistance programme, special consideration is given to the mothers of children who are severely handicapped. Those parents who are found to be destitute are given a special monthly allowance to encourage them to remain at home in order to care for the child.

Article 24. Health and health services

268. The mission of the health service is "to promote the physical, social and mental well-being of all citizens of Dominica so that they can obtain the highest possible levels of health and live in accordance with acceptable standards of human dignity at a cost that is affordable and sustainable".

269. The Government of Dominica shares the view that good health is not merely an absence of disease or infirmity in the population, but rather constitutes a satisfactory state of physical, mental and social well-being in the individual.

270. The principle being adopted is that both the Government and the community are responsible to maintain and raise the level of health care of the citizens. This belief has been manifested in the development of the primary health-care approach to health development, which focuses on a shared commitment to achieving lasting improvement in the quality of life.

271. At primary care level, delivery of health care is facilitated by the division of the island into seven health districts. For ease of administration, the districts are grouped together into two regions. Health facilities are distributed islandwide with 45 type-I peripheral clinics and 7 type-III health centres. The type-III health centres are larger, slightly more complex buildings, with added facilities including services for deliveries. Each health district has a well-defined population with a team of health workers headed by a district medical officer. The main hospital, Princess Margaret, is located in the capital.

272. Primary health care includes:

- (a) Promotion of proper nutrition;
- (b) Adequate supply of safe water;
- (c) Basic sanitation;
- (d) Immunization against the major infectious diseases;
- (e) Education concerning prevailing health problems and the method of preventing and controlling them;
- (f) Appropriate treatment for common diseases and injuries;
- (g) Provision of essential drugs.

273. Mothers and children are among the Ministry of Health's priority groups. The infection of young women, infants and teenagers with HIV is of concern. As of December 1999 Dominica had recorded a total of 204 HIV-positive cases. There are 55 female seropositive cases on record. The statistics show 10 HIV-positive cases in the under-5 age group and 9 cases among teenagers (see appendix 3A).

274. The Health Ministry in its AIDS prevention thrust is placing emphasis on education. Young men and women are therefore target groups for AIDS intervention and education. There is no specific programme in place for children, but they are covered under the education programme. Children found to be HIV positive are followed up and given supportive therapy.

275. Among the main concerns of the health sector are shortfalls in allocation of resources for financing health services. There is also a need for improvements in the efficiency of health-care delivery and quality of care, while at the same time having consideration for equity. Health personnel consider these concerns legitimate, given the high costs of health care and public demands for new and improved services. In response to the changing environment within which health development must occur, that is, the changing epidemiological profile, the Ministry of Health has adopted the health promotion approach as the way forward with its six main strategies:

- (1) Formulating a healthy public policy.
- (2) Reorienting health services.
- (3) Empowering communities to achieve well-being.
- (4) Creating supportive environments.
- (5) Developing/increasing personal health skills.
- (6) Building alliances, with special emphasis on the media.

276. This approach will guide the organization and administration of health-care services to achieve improved health status, greater efficiency, quality of care, and maximum social participation. In addition, the Ministry is embarking on other health reform issues for the achievement of greater health development.

277. Another constraint is the unavailability of certain tertiary care facilities and equipment to undertake management of certain conditions. There is a need for a special fund to be set up to assist indigent patients requiring overseas medical attention. Owing to budgetary constraints, the Ministry of Health is unable to accommodate the many requests for such assistance.

278. There now exists a need to overhaul the legislation governing the health services. As attention is given to this area, a Health Services Act will be considered.

Primary health care - maternal and child health

279. The Ministry of Health, under its primary health-care programme, is providing comprehensive health services for women, infants and adolescents.

280. The overall objective of maternal and childcare services is to ensure that every expectant and nursing mother maintains good health, learns the art of childcare, has a safe delivery and bears healthy children. Maternal health consists of the care of pregnant women, intra- and post-natal care of the newborn infant, the supervision of breastfeeding and guidance in responsible parenthood planning.

281. Antenatal care is free. Women undergo physical examinations along with laboratory investigations. These are done in order to detect and prevent difficulties associated with pregnancy. The patient is seen by the District Medical Officer who, on detecting high risk and problem cases, refers them to the obstetrician who is posted at the Princess Margaret Hospital. The patient is given health education on selected topics including proper breastfeeding. Supplies of iron and folic acid tablets are provided and dental care referrals are made.

282. The patient is delivered by trained midwives at health centres or hospitals. Puerperal care is given to mothers for the first 5-10 days. Six weeks after delivery, post-natal examinations are done. Mothers are initiated on family planning and are also given MMR vaccines if needed.

283. There is a linkage between immunization and infant mortality, since inadequate immunization could lead to infant deaths. Recognizing that fact, health personnel are targeting 100 per cent immunization coverage for children under 1 year. At the close of 1999, 99.5 per cent of children 1 year and under were immunized for DPT, polio, MMR and BCG (see appendix 3D). A second dose of MMR is to be administered in the year 2001. All children, 6 years and over had a second dose of MMR vaccines in the 1996 campaign. Children between 1-5 years received their second dose of the vaccines in the year 2000.

Infant nutrition

284. The Primary Health Care Programme has a nutrition component which provides nutritional education and guidance to the general public. With regard to infant nutrition, the Programme is geared towards the promotion of proper breastfeeding and weaning practices. The unit accomplishes this goal through the individual counselling of clients (parent, parent/child), the media, reading materials and workshops for both clients and health staff.

285. The Ministry of Health has a breastfeeding policy in place. In June/July 2000, the Committee for the Promotion of Breastfeeding, with funds from UNICEF, conducted a National Breastfeeding Survey. The Caribbean Food and Nutrition Institute is presently compiling the result.

286. An infant nutrition programme forms part of the breastfeeding policy. The main goal of the programme is the promotion of proper breastfeeding and weaning practices. One major objective is the promotion of exclusive breastfeeding for four to six months. This is initiated at hospitals at the time of delivery. All healthy, normal, full-term babies must be put to the breast as soon as possible after delivery. No pre-lacteal feeds are given to any infant unless medically indicated. At health centres, there is a referral system between the hospital and clinic regarding new births in order to establish and maintain breastfeeding. Working mothers are encouraged to express milk for feeding the baby during their absence. In terms of education, breastfeeding information includes the benefits and superiority of breastfeeding. Among the many other areas of education outlined in the policy is that breastfeeding must be included in the curriculum of the basic nursing programme and in-service training. It is also the policy of the Ministry of Health that HIV-positive mothers and mothers with AIDS should not breastfeed.

287. The establishment of a breastfeeding committee assists greatly in the promotion of proper breastfeeding and weaning practices. The committee is comprised of representatives from each of the seven health districts, the Ministry of Education and a non-governmental organization involved in health care. In 1999, the Princess Margaret Hospital was awarded the "baby friendly" shield from UNICEF.

288. There are, however, certain constraints with exclusive breastfeeding for the first four to six months. Among these is the difficulty certain mothers have in changing the cultural practice of bottle-feeding. In addition, the breastfeeding concept lacks promotion from a few doctors and other health professionals.

289. The complementary feeding process (weaning) is one of the keys to proper infant nutrition. In this area, the emphasis is on a gradual change from a pure liquid to a solid diet during food from the "family pot". Mothers are given guidance on proper complementary feeding practices for the continued growth of their children and the maintenance of a normal nutritional status. However, despite every effort to maintain good nutritional status, there is still a problem of obesity in the age group of 0 to 59 months. In 1998, 9.1 per cent of infants were found to be obese, and 9.7 per cent in 1999. Among the reasons given are improper feeding practices, financial constraints, cultural and/or religious practices and the irresponsible attitudes of some parents.

290. The Nutrition Programme, which is administered by the Health Promotion Resource Centre, also caters to school-age children, pregnant and lactating women, persons with chronic nutrition-related diseases and adults of all ages.

Diarrhoeal disorders and malnutrition

291. Malnutrition and diarrhoeal disorders do not at this time pose a major challenge to health personnel. There is the isolated case of undernutrition. In the case of diarrhoeal disorders, 42 cases were reported in 1993, compared with 5 in 1999. In the same under-5 age group, gastroenteritis is of concern, but nothing to cause alarm. In 1993, 130 reports were recorded, against 107 in 1999 (see appendix 3H).

292. There is continuing education on proper sanitation and improved health habits and life styles to help bring about improvements in the above and other areas.

Dental health

293. Dental health is a major component of primary health care. The aim of the Dental Programme is the prevention of problems associated with dental care. This is done through two main programmes: fluoride rinse and sealants treatment.

294. The Dental Unit is staffed by four dentists and six dental therapists. The therapists are stationed one in each of the seven health districts, while three dentists are headquartered in the main health centre located in the capital, but hold clinics in the out-districts. One dentist is stationed in the second town to serve two health districts.

295. The dental programme specifically targets children within the 6-12 age group because of the high risk of early tooth decay. Dental therapists are wholly occupied in the children's programme. They are engaged in the following: fillings; extractions; teeth cleaning (prophylaxis); oral hygiene information; public health education at schools and also with district health teams; public health education in the community (pregnant and nursing mothers, diabetic and hypertension patients).

296. A Primary Dental Health Care Project was initiated in 1989 in collaboration with the Canadian International Development Agency (CIDA) in partnership with the Faculty of Dentistry, University of Toronto. The project was initially funded by CIDA for five years. The project's overall mission was to develop the primary dental health-care system to a sustainable level equivalent to that of the other health services. The project set out to achieve three measurable changes in the health of the target group:

- (a) To ensure that 80 per cent of children receive complete care;
- (b) To save teeth rather than extracting them by achieving a ratio of 10 or fewer extractions to 100 restorations;
- (c) To maintain, at 12 years of age, the prevalence of decay at 30 per cent and the mean DMFT to no more than 2.8, and to improve the ratio of restored to total DMFT from 8 per cent to 80 per cent.

297. The following are identified as the main achievements of the project:

- (a) Lowering of the DMFT score: a 20 per cent improvement over the 1989 level (see appendix 7A);
- (b) Better equipment in place;
- (c) In-service and further training for dental workers and also training sessions for personnel in other areas of the primary health-care system;
- (d) Survey on the dental health of children;
- (e) Developing and implementing a management information system.

298. With regard to the dental care of children, a survey conducted in 1995 by the University of Toronto has shown great improvements in the dental health status of children. As a consequence, treatment needs fell considerably. There has been a reduction in dental caries (20 per cent) and improvement in decayed teeth (43 per cent). There was also an improvement in treating the children's decayed teeth from 8 per cent to 33 per cent. The ratio of extractions compared with restorations has shown improvements: in 1995, this had improved to 26.6 extractions to 100 restorations (see appendix 7B).

299. Based on data compiled during the survey, the average therapist's monthly production of the four major dental clinical services (examinations, extractions, restorations and sealants) appears to have increased over a specific period (1993 to first five months of 1995; see appendix 7C)). In the latter two years of the stated period, the increases in the use of dental sealants by therapists provided more "upstream" (effective primary prevention) dental care (see appendix 7D).

300. A number of children were either examined or received complete dental service in the primary dental health-care system for the period 1993-1995. The following is reflected in the data gathered (see appendix 7E):

Children examined	-	8 789
Children who received complete care	-	6 074

301. The constraints that face the Dental Unit relate directly to finance. Equipment provided by CIDA is now at the end of its useful life. Replacements/spares are needed to continue the prevention programme. In addition, training to replace staff who have left as a result of migration is a major constraint. Coupled with this is the common staff shortage problem. There is, too, an ongoing need for readily available supplies.

302. The above constraints will require close attention in order not to lose the gains obtained in preventing dental diseases.

Family planning

303. Family planning services are part of the maternal and child health programme. These services are provided by doctors and nurses at health centres and clinics. Among the services offered are limited contraceptive supply, physical examination and counselling.

304. Clients are referred to the Dominica Planned Parenthood Association (DPPA), a non-governmental organization. The association's mission is geared towards the improvement of the quality of life of citizens within the childbearing age group, their offspring and dependents, through the provision of family planning information, education and services. The core activities of DPPA are family life education, the family planning clinic and youth peer counselling.

305. DPPA employs a Family Life Educator who assists with family life education at schools that have requested the service. The Educator also conducts sessions as part of the Government's Youth Skills Training Programme and with community groups. Individual counselling is also provided.

306. A qualified nurse is posted at the family planning clinic, which provides services in counselling, medical examinations, blood pressure checks and pregnancy tests. In addition, Pap smears and contraceptives are provided.

307. The Youth Peer Counselling Association seeks to develop a core of youth peer counsellors equipped with the knowledge and skills to identify young people at risk of unplanned pregnancy and sexually transmitted disease. The peer counsellors are expected to help these young people and others to make the right choices in averting risky behaviour and its consequences.

308. Teenage pregnancy in Dominica has over the years become a major concern. From the mid-1990s to the early 1970s, births to teenage mothers peaked to about 30-33 per cent of total births. A decline was recorded in the mid-1970s, levelling off in the 1990s, with a definite downward trend in the 1990s (see appendix 3F).

309. A survey on contraceptive use among women conducted in Dominica nine years ago found that contraceptive awareness in Dominica is high. A high percentage - 96 per cent - of all women knew at least one method of contraceptive and 84 per cent were aware of more than five methods. The study however, found that of all age groups studied, contraceptive use was lowest among in-union adolescents. This shows clearly the need to promote family life and family planning education among teenagers. Pre-teens should also be targeted. It is hoped that the Family Life Education Programme at primary schools, supported by DPPA programmes, will help address the problem of teenage pregnancy. Parents should also be educated so that, in turn, they would assist in educating their children.

Articles 26 and 18, paragraph 3. Social security and child-care services and facilities

310. The Dominica Social Security Scheme ensures a sustainable form of social protection to its members. At the commencement of the Scheme, six benefits were offered, namely sickness, maternity, age, invalidity, survivors and funeral grant, and coverage was extended only to employees. New benefits in the form of Medicare and employment injury, as well as coverage to self-employed persons, have since been introduced.

311. Children over the age of 16 years can be insured under the Social Security Act (chap. 31:01, sect. 19 (1) (b)). A self-employed person aged 14 or over is also insurable. Any person who is ordinarily resident in Dominica and is between the ages of 14 and 60, and is temporarily resident outside of Dominica by reason of having been selected in Dominica for participation in an employment programme by the Government of Dominica shall be insured during such temporary employment as if he/she were a self-employed person.

312. Children's or orphan's benefits are provided under the Dominica Social Security Survivor's Benefit. To qualify they must:

(a) Be under 16 years of age and unmarried, or under 18 years of age if attending an educational institution approved by the Board;

(b) Be children of the deceased;

(c) Have been living with or wholly maintained by the deceased at the time of death.

313. Survivor's pension, subject to the maximum pension available, is paid at a rate of one quarter to each normal child, one third to an invalid or an orphan and one half to the widow or widower. A minimum weekly pension of EC\$ 35 is payable to each child.

314. There are two areas of conflict with regard to the granting of social security benefits. First, since age eligibility is from 14 years, potential problems may arise as children below the legal age of sexual consent (16) may bear children who themselves may qualify for social security benefits. Second, as social security is tied to contributions from employment, the granting of benefits to teenage mothers who are still of school attendance age could cause conflict as it may encourage school drop-out.

315. Under funeral grant, a new feature now in place is the payment of a grant in respect of the death of a dependent child of the insured.

316. The Welfare Division in its childcare services aims, wherever necessary, to protect the child and attempts to ensure his general well-being. This is done through the provision of monthly allowances in needy cases, foster care, adoption, child abuse prevention and rehabilitation, and intervention in other matters which directly or indirectly impact on the child's welfare.

317. Childcare services are also provided at day-care centres or day nurseries for children of working parents between the ages of 3 months and 3 years.

318. The six major day-care centres in Dominica are all privately owned and managed. Government has not committed itself to the operation of day centres. Instead, a monthly subvention is allocated to three of the existing centres, which depend mainly on fees from parents using those facilities.

319. The centres have a programme composed mainly of supervised play and training in health habits. The number of children at each centre fluctuates, but the largest centre (St. Ann's Day Nursery of the Social Centre) has a total of 80 children enrolled.

320. The day-care centres operate under the following constraints:

- (a) No set policy guidelines in place;
- (b) No official monitoring of the services provided at the centres;
- (c) Lack of fully trained staff;
- (d) Lack of finance, which hinders the provision of certain services, for example, a more comprehensive parenting programme and home visits.

321. The existing day-care centres are concentrated around the capital, Roseau, and environs. The idea of day-care service seems not to have found favour among many parents; customarily, the majority of parents keep their children under 3 at home to be cared for by themselves or a family member.

322. The development of policy guidelines for the operation of day-care centres is receiving urgent attention. In setting regulations, operational standards and monitoring of services provided at those centres will be included as part of the policy guidelines.

Article 27, paragraphs 1-3. Standard of living

323. The primary responsibility for ensuring that a child has an adequate standard of living rests with the parents.

324. The Maintenance Act (chap. 35:61) stipulates that it shall be the duty of a mother and father to maintain the child. The law defines "maintenance" as education, welfare and medical treatment, plus food, clothing and accommodation.

325. While in truth some parents, for legitimate reasons, are unable to fulfil their responsibility as outlined in the Act, a few, for whatever reason, refuse to support their children. Under the Act, redress can be sought through the courts.

326. Government has a programme of assisting parents whose circumstances warrant the granting of a monthly financial allowance. This is provided after thorough investigations. The Ministry of Education administers an Education Trust Fund to assist needy children at secondary schools. Children are entitled to free medical services at Government-run institutions.

Recommendations

327. More special education programmes to suit the needs of children with disabilities are highly recommended.
328. Legislation on the immunization of children should be adopted.
329. Health certificates should be a requirement for entry into school.
330. A massive health education programme (primary health care) geared towards parents should be mounted.
331. School sanitation programmes should be established to maintain healthy environments for children.
332. Public information on the concept of foster care should be enhanced, as well as training and proper screening of foster parents.
333. A regular general monitoring system for day-care centres should be put in place.
334. The Youth Peer Counselling Scheme of the Dominica Planned Parenthood Association needs strengthening in light of the important service it attempts to provide.
335. A concerted effort should be made to have in place updated tertiary care facilities and equipment at the Princess Margaret Hospital.
336. An urgent need exists for the setting up of a special fund to assist indigent patients requiring overseas medical attention.
337. A full compliment of staff should be assigned to the School Health Programme.
338. There should be proper screening and facilities for children who are developmentally delayed.
339. The health sector should enhance its collaboration with the Dominica Planned Parenthood Association on the provision of contraceptives.
340. There should be special concessions for children with disabilities, both physical and mental, when receiving services at the Princess Margaret Hospital.

VIII. EDUCATION, LEISURE AND CULTURAL ACTIVITIES

Legislation

341. In 1997, Dominica enacted legislation on education based on a model Education Act developed for the Organization of Eastern Caribbean States (OECS) countries as part of the Education Reform Strategy.

342. Dominica's education system, as described by the new Education Act 11 of 1997, is organized in three stages, namely primary education, secondary education and tertiary education. Pre-primary education, the education of children with special needs and exceptional ability, adult education and distance education are included, but the extent to which Government makes provision is dependent on available resources. The school system is organized in the categories of public schools, private schools and assisted private schools.

343. The Education Act 11 of 1997, section 27, makes provision for compulsory education. The compulsory school age is defined to be from 5 years of age to 16-years of age. Section 36 legislates that it is the duty of parents to ensure that the child receives an education by regular attendance at a school. Section 38 of the Act also makes provision for school attendance counsellors to assist teachers in the counselling of children of compulsory school age and their parents in the enforcement of the compulsory attendance provisions of the Act. However, no such officers have been appointed.

344. According to section 16 of the Act, attendance at an educational programme at a public school is free. However, other charges may be imposed at a public school or assisted private school with the written approval of the Minister of Education.

345. The Education Act 11 of 1997 contains regulations which govern the operation of private schools. Section 91 makes provision for the private school to be registered and issued a permit by the Minister of Education. An education officer may also enter the premises for monitoring purposes during the hours of operation of the school. According to section 113, a teacher employed in a private school shall possess at least the minimum qualifications required of a teacher employed in an equivalent public school.

Administration

346. Administrative responsibility for the provision of education in Dominica lies with the Ministry for Education, Science and Technology. A minister, who is assisted by both administrative and technical officers, heads the Ministry. The Permanent Secretary is the Chief Administrative Officer and has responsibility for the administration of the Ministry. The Chief Education Officer heads the technical staff and is considered the chief professional advisor with direct responsibility for the administration of schools. He is assisted by the following units:

- The Project Management Unit, which oversees the preparation, implementation and monitoring of projects;
- The Planning Unit is responsible for strategic planning, data management and initiatives in information technology;
- The Measurement and Evaluation Unit is responsible for the preparation and implementation of national assessment and for facilitating external examinations;
- The Curriculum Unit develops, reviews and upgrades school curriculum. It is also responsible for materials production;

- The Office of the Assistant Chief Education Officer coordinates school operations and is assisted by district education officers. A Senior Education Officer has responsibility for secondary schools, learning support personnel and guidance counsellors. There is also an officer for special needs education.

347. The administrative arm of the Ministry for Education, Science and Technology deals with financial, personnel and administrative matters in general. The technical section, on the other hand, is responsible for specific education matters that are geared towards access, equity and quality education.

348. The proportion of the 1999/2000 national budget for current expenditure allocated to education is EC\$ 40,479,485. This represents 16.9 per cent of the national estimates and shows a 0.37 per cent increase over the 1998/99 allocation.

Philosophy of education

349. Dominica is committed to creating a system of education that promotes “quality education for all”. According to the Education Development Plan: 2000-2005 and beyond, the vision recognizes the right of all to be able to gain access to education and the need to provide quality teaching and learning in schools and colleges which are managed and resourced efficiently by teams of well-trained staff at all levels.

350. The Ministry for Education, Science and Technology intends for students to be characterized as:

- Literate, numerate and computer competent;
- Skilled in science and technology;
- Self-confident and equipped with personal and interpersonal skills;
- Valuing diversity and having a positive work ethic, and able to contribute to their local and wider community;
- Healthy and appreciative of their environment and natural heritage.

Article 29. Aims of education

351. The Ministry of Education, Science and Technology aims to:

- (a) Increase enrolment at the pre-primary level, maintain access at primary level, achieve universal secondary education and expand tertiary education and training;
- (b) Improve the quality of education at all levels in order to raise student achievement to meet established educational standards;
- (c) Develop to the fullest extent the skill, knowledge and attitudinal competencies of all individuals passing through the education system;

(d) Reduce the differences in lifetime opportunities resulting from inequalities in the education and training system through increased access and compensatory programmes;

(e) Modernize schools to be at the centre of change, develop strong leadership with partnership among students, parents and community to provide and secure enabling environments;

(f) Provide resources for the classrooms that will assist teaching and learning and that are student centred;

(g) Ensure that management of the education service promotes efficient and effective use of resources, and support schools in the transformation process;

(h) Contribute to social, economic and cultural development locally, nationally, regionally and internationally.

352. The Ministry is now engaged in reforming the education and training system, the main aim of which is to expand access, improve quality and ensure equity in the system. The reform is evolving through several approaches:

(a) The Basic Education Reform Project, which is funded primarily by the World Bank;

(b) The Secondary Education Support Project funded by the Department for International Development (DFID) of the United Kingdom;

(c) The OECS Education Reform Project, a subregional approach with support from CIDA, the British Development Division in the Caribbean, the World Bank and the Caribbean Development Bank;

(d) Use of European Union funds for human resource development.

The Basic Education Reform Project (BERP)

353. The Basic Education Reform Project is part of a major reform of basic education, aimed at improving efficiency and effectiveness of the education system and enhancing equity of access to educational opportunities. The overall objective of the project is to accelerate human resource development to ensure that the requisite manpower exists to attain the desired economic transition in Dominica. The project has three major components:

(a) Strengthening of management and planning;

(b) Improvement of the quality of basic education;

(c) Expansion and conservation of school places.

354. To date, under BERP, the following activities have been completed:

(a) Three new units have been established, namely, the Project Management Unit, the Education Planning Unit and the Measurement and Evaluation Unit;

(b) One new secondary school was built, another was expanded to include new classrooms and a school library, and 13 primary schools were rehabilitated;

(c) Eighteen persons were trained at the Master level in different educational fields;

(d) There have been four major consultancies providing skill transfer and capacity-building.

The Secondary Education Support Project (SESP)

355. The project, which is being funded by the British Government, has as its overall goal the enhancement of Dominica's human resource base and the widening of opportunities for the poor, thus contributing to poverty reduction. The purpose is to enhance access to, and the quality of, lower secondary education, particularly for disadvantaged, less academic students. There are two main components, namely, teacher education through an in-service model and curriculum development.

356. The main achievements of the project so far have been:

(a) The construction of a new secondary school and the refurbishment of a primary school in the south of the island;

(b) The development of curriculum guides for lower secondary forms 1 to 3 in language, arts, mathematics, science and social studies;

(c) Capacity enhancement of the Curriculum Development Unit for the production of educational materials;

(d) The training of four persons as guidance counsellors and four others to provide learning support in mathematics and language.

The OECS Education Reform Project

357. Dominica is a member of the Organization of Eastern Caribbean States. That grouping is involved in functional cooperation in education and training. In 1990, eight OECS Ministers of Education established a common strategy for reforming their educational systems. After much consultation, the strategy was documented in a report, called "Foundation for the Future, the OECS Education Reform Strategy (OERS)", in 1991.

358. The purpose of the reform is to help people improve their income and quality of life. Hence, part of the strategy, education reform plans involve training for teachers, improved resources in the classroom, curricula more suited to the Caribbean, new buildings and better management.

359. To date, reform is ongoing in the following areas:

- (a) Teacher education and teachers' work;
- (b) Curriculum development;
- (c) Tertiary education to include adult and continuing education;
- (d) Early childhood education;
- (e) Student remediation and education;
- (f) Electronic networking;
- (g) Student attitude;
- (h) Strengthening management of the Ministry for Education, Science and Technology;
- (i) Technical/vocational education and training;
- (j) Public awareness.

Institutional infrastructure

360. The Dominica Educational System is structured as follows.

Early childhood education

361. Early childhood education in Dominica is privately administered with a government subvention to that sector which is now \$60,000 for 2000/01. There are 82 pre-schools with an enrolment of 2,069 students, 52 per cent of them females and 48 per cent males.

362. The Education Act No. 11 of 1997 provides for the regulation of pre-primary education services within the private sector, and for the future development of the Government's role in the pre-primary education provision. The Act specifies that the programmes and policies of the private providers shall be consistent with the policies, programmes and plans of Government. In addition, it provides for the establishment of a Council on Pre-primary Education, which was established in 2000, to advise the Government on policies to guide the implementation of pre-primary education services and to make regulations for the proper carrying out of the purposes of pre-primary education services.

363. Regulations governing pre-primary education are now being legally drafted and will include provision for early childhood education from 0 to 5 years. They focus on academic and professional qualifications of teachers, school records, curriculum development, buildings, premises and equipment, health requirements and safety standards.

364. Work is progressing on the establishment of a technical support unit (to be called the Early Childhood Development Services Unit). It will be accountable to the Council in carrying

out its function of regulating the early childhood sector. Its resources will include the budget for staff, grants and contributions that currently reside within the budget of the Ministry of Education.

Primary education

365. There are 67 primary schools on the island. Fifty-four are Government-owned, five are Government assisted while eight are privately owned. There is universal access to primary education. In the year 2000 the gross enrolment rate stands at 99.3 per cent with an average size of 193 and an enrolment of 12,959 (see appendix 4B).

366. The Education Act No. 11 of 1997 makes provision for compulsory education between the ages of 5 and 16 years. Education at that level is relatively free. Government provides a subvention to the managers of Government assisted and private schools so that the cost will be lower to parents who choose to send their children to these schools. For the past four years, the primary school students have been the recipients of free textbooks in the four core subject areas. An education trust fund exists to provide support for disadvantaged students. Parents are provided with funds to cover transportation to and from school, stationery, uniforms and books that are not covered under the textbook provision scheme.

367. There are 604 teachers (including principals) in the system, with 65 per cent of them trained (see appendix 4C). The training capacity of the Teachers' Training College has been strengthened and numerous ongoing in-service training courses enable classroom teachers and school managers to keep abreast of developments in the field of education.

368. The primary school gives focus to four core curriculum subjects, namely, English, mathematics, science and social studies. For the past five years, the Curriculum Development and Materials Production Unit has been engaged in capacity-building and is now involved in developing and reviewing relevant curricula.

369. National assessment began in October 2000 at the grade 2 level and will be introduced in grade 4. The results indicated a problem with literacy and numeracy within the schools. The Ministry is presently embarking on a national drive to address the situation. This includes the involvement of school and community. The Common Entrance Examination is still the selective mechanism for entry into secondary education, however, national assessment, which has both a diagnostic and a prescriptive role, together with the gradual move towards universal secondary education will eventually change the nature of that examination in terms of identifying the strengths and weaknesses of students.

Secondary education

370. Fifteen secondary schools exist, six of them Government owned, eight government assisted and one privately owned (see appendix 4G). The average size of school is now 418 with a present enrolment of 6,270 (see appendix 4I). Seventy-five per cent of the secondary-school-age cohort is attending secondary school. One secondary school is fully engaged in universal secondary education with a catchment area which includes six primary schools.

371. Secondary schools are staffed with trained graduates, non-graduates with professional training, and other teachers with little or no training. There are 328 teachers in the secondary school system with 69 per cent of them untrained. This is projected to decline drastically by the year 2001 since teachers are now engaged in training, following in-service, full-time and distance learning programmes from which they will graduate within the next two years. There are now four guidance counsellors who work with the secondary schools.

372. The percentage of female students attending secondary school (56.4 per cent) is greater than that of male students (43.6 per cent), even if the figures show that there are more male students at the primary level than female students. The repetition rate is currently 9.9 per cent (see appendix 4K), the dropout rate is 2.8 per cent (see appendix 4J) and the wastage rate is 12.7 per cent. The repetition rate and the wastage rate show an increase over the past five years.

373. Government has in place an Education Trust Fund, which assists selected students at secondary schools. The main criterion for selection is financial need. The Fund assists with textbooks and transportation.

374. The Junior Secondary Programme (JSP) located within the primary school system targets children who were not selected for secondary school through the Common Entrance Examinations and offers them the opportunity of eventually going on to secondary school. The present enrolment is 1,086 with 66.9 per cent being males.

375. The Youth Division has ongoing skills training programmes, while certain non-governmental organizations have programmes targeting adolescents. One of these, the Centre where Adolescents Learn to Love and Serve (CALLS), is situated in Dominica's second town. It provides an opportunity for trainees to participate in development programmes. They are assisted in strengthening their self-awareness to enhance personal development. The trainees are taught basic literacy skills and exposed to training in an area of skill of their choice.

376. The Social Centre, also a non-governmental organization, targets adolescents in its skills training programme. Those who participate in the programme are given a "second chance" to educate themselves and at the same time obtain a particular skill.

Special education

377. The Ministry of Education has appointed one person to coordinate and implement special education programmes throughout the island. There are presently two institutions (see section on disabled children) catering specifically to children with moderate to severe special needs. Children with mild special needs and some with moderate needs are integrated into the mainstream.

378. Other programmes geared towards catering for children with special needs include:

(a) Screening for vision, hearing and nutrition status of primary school children in collaboration with the Ministry of Health;

(b) Ongoing assessment for learning problems;

(c) Early identification and intervention screening programme for pre-schoolers and children in grades K and 1 of primary school;

(d) A programme of early referral to a special needs clinic is also being instituted in collaboration with the Ministry of Health;

(e) In-service teacher training for teachers in both special needs and the mainstream.

379. Notwithstanding the programmes available, there are still a significant number of children with disabilities who are not accessing education. A recent survey showed that 28 per cent of children of compulsory school age are not accessing education.

Tertiary education

380. On leaving secondary school, students between the ages of 17 and 19 access tertiary-level education at the Clifton Dupigny Community College. The Academic Section of the college prepares students for successful completion of the University of Cambridge Advanced Level Examinations. Five students are offered scholarships if the necessary requirements are met. The full cost of study is borne by Government.

381. The Technical Studies Division of the college offers full-time two-year diploma courses and one- and two-year certificate courses. The courses lead to City and Guilds of London awards and prepare students for technician-level employment and/or further education.

382. Students often encounter difficulties accessing scholarships, which are mainly externally funded. Those students who are unable to secure scholarships are forced to seek student loans for further education at North American universities and colleges. Certain lending institutions do make such loans available, but both demand and selection criteria are very high. A proper student loan scheme as well as making scholarships more readily available to students are two suggestions worth exploring.

383. There is a move to engage in the following:

(a) To amalgamate tertiary institutions;

(b) To modify and include relevant and new programmes such as information technology, hospitality service, and nursing and teacher education;

(c) To introduce Caribbean Advance Proficiency Examinations (CAPE).

Article 31. Leisure, recreation and cultural activities

384. The Government of Dominica is mindful of the importance of leisure, recreation and cultural activities to the life of a child. This is not regulated by law; however, to this end, wherever possible, schools are built with play areas for recreational activities, which are included in the curricula. Students are engaged in inter-school sporting events.

385. Various communities islandwide are equipped with community recreation facilities. However, frequent calls are being made to upgrade certain facilities and, where they do not exist, to construct sporting facilities.

386. Officers of the Culture Division are assigned to students of various schools as part of their extracurricular activities. Instructions are given in traditional and creative dance, drama, art and singing. The Division also assists students of a recognized music school. Children are also reached when the Culture Division conducts sessions with community groups. The participation of children is quite visible at cultural activities during national independence celebrations.

387. It has been recognized that the continued growth and sustenance of the nation's cultural art forms depend in part on the involvement of children. The intention therefore should be the exposure of children to training in the various art forms. Progress is being made in this area.

388. A Culture Act (chap. 30:01) forms part of Dominica's statutes. It makes provision for the further development of culture. Under the Act, a National Cultural Council is appointed by the Minister responsible for culture. The Minister has the duty to provide training, services and facilities as considered necessary for the development and promotion of cultural activities in Dominica (sect. 3).

389. The Council has among its duties to recommend measures necessary for the development and enhancement of culture in Dominica, including matters relating to the location, orientation and establishment of art centres and other cultural facilities (sect. 14 (f)). Children will no doubt benefit from those facilities.

Recommendations

390. A comprehensive teacher training programme for secondary school teachers should be developed.

391. A student loan scheme should be instituted in order that funding for further education can be more readily available.

392. Every effort should be made to maintain the school-feeding programme.

393. Standardized training for pre-school teachers should be developed.

394. Training programmes for prospective primary school teachers should be held before they are assigned to classrooms.

395. The Ministry of Education should take a critical look at the following: training, supervision, special education, substitute teachers, forward planning, school access.

396. Recreation facilities should be constructed and sporting facilities upgraded in various communities.

397. The education policy should be revised with regard to the choice of persons employed in the different educational institutions.

398. The Education Act should address the illegal substances and weapons used in schools by students.
399. More public libraries should be established.
400. More sporting and recreational facilities at schools should be established.
401. Family life education should be offered at schools.

IX. SPECIAL PROTECTION MEASURES

Articles 22, 38 and 39. Refugee children and children in armed conflicts, and social reunification

Children in situations of emergency

402. The Government of Dominica in principle remains committed, wherever possible, to rendering humanitarian assistance to all persons, particularly children. That commitment extends to those children who become vulnerable as a result of armed or other major conflicts. The Government has to date not been confronted with those issues.

403. Every effort will be made to avoid the involvement of children in hostilities in the event that certain situations present themselves.

Article 40. Administration of juvenile justice

404. The administration of juvenile justice in Dominica hinges on the premise that court matters involving juveniles should be treated differently from those where adults are involved.

405. The laws of Dominica, in particular sections 3 and 8 of the Constitution, adequately ensure that a child is presumed innocent unless proven guilty. The child also enjoys the constitutional protection against self-incrimination under section 8 and the right of access to the courts for redress for any violations of his/her rights.

406. The Children and Young Persons Act (chap. 37:50, sect. 3) stipulates 12 years as the minimum age of responsibility, under which the child cannot be deemed to have committed an offence.

407. In Dominica, there are three magisterial districts comprising 13 courts with juvenile matters heard in each district. The magistrate in each of these districts has jurisdiction in juvenile matters. Juvenile court sessions are held in the same building where the magistrate court sits. However, provision is made for juvenile matters to be heard at different times from those at which adult matters are heard. With the exception of one district, regular juvenile court sessions are not held. The main reason is that few matters are listed for hearing. The custom is that if a matter involving a juvenile comes up for hearing, it would most likely be taken during the sitting of the Magistrate Court. This, however, is contrary to the provisions of the Children and Young Persons Act (chap. 37:50) which makes special provisions for sittings of juvenile courts.

408. The Act makes the following provisions in dealing with juveniles during sittings of the juvenile court:

(a) When a young person or child is charged with any offence, the magistrate shall, for the purpose of hearing the charge, sit in the juvenile court established in the district in which he is exercising jurisdiction (sect. 12);

(b) Every juvenile court shall consist of a chairman, who would normally be a magistrate, and two assessors, one of whom shall be a woman. However, a magistrate may sit alone in any case where he considers that it would be impracticable for the court to be constituted in the manner aforesaid, or that it would be inexpedient in the interests of justice to adjourn the business of the court (section 11 (2));

(c) The parents or guardians or others responsible for the care of the juvenile shall be summoned to be present in court while the charge or application is being determined (sect. 15);

(d) Prior to the commencement of trial, the court shall explain to the juvenile in simple language the substance of the alleged offence (sect. 23 (1));

(e) No person other than the members and officers of the court and the parties to the case, their solicitors and counsel, and other persons directly concerned in the case shall, except by leave of the court, be allowed to attend (sect. 13 (1));

(f) Persons who are not members or officers of the court may be excluded from any proceedings during the taking of the evidence of a juvenile in relation to an offence against or any conduct contrary to decency or morality (sect. 29 (1));

(g) When charged jointly with an adult, both juvenile and adult may appear formally in the first instant in another court before the case against the juvenile is sent to the juvenile court (sect. 22);

(h) Where a child is charged with an offence other than homicide, the case shall be finally disposed of in such a court (sect. 23 (2));

(i) An appeal shall lie from any decision or order of a juvenile court (sect. 16 (3)).

409. The parents of the juvenile, if necessary, arrange legal representation for defence. There is no legal aid system in place. Recommendations from different forums have suggested that a legal aid system for juveniles should be instituted. The local Bar Association is considering that recommendation.

Article 37 (b), (c), (d). Deprivation of liberty

410. There is no law that creates alternative measures to judicial proceedings where a juvenile infringes penal law, although alternative punishment is contemplated. A family court, which works with both judicial and social welfare services, might be in a position to address this requirement. Government is studying a proposal for the establishment of a family court.

411. A child can be deprived of his/her liberty if, after committing an offence, he/she is found guilty in a juvenile court. In this regard, any police officer may file proceedings against a juvenile. However, where a juvenile is in need of care or protection, a police officer or “authorized person” may bring the juvenile before the juvenile court. “Authorized person” means a probation officer or any person appointed by the Minister on the recommendation of a social welfare officer. Care or protection includes control and guidance, as well as discipline.

412. The Children and Young Persons Act (chap. 37:50, sect. 9 (1), (d)) provides that a juvenile may be committed to the Government Training School for a period not exceeding three years. There is at present no such institution.

Article 37 (a). The sentencing of juveniles

413. The rules of procedure within the juvenile court are the same as those governing proceedings in the ordinary Magistrate Court in its exercise of summary jurisdiction. The standard of proof, “beyond reasonable doubt”, is also the same.

414. At the start of proceedings, the magistrate begins by explaining to the juvenile, in simple language, the substance of the alleged offence. The juvenile would then be asked to put in a plea of guilty or not guilty.

415. The court is particularly concerned with the treatment and rehabilitation of the juvenile. However, punishment is also used if the circumstances demand this. The juvenile court relies on the professionalism of probation officers to guide the court when sentencing the juvenile.

416. Sentences available to the courts can be classified as follows:

- (a) Punitive - custodial, detention, fines, whipping (punishment);
- (b) Cautionary - discharge, reprimands, cautions (deterrence);
- (c) Supervisory - probation, care orders, training school orders (reformation).

Sentences can therefore be seen as intended to punish, deter, and, if possible, to reform the offender.

417. In sentencing a juvenile, a magistrate has options under the following legislation:

Children and Young Persons Act (chap. 37:50);

Magistrate’s Code of Procedure (chap. 4:20);

Probation of Offenders (chap 12:33);

Juvenile Offenders Punishment Act (chap. 12:72).

418. The magistrate is empowered to:

- (a) Place the offender under the supervision of a probation officer for a period not exceeding three years;
- (b) Commit the juvenile to the care of a fit person who is willing to undertake the care of him or her;
- (c) Reprimand or discharge him/her;
- (d) Commit the juvenile to be detained or pursue a course of instruction at a government training school;
- (e) Order the payment of a fine or compensation;
- (f) In the case of a young person (14-18 years), sentence him/her to imprisonment for three months;
- (g) Order the parent or guardian of the offender to enter into a recognizance for the good behaviour of the offender;
- (h) Sentence him to be privately whipped with not more than 12 strokes in the case of a child (under 14 years) or a young person;
- (i) Deal with the case in any other legally prescribed manner.

419. Based on legislation (Magistrate's Code of Procedure, chap. 4:20, sect. 90), a child should not be sentenced to prison. A young person could, however, be so sentenced. The present physical prison conditions do not prevent the association of adult and children prisoners or those on remand. Government is in the process of constructing a facility that will provide skills training for juvenile offenders as well as a remand unit, and also a section for those given custodial sentences.

420. The sentence of death shall not be pronounced on or recorded against a person convicted of an offence, if it appears to the court that at the time when the offence was committed the individual was under the age of 18 years; but in lieu thereof the court shall sentence him to be detained during the State's pleasure. While so detained, the individual is deemed to be in legal custody (Offences Against the Person Act, chap. 10:31, sect. 3 (1) (b)).

421. A juvenile justice workshop was held in Dominica in 1995. A cross-section of the populace, including legal personnel, had intense discussions on the condition of juveniles as it relates to the justice system and the need for improvements in the system. Presentations were made on the following topics:

- (a) Sentencing of juveniles and the experiences of incarceration;
- (b) Alternatives to sentencing;

(c) Sentencing of persons with disabilities;

(d) Right to a fair hearing - delay.

422. The following were among the workshop's recommendations:

(a) The establishment of a multidisciplinary committee to review and update legislation relating to juvenile offenders;

(b) The provision of alternatives to incarceration (halfway houses, community service programmes, parole, suspended sentences);

(c) The establishment of a training school;

(d) The introduction of a legal aid programme;

(e) The establishment of a separate Probation Department;

(f) The setting up of a family court;

(g) Training of all officials involved in the juvenile justice system;

(h) Developing juvenile crime prevention programmes;

(i) Improving physical conditions at the prison to include separate facilities for first offenders and juveniles;

(j) The immediate appointment of assessors for juvenile court sittings.

423. The above recommendations are seen as key to improving the juvenile justice system. Every effort will be made to implement the recommendations, subject to available resources.

Article 39. Physical, psychological and social reintegration

424. Rehabilitation of juveniles is a major factor in juvenile justice. Apart from the prison there is at present in Dominica no other custodial setting for rehabilitative care for juveniles considered in need of such care within a custodial setting. While views have been expressed on rehabilitation outside the prison system, there is little therapeutic care in place within the community to help address the psychological and emotional needs of the child.

425. As part of rehabilitative care within the prison, provision is made for education and skills training. The workshop on juvenile justice recommended the implementation of a prison after-care programme.

426. In terms of both prevention and rehabilitation, a suggestion has been put forward for the establishment of a unit, serviced by a psychologist and professional counsellors, and with other amenities aimed at assisting maladjusted children and others with deviant behaviour. This would no doubt help with the social reintegration of the child, both within the family and society.

427. Juveniles placed on probation are assisted towards their social reintegration. The probation service also helps juveniles overcome their problematic behaviours.

Recommendations

428. Matters before the court dealing with juveniles should be dealt with promptly, with all juveniles having access to legal aid representation. The exclusion of the public from juvenile courts should be strictly adhered to.

429. Persons engaged in the administration of justice, particularly as it pertains to children and families, should be exposed to training in sensitive issues relating to the welfare of the child.

430. While it is recommended that custodial sentences for juveniles remain on the statute books, efforts should be made to construct a facility separate from the prison where juveniles could be remanded and given skills training.

431. The general public as well as the media should be sensitized to possible repercussions that certain television programmes and music could have on children.

X. CHILDREN IN SITUATIONS OF EXPLOITATION

Article 32. Economic exploitation

432. The economic exploitation of a child could have lasting effects on the child's developmental potential. The Government of Dominica is fully aware of its responsibility to safeguard its children from any activity that would be tantamount to economic exploitation. Child labour has not been an area of concern, with little known reports of incidents.

433. The Employment of Children (Prohibition) Act (chap. 90:05) prohibits the employment of children in any occupation, with certain exceptions. No person shall take into his employment or employ in any occupation whatsoever any child (under the age of 12 years), but a child may be employed in domestic work or agricultural work of a light nature at home by the parents or guardian of the child (sect. 3). Contravention of this Act makes one liable upon conviction to a fine of \$500.

434. The Employment of Women, Young Persons and Children Act (chap. 90:06) states that no child under the age of 14 years shall be employed or work in any public or private industrial undertaking (sect. 4 (1)). In addition, no child shall be employed or work on any ship (sect. 5). Exceptions are made under the Act for undertakings in which only members of the same family are employed, and for manual labour by a child under order of detention in a reformatory or industrial school.

435. A person guilty of an offence against the Act is liable, upon conviction, to a fine of \$250 and, in the case of a second or subsequent offence, to a fine of \$500.

436. Persons under the age of 18 years shall not be recruited. However, the Minister may, by regulation, permit persons under that age but of or above the age of 16 to be recruited with the consent of their parents or guardians for employment in light work (Recruiting of Workers Act, chap. 90:04, sect. 4).

437. In a review of laws pertaining to children, Antoine (1998) stated that “while the Convention does not lay down a specific age under which children should be prohibited from employment, the ages found in Dominica are comparatively low, when one considers the aim of the Convention, which is to prevent work which will interfere with the child’s right to education and overall development. It is also inconsistent with legal obligations in Dominica on compulsory school attendance”. However, this is an area now being examined by a committee working on the development of a Children and Family Act.

Article 33. Drug abuse

438. Dominica has not escaped the seemingly worldwide, escalating problem of drug abuse. In recent years, Dominica has experienced an increase in the illicit use of drugs and also drug trafficking. Government remains committed to eradicate, through every means possible, this menace from society. In so doing, children would be protected from the ill effects of the drug abuse scourge. It is with this in mind that a Drug Education Programme has been instituted at schools.

Legislation

439. The Drugs (Prevention of Misuse) Act (chap. 40:07), which was enacted in 1988, is very comprehensive. It makes provisions with respect to dangerous or otherwise harmful drugs. Stiff penalties, ranging from a maximum fine of EC\$ 150,000 to life imprisonment for drug trafficking, are fixed under the Act.

440. A “controlled drug” under the Act is any among those narcotic drugs, psychotropic substances or other specifically listed substances in the Schedule.

441. It is an offence to be in possession of a controlled drug for the purpose of drug trafficking on any school premises (sect. 16 (2)). “School premises” include buildings, playing fields or other premises established or maintained by a school for the benefits of its pupils.

442. A person could also be penalized for using a child as a carrier in drug trafficking. If found guilty, the individual could be fined or, if convicted on indictment, sent to prison for life (sect. 16 (5)). Those provisions are no doubt aimed to protect the child from persons who are hoping to gain from hiring the services of children to their own advantage.

443. There are reports of children being used in drug trafficking. However, persons with the evidence are often not prepared to make formal reports and also cooperate with the police for the filing of legal proceedings. Children are being sensitized to the dangers of drug abuse. They have in recent times been involved in marches against drugs.

444. It is an offence to give or sell intoxicating liquor to a child under the age of 12 years (Children and Young Persons Act, chap. 37:50, sect. 5 (2) (c)). According to the Act, in so doing a person shall be deemed to have ill-treated a child in a manner likely to cause injury to the child’s health. Both a fine and imprisonment can be imposed. The prison term set is a minimum of three months to a maximum of two years. The public is to be educated on this aspect of the law since many persons may be unaware of what is stated in the legislation.

Education

445. The Ministry of Education has introduced Drug Education as part of its Family Life Education at primary schools. The Drug Education curriculum emphasizes positive attributes, promotes high self-esteem and self-confidence, and encourages the making of informed choices.

446. In order for parents to support their children participating in the programme, they were exposed to the curriculum. Teachers were also trained. As a further boost to the curriculum, peer counsellors have been trained. This is part of the strategy of prevention. A full assessment has not yet been done on the impact of the Drug Education Programme at schools.

447. Progress has been made on this aspect of the Convention. The Drug Prevention Unit is engaged in sensitizing the public to the harmful effects of illicit drugs. Sessions are being conducted with children and young persons by both governmental and non-governmental organizations. Annual Drug Awareness Week activities are held.

448. In terms of rehabilitation for children exposed to those narcotic substances, there is at present no rehabilitation facility. Calls have been made for a drug rehabilitation centre. Government is giving this proposal urgent consideration at the moment. The emphasis is on training personnel in counselling skills and other techniques for the treatment of those persons needing assistance.

449. Efforts are continuing, spearheaded by the police, to eradicate the cultivation and use of marijuana and other hard drugs. The main policy being pursued is prevention. Educating both adults and children is regarded as key in the island's thrust to overcome the drug problem.

Article 34. Sexual exploitation and sexual abuse

450. Dominicans abhor the abuse of children, particularly sexual abuse. High sentiments are expressed when incest takes place. All forms of sexual molestation are illegal in Dominica. Government is committed to taking all appropriate steps to reduce the incidence of child sexual exploitation. To this end, a new Sexual Offences Act No. 1 of 1998 has been enacted. The Act strengthens Government's resolve to enact appropriate legislation to deal with perpetrators who are bent on molesting children.

451. Under the Act, the age of consent is fixed at 16 years. In that connection, the Act states that it is immaterial during proceedings to claim that consent was obtained. However, it is a sufficient defence to any charge if it is made to appear to the court that the person so charged had reasonable cause to believe that the girl was of or above the age of 16 years.

452. The Act stipulates severe penalties, the highest being 25 years' imprisonment:

“Any person who has sexual intercourse with another person who

(a) is not the spouse of the first mentioned person; and

(b) is under the age of 14 years, whether or not the other person consented and whether or not the first mentioned person believes that the other person is 14 years of age or more,

is guilty of an offence and liable on conviction to imprisonment for 25 years.”

453. The Act explicitly deals with incest. It prohibits sexual intercourse between family members and children. This includes parent and child, brother and sister (whether full or half siblings, and whether the relationship is traced through lawful wedlock or not), uncle and niece or aunt and nephew, and grandparent and grandchild.

454. A person who commits the offence of incest is liable, upon conviction to imprisonment:

- (a) For life, if committed by an adult with a person under 14 years of age;
- (b) For 10 years, if committed by an adult with a person 14 years of age or more;
- (c) For two years, if committed between minors.

455. The Act covers offences such as procuring for prostitution, abduction and unlawful detention of a person with intent to have sexual intercourse. Penalties range from a minimum of 10 years' to a maximum of 14 years' imprisonment.

456. The administrative agencies for the protection of children in sexual abuse matters are the Welfare Division and the Dominica Police Force. Both agencies are encountering difficulties in effecting protective measures, many of which are associated with prosecuting offenders. The following are the main constraints:

- (a) Some parents are discouraged by what they claim is the slow process from prosecution to court proceedings;
- (b) Psychological pressures are brought on the child during open court proceeding;
- (c) Abuse within the family, especially incest, is often kept secret;
- (d) Parents sometimes refuse to give evidence or allow the child victim to speak, as a result of personal relationships with the perpetrators. The police are therefore often unable to prefer charges;
- (e) Parents are sometimes not willing to press charges out of sympathy for the child, mainly on account of the child's reputation being tarnished by the public;
- (f) Families do arrange out-of-court settlements, which is a big hindrance to the judicial process.

457. A preventive approach to child abuse generally has been adopted. Because of the rising reports of sexual abuse (see appendix 6A), the empowerment of children is essential. This is being done through public education sessions aimed not only at children, but at the general public. Public education is among the outreach programmes organized by the Welfare Division Child Abuse Prevention Unit. The counselling of children is ongoing, though the need exists for additional counsellors. The service of a psychologist is an urgent requirement.

458. A number of agencies have now jointly adopted child abuse management procedures. This is an attempt to better protect the abused child through a systematic reporting procedure. When those procedures are approved by Cabinet, they will officially become Government's policy for the protection of abused children. There is also in place a medical protocol for use by doctors when attending to children who are sexually abused.

Article 36. Other forms of exploitation

459. The Government of Dominica is prepared to deal with all forms of exploitation. Through its various agencies, the Government endeavours to protect children from any form of exploitation that would hinder their general well-being. Other forms of child exploitation have not been brought to the attention of personnel working with children.

Article 35. Sale and trafficking and abduction

460. Dominica law enforcement authorities have not been confronted with cases of sale, abduction and trafficking of children. The Offences Against the Person Act (chap. 10:31, sect. 51) makes it an offence to fraudulently allure, take away or detain a woman under the age of 18 years.

461. Under the Sexual Offences Act No. 1 of 1998, provision has been made for the offence of abduction. Section 22 (1) states,

“any person who unlawfully takes away or causes to be taken away or detains another person against the will of that other person with intent:

- (a) To commit or to aid or abet the commission of an offence under this Act;
- or
- (b) To marry or to have sexual intercourse with the other person; or
- (c) To cause the person to marry or to have sexual intercourse with the other person,

is guilty of an offence and liable on conviction to imprisonment for 10 years.”

Recommendations

462. Pornography and nudity in any shape or form should not be promoted, viewed on television, in newspapers, on videocassettes or other such media.
463. There is a need for public education and the enforcement of legislation as it pertains to the sale to and use of alcohol by children.
464. A separate probation department should be established.
465. In investigating child abuse cases, efforts should be made to restrict the number of persons who interview the child victim.
466. In compiling statistics on child abuse, data should reflect communities where child abuse is not prevalent.
467. Drug free zones should be established in all areas frequented by children, for example, schools and playgrounds, to protect children from the aggressive marketing of drugs by dealers.
468. The process for the establishment of child abuse management procedures should be intensified.
469. Child victims of sexual abuse should be required to make only a single appearance in court and that deposition be read at the trial, rather than requiring the victim to endure a second round of embarrassment.

XI. CHILDREN OF MINORITY OR INDIGENOUS GROUPS

Article 30. Children belonging to a minority or an indigenous group

470. Dominica is distinguished to have an indigenous group of Carib Indians totalling about 3,000 people. The population of Carib children totals about 1,000. The Caribs are regarded as the original population. However, Dominica's history records changes in the occupation of the island, resulting in people of African descent now being in the majority (89 per cent).
471. The Caribs reside in a designated part of the country. Apart from having their own Carib Council, which administers certain community affairs, the Caribs are under the general governance of the State. This means that the Carib child is not in any way distinguished from other Dominican children as far as services and other amenities are concerned. There are, however, certain practices and customs which are particular to the Carib people. The Carib language is one of these. According to the present Carib Chief, it has not been developed among the Caribs. It is also claimed that Carib culture needs a boost. The Chief's recommendation is that the Carib language should be taught in schools in the territory and better use made of the Carib Language Dictionary that has been compiled. He is also of the view that the Carib child should be made more culture conscious. The Caribs are free to practise their own religion.

472. An Act to provide for the establishment of a body corporate for the Carib Reserve forms part of Dominica's statutes. It makes provision for the administration of the Reserve and for matters connected therewith (Carib Reserve Act, chap. 25:90).

473. There is at present a minister responsible specifically for Carib affairs.

XII. CONCLUSION

474. The preparation of Dominica's initial report on the Convention on the Rights of the Child afforded the opportunity to review the child care services in place and also the legislative, judicial and administrative measures in force. While in general, present laws comply with the Convention, the enforcement of those laws is an area of concern. It is also recognized that certain laws should be reviewed and new legislation enacted to improve the status of the Dominican child.

475. The survival and development of children can be made much more secure with the establishment of more facilities. This can be achieved with more collaboration between the Government and the private sector.

476. This nation as a whole must be involved in our quest to improve the overall status of our children. This demands a heightened public awareness as to the roles and responsibilities of all citizens.

477. In light of the important place the child holds in the future development of any nation, the Government of Dominica pledges its firm commitment to place matters related to the welfare of children among its highest priorities, where appropriate.

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- 4D Summary of Common Entrance Examination results
- 4E Intake by sex and examinations at the Dominica Teachers' College
- 4F School meals
- 4G Secondary schools by type

* Available for consultation, in the original language, in the files of the secretariat.

- 4H Changes in allocation patterns of educational expenditure by levels of education and programmes 1990/91-1999/2000
- 4I Secondary school enrolments by year, type and sex
- 4J Drop outs from secondary school
- 4K Repeaters at secondary school
- 4L Percentage of children with learning problems
- 5A Illiteracy rate by age group
- 5B Illiteracy rate among primary school leavers by parish
- 6A Child abuse 1990-1999
- 6B Juveniles in conflict with the law for the period 1990-2000
- 7A Dental health status of 12-year-olds in Dominica 1989-1995
- 7B Dental health status of 12-year-olds in Dominica 1995 compared to project goals
- 7C Average therapist monthly production of major dental services in the Primary Dental Health Care System
- 7D Ratio of extractions to restorations and sealants: primary dental health care, Dominica 1993-1995
- 7E Number of children examined and completed in the Primary Dental Health Care System, Dominica 1993-1995
