

Dominica
Joint Stakeholder Report for the United Nations Universal Periodic Review:
The Death Penalty

Submitted by The Advocates for Human Rights,
a non-governmental organization in special consultative status
and
The World Coalition Against the Death Penalty
and
Greater Caribbean for Life

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Founded in 1983, **The Advocates for Human Rights** (The Advocates) is a volunteer-based non-governmental organization committed to the impartial promotion and protection of international human rights standards and the rule of law. The Advocates conducts a range of programs to promote human rights in the United States and around the world, including monitoring and fact finding, direct legal representation, education and training, and publication. The Advocates is the primary provider of legal services to low-income asylum seekers in the Upper Midwest region of the United States. In 1991, The Advocates adopted a formal commitment to oppose the death penalty worldwide and organized a death penalty project to provide pro bono assistance on post-conviction appeals, as well as education and advocacy to end capital punishment. The Advocates currently holds a seat on the Steering Committee of the World Coalition against the Death Penalty.

The World Coalition Against the Death Penalty (WCADP), an alliance of more than 150 NGOs, bar associations, local authorities, and unions, was created in Rome on 13 May 2002. The aim of the World Coalition is to strengthen the international dimension of the fight against the death penalty. Its ultimate objective is to obtain the universal abolition of the death penalty. To achieve its goal, the World Coalition advocates for a definitive end to death sentences and executions in those countries where the death penalty is in force. In some countries, it is seeking to obtain a reduction in the use of capital punishment as a first step towards abolition.

Greater Caribbean for Life is an independent, not-for-profit civil society organization incorporated under the laws of Puerto Rico which strives to create a culture of respect for the right to life and for the dignity of all human beings. It was formed in 2013 with the ultimate goal of achieving the permanent abolition of the death penalty in each and every country of the Greater Caribbean Region. Greater Caribbean for Life's aim is to support Caribbean activists and abolitionist organizations in the region to achieve its mission.

EXECUTIVE SUMMARY

1. This report addresses Dominica's compliance with its international human rights obligations with respect to the death penalty; the prohibition of torture and cruel, inhuman or degrading treatment; conditions of detention; gender-based violence; enforced disappearances; and administration of justice and fair trial.
2. Dominica has not formally abolished the death penalty or implemented a moratorium on executions, nor has it limited the application of the death penalty to the "most serious" crimes. Although Dominica has not sentenced anyone to death or executed anyone in many years, capital punishment remains a possibility under Dominica's existing laws, particularly in response to political pressures and the seriously overburdened and under-resourced judicial system.
3. This report examines the current state of the death penalty in Dominica and recommends Dominica: (1) abolish the death penalty and ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights. In the interim, this report recommends Dominica: (2) institute an official moratorium on executions, (3) limit the death penalty to the most serious crimes, as defined by international human rights standards, (3) address shortages of judicial, prosecutorial, and police staffing, which contribute to lengthy pretrial detentions and severe backlogs in the judicial system; (4) ratify the Convention Against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment and its Optional Protocol and implement them in domestic legislation; and (5) enact an updated National Policy and Plan of Action on Gender Equality.

IMPLEMENTATION OF INTERNATIONAL HUMAN RIGHTS OBLIGATIONS

A12 Acceptance of international norms

Status of Implementation: Partially Accepted, Not Implemented

4. In the third-cycle Universal Periodic Review, Dominica noted four recommendations to ratify or consider ratifying the Second Optional Protocol to the International Covenant on Civil and Political Rights.¹ Dominica supported two recommendations to ratify or consider ratifying the Optional Protocol to the Convention Against Torture, or OPCAT.²
5. Dominica acceded to the ICCPR in 1993 but has not ratified or acceded to the Second Optional Protocol.³ Dominica has not acceded to the Convention against Torture or the OPCAT.⁴
6. Dominica follows the dualist tradition, and therefore the House of Assembly must enact implementing legislation for all ratified international treaties in order to render them enforceable under domestic law.⁵ As a result, in the event that Dominica accedes to and/or ratifies, as applicable, OP2 or the OPCAT, the House of Assembly would need to enact implementing legislation for them to take effect.

D23 Death penalty

Status of Implementation: Not Accepted, Not Implemented

7. In the third-cycle UPR, Dominica noted three recommendations to implement a formal moratorium on the death penalty.⁶ Dominica also noted three recommendations to abolish the death penalty.⁷ To date, Dominica has not implemented any of these recommendations.
8. Since the last UPR, Dominica has not sentenced any individuals to death and has not carried out any executions.⁸ At the end of 2022, no people were known to be under sentence of death in Dominica.⁹ The last execution in Dominica was in 1986, and no court has sentenced a person to death since 2000.¹⁰ Nonetheless, Dominica has neither officially abolished the death penalty nor instituted a formal moratorium on executions.
9. The Constitution of Dominica states that “a person shall not 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.”¹¹ The Constitution thereby authorizes capital punishment.
10. The crimes that are punishable by death in Dominica are murder and treason.¹² The latter is subject to a death sentence only where the convicted person has “form[ed] an intention to levy war against the State or to overthrow the Government or the Constitution of Dominica by force of arms and manifest[ed] such intention by any overt act” or “adhere[d] to the enemies of the State by giving them aid or comfort.”¹³ The method of execution for people sentenced to death in Dominica is hanging.¹⁴
11. Treason does not meet the threshold of “the most serious crimes” within the meaning of the ICCPR Article 6, which defines such crimes as cases in which it can be shown that there was an intention to kill, which resulted in the loss of life. Specifically, a person may engage in treason without such requisite intent, but is nevertheless potentially subject to the death penalty.
12. Dominica has not amended its laws to remove language mandating the death penalty for murder and treason, but caselaw indicates that the mandatory death penalty is unconstitutional in Dominica.¹⁵ Moreover, under the Criminal Law and Procedure Act, “[w]here any written law prescribes a penalty . . . the offence shall be punishable by a penalty not exceeding the penalty prescribed and the Court may, subject to such conditions as it may think fit, dispense with any or (in exceptional circumstances) with all of the forms of punishment it has power to impose.”¹⁶
13. Dominica’s statutes exempt people under the age of 18 and pregnant women from death sentences.¹⁷ There does not appear to be a statutory exception to the death penalty for people with intellectual or psycho-social disabilities; case law requires a consideration of mental state or defect for determining guilt and for determining the appropriate sentence.¹⁸ Also, Dominica has ratified the American Convention on Human Rights, which prohibits execution of elderly persons.¹⁹

14. Capital cases are tried before a local high court in the first instance, with the potential for an appeal to the Eastern Caribbean Supreme Court, which Dominica shares with Antigua and Barbuda, Grenada, St. Kitts and Nevis, St. Lucia, and St. Vincent and the Grenadines.²⁰
15. Additionally, judges are to report any sentences of death to the President and may stay the execution and recommended the exercise of mercy.²¹ The President has the power to commute a death sentence to imprisonment for any term of years not less than two years.²²
16. Dominica has expressed some support for the abolition of the death penalty. In 2009, Dominica accepted a UPR recommendation to “Consider a moratorium on the imposition of the death penalty, as a step towards completely abolishing it.”²³ In 2018, Dominica voted in favor of the UN General Assembly resolution calling on member states to “establish a moratorium on executions with a view to abolishing the death penalty,” and it was the first Eastern Caribbean country ever to co-sponsor the resolution, but Dominica has subsequently voted against similar resolutions.²⁴ During the interactive dialogue at the previous UPR in 2019, Dominica characterized its position as being “open to having assistance to facilitate a national dialogue on” the death penalty and explained that “resource constraints made it difficult to address all of the issues in a timely manner.”²⁵
17. Other developments, however, suggest that Dominica’s support for the death penalty may be entrenched. In 2014, a representative of the Government of Dominica asserted that there was popular support within the country for the reintroduction of the death penalty in cases of murder, despite the *de facto* moratorium.²⁶ Indeed, in a 2020 survey of prominent individuals in the Eastern Caribbean, 84% believed there was majority support for the death penalty that prevented its abolition.²⁷ In 2017, the Minister for Justice, Immigration, and National Security said that the death penalty is needed as a deterrent “so persons who are found guilty get sentences that suit the actual crime.”²⁸ In 2019 the office of the UN High Commissioner acknowledged that the death penalty had “widespread public support” among Dominicans.²⁹ In 2020, authorities in Dominica unsuccessfully sought the death penalty for a man found guilty of murdering his girlfriend.³⁰
18. Also in 2020, Dominica told the U.N. Human Rights Committee that the death penalty was “part of a broader contingent of issues that required a public conversation and citizenship participation; the Government could not change laws on large social issue by fiat.”³¹ The Committee subsequently recommended that Dominica “[r]eview[] section 5 of the Criminal Law and Procedure Act, [which authorizes hanging in cases of murder,] as part of ongoing efforts at national legal review and reform,” “[c]ontinu[e] efforts to facilitate a social dialogue about the rights enshrined in the [ICCPR], including the right to life under article 6,” and “[r]atify[] the second Optional Protocol to the Covenant.”³²
19. The status of Dominica’s *de facto* moratorium on death sentences and executions is tenuous and fragile. At any moment, a single judge could impose a death sentence in a capital case, and the risk of shattering the moratorium could become elevated if political or public pressure arises in a particular case.

D25 Prohibition of torture and cruel, inhuman or degrading treatment

Status of Implementation: Accepted, Not Implemented

20. In the third-cycle UPR, ten member states made recommendations that Dominica ratify, consider ratifying, or intensify efforts to ratify the Convention Against Torture.³³ Additionally, two member states recommended that Dominica ratify the OPCAT.³⁴ Dominica supported each of these recommendations. To date, Dominica has not acceded to the CAT or the OPCAT.³⁵

D26 Conditions of detention

Status of Implementation: Partially Accepted, Not Implemented

21. In the third-cycle UPR, two member states made recommendations related to conditions of detention in Dominica.³⁶ Dominica noted one of these recommendations but supported the other, to “[a]ddress shortages of judicial, prosecutorial and police staffing, which contribute to lengthy pretrial detentions and severe backlogs in the judicial system.”³⁷ To date, it does not appear that Dominica has implemented either recommendation.
22. There is no indication that judicial, prosecutorial, or police staffing has improved in recent years, as a 2022 report stated: “[l]engthy pretrial detention was a problem due to judicial staff shortages” and “[i]nadequate prosecutorial and police staffing, outdated legislation, and an insufficient number of magistrates resulted in backlogs and other problems in the judicial system.”³⁸ In April of 2022, of 210 people housed at the prison, 113 were on remand, including one person who had been on remand for seven years and nine months and 13 others who had been on remand for more than three years.³⁹

D28 Gender-based violence; D29 Domestic violence; F12 Discrimination against women

Status of Implementation: Accepted, Partially Implemented

23. In the third-cycle UPR, six member states made recommendations related to domestic violence.⁴⁰ Dominica supported all of these recommendations.⁴¹ To date, Dominica appears to have partially implemented these suggestions.
24. Domestic violence law is governed by the Constitution of Dominica, by various international treaties to which Dominica has acceded, and by two acts of the Parliament of Dominica. Chapter 1, Article 1 of the Constitution of Dominica guarantees the right to “life, liberty, and security of the person” irrespective of sex.⁴² Dominica is also a party to the Convention on the Elimination of All Forms of Discrimination against Women and the Inter-American Convention on the Prevention, Punishment and Eradication of Violence Against Women of 1994 (the Convention of Belém do Pará).⁴³ States acceding to CEDAW are required to take steps to enact laws to guarantee women the same freedom of movement, including the freedom to choose their domicile and residence.⁴⁴ States acceding to the Convention of Belém do Pará agree that women have the right to be free from violence in both public and private arenas and agree to undertake legislative action to create

a legal arena conducive to the prevention of domestic violence and punishment of perpetrators.⁴⁵

25. Dominica has also passed two acts of Parliament related to domestic violence. The first is the Protection Against Domestic Violence Act of 2001, and the second is the Domestic Violence Act of 2023. The Protection Against Domestic Violence Act of 2001 establishes the legal procedures for survivors to obtain protection orders, occupation orders, and tenancy orders.⁴⁶ It also establishes the police and court procedure to be followed in investigating and trying allegations of domestic violence.⁴⁷ The Domestic Violence Act of 2023 explicitly prohibits any conduct constituting domestic violence.⁴⁸ It also allows police to arrest a person suspected of committing domestic violence without a warrant as long as they have reasonable suspicion.⁴⁹ Finally, the act presents an amended procedure for protection orders.⁵⁰
26. In the third-cycle UPR, Iceland and Germany recommended that Dominica adopt the Domestic Violence Act, which it did in 2023.⁵¹ In doing so it has taken at least one step toward combating domestic violence. Germany, Portugal, and the Dominican Republic recommended that Dominica make further steps toward combating domestic violence and advancement of women's rights by continuing to implement the National Policy and Plan of Action on Gender Equality of 2006 (National Policy).⁵² Although Dominica has indicated that it intends to update the National Policy, an updated National Policy has not yet passed Parliament.⁵³ To the extent that the Domestic Violence Act of 2023 represents a step by the government of Dominica that is in line with the priorities set out in the National Policy, the government is at least partially implementing the National Policy.
27. Domestic violence increased in Dominica during the COVID-19 pandemic, as economic conditions prevented victims from leaving abusive situations.⁵⁴ Although there is no open shelter for survivors of domestic violence, the government will pay rent for housing for survivors for up to six months, during which time social workers will help survivors become economically and socially independent.⁵⁵ The Gender Affairs Division also maintains a WhatsApp line for reporting abuse.⁵⁶
28. Global trends show that women charged with capital crimes (such as murder in Dominica) face intersectional discrimination. According to a groundbreaking study by the Cornell Center on the Death Penalty Worldwide, most women on death row come from backgrounds of severe socio-economic deprivation and many are illiterate, which can reinforce unequal access to effective legal representation.⁵⁷ This intersectional discrimination exacerbates the risk that a woman charged with a capital crime will be subjected to an unfair trial.
29. The Cornell study found that many women in criminal legal systems throughout the world, and the vast majority of women who are sentenced to death, are from poor and marginalized communities.⁵⁸ Most women who are detained are unable to afford a lawyer, and are more likely to be illiterate and unaware of their legal rights.⁵⁹ Illiteracy and lack of education among poor women leave them more vulnerable to discrimination, coercion, and exploitation.⁶⁰

30. The Cornell study found that in the global context, women are most likely to be sentenced to death for murdering a family member, often in the context of gender-based violence.⁶¹ In Dominica, the absence of shelters for survivors of gender-based violence elevates the risk that women who experience gender-based violence will come into conflict with the law and will be sentenced to death. Many women under sentence of death are victims of gender-based violence and come from disadvantaged socio-economic backgrounds.⁶² In many countries that retain the death penalty, however, courts fail to take into account a defendant's experience as a survivor of gender-based violence when making sentencing decisions.⁶³
31. Research by the Cornell Center shows that women are more likely to receive a death sentence when the adjudicating authority perceives that they are violating entrenched gender norms, being cast as the "female fatale" or the "witch." Women are often put on trial not only for acts they performed but also for allegedly being "a bad wife, a bad mother, and a bad woman."⁶⁴ Even though no women are currently under sentence of death in Dominica, they are vulnerable to gender-based discrimination in legal proceedings if they kill in self defense in response to gender-based violence.

D51 Administration of justice and fair trial

Status of Implementation: Accepted, Not Implemented

32. In its third-cycle UPR, Dominica received one recommendation on the administration of justice and fair trial, which it supported.⁶⁵ Despite Dominica's acceptance of this recommendation, there are continued reports of backlogs and other problems in the judicial system. As a result, people charged with capital crimes are not guaranteed the enhanced fair trial rights to which they are entitled.
33. Although the Dominican Constitution provides for an independent judiciary, and the government generally respects judicial independence, inadequate prosecutorial and police staffing, outdated legislation, and an insufficient number of magistrates has resulted in backlogs and other problems in the judicial system.⁶⁶ International organizations have also noted that staffing shortages remain a problem for the Dominican criminal legal system and can result in prolonged pretrial detention.⁶⁷
34. In a 2022 survey of 500 households in Dominica, levels of trust in every institution including the judiciary were found to have declined between 2018 and 2022.⁶⁸ Only 44% of respondents reported having some or a lot of trust in judges and magistrates.⁶⁹ Although more than half of Dominicans interviewed expressed confidence that the criminal justice system ensures equal treatment of the accused and safeguards the presumption of innocence of defendants, only 28% felt that it ensures timeliness, and only 16% thought it gives appropriate punishments.⁷⁰
35. This evidence demonstrates that delays in the trial process undermine public confidence in the judiciary and can impede the realization of fair trial rights, including in capital cases.

RECOMMENDATIONS

36. This stakeholder report suggests the following recommendations for the Government of Dominica:

- Formally abolish the death penalty and replace it with a fair and proportionate sentence aligned with international human rights standards.
- Ratify the Second Optional Protocol to the ICCPR and enact relevant enabling legislation.
- In the interim:
 - Fully implement the Human Rights Committee’s 2020 recommendations concerning the death penalty.
 - Institute an official moratorium on executions.
 - Amend the Treason Act to ensure that the death penalty is an available punishment only for the “most serious” crimes, as specified under Article 6(2) of the ICCPR and as further clarified by the Human Rights Committee.
 - Take steps to provide heightened fair trial and due process safeguards in capital cases involving women defendants, including by providing them with access to effective legal representation with experience in capital cases and with training on gender-sensitive defense strategies.
 - Codify gender-specific defenses and mitigation in capital cases, encompassing women’s experiences of trauma, poverty, and gender-based violence.
 - Ensure that all judicial officers responsible for sentencing in capital cases receive comprehensive training on gender-based discrimination, gender-based violence, and tactics of coercive control that may lead to women committing death-eligible offenses.
 - Provide training to all defense counsel who take on capital cases regarding gender-specific mitigation and how to raise discrimination against clients on the basis of their gender, when appropriate.
 - In collaboration with civil society organizations, initiate a public dialogue regarding the death penalty with members of parliament and the general public, with a view to identifying the human rights violations implicated in the process and explaining the benefits of alternatives to the death penalty.
- Ratify the Convention Against Torture and the OPCAT and enact relevant enabling legislation.
- Take urgent measures to address shortages of judicial, prosecutorial, and police staffing, to reduce lengthy pretrial detentions and severe backlogs in the judicial system.
- Draft and pass an updated National Policy and Plan of Action on Gender Equality to better align it with best practices to combat gender-based violence.

¹ Human Rights Council, *Report of the Working Group on the Universal Periodic Review: Dominica* (July 9,

2019), U.N. Doc. A/HRC/42/9, ¶ 104.6 Consider ratifying the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty, and the Domestic Workers Convention, 2011 (No. 189) of the International Labour Organization (Uruguay); ¶ 104.7 Ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty to formalize its de facto moratorium on the death penalty with a view to abolition (Australia); ¶ 104.8 Abolish the death penalty and ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty (Germany); Ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty, and abolish the death penalty in domestic law (Mexico); ¶ 104.9 Ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty (Togo) (Ukraine).

² Human Rights Council, *Report of the Working Group on the Universal Periodic Review: Dominica* (July 9, 2019), U.N. Doc. A/HRC/42/9, ¶ 104.13 Ratify the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and its Optional Protocol (Spain); ¶ 104.14 Ratify, as previously recommended, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and its Optional Protocol (Portugal).

³ United Nations Human Rights Treaty Bodies, *Ratification Status by Country: Dominica*, available at https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/Treaty.aspx?CountryID=51&Lang=en.

⁴ United Nations Human Rights Treaty Bodies, *Ratification Status by Country: Dominica*, available at https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/Treaty.aspx?CountryID=51&Lang=en.

⁵ International Labour Organization, *Review and Analysis of Compliance of the National Labour Legislation of Dominica with Caricom Model Labour Laws 5*, available at https://www.ilo.org/wcmsp5/groups/public/---americas/--ro-lima/---sro-port_of_spain/documents/projectdocumentation/wcms_305922.pdf.

⁶ Human Rights Council, *Report of the Working Group on the Universal Periodic Review: Dominica* (July 9, 2019), U.N. Doc. A/HRC/42/9, ¶ 104.72 Abolish the death penalty and, in the immediate future, introduce a moratorium (France); ¶ 104.74 Consider adopting a de jure moratorium on the death penalty, with a view to totally abolishing it (Italy); ¶ 104.77 Establish a formal moratorium on executions with a view to abolishing the death penalty (Ukraine).

⁷ Human Rights Council, *Report of the Working Group on the Universal Periodic Review: Dominica* (July 9, 2019), U.N. Doc. A/HRC/42/9, ¶ 104.70 Consider repealing provisions of its national law on the death penalty (Argentina); ¶ 104.73 Abolish the death penalty (Iceland); ¶ 104.75 Follow the de facto moratorium on the death penalty by its abolition (Portugal).

⁸ Amnesty International, *Death Sentences and Executions 2019* at 14; Amnesty International, *Death Sentences and Executions 2020* at 16; Amnesty International, *Death Sentences and Executions 2021* at 16; Amnesty International, *Death Sentences and Executions 2022* at 16.

⁹ Amnesty International, *Death Sentences and Executions 2022* at 16.

¹⁰ World Coalition Against the Death Penalty, Greater Caribbean for Life, *Dominica's Compliance with the International Covenant on Civil and Political Rights Suggested List of Issues Related to the Death Penalty*, U.N. Doc. INT/CCPR/ICO/DMA/33526/E, January 2019.

¹¹ The Constitution of the Commonwealth of Dominica, Section 2 (1), available at https://www.constituteproject.org/constitution/Dominica_2014.

¹² Laws of Dominica, Offences Against the Person Act, Chapter 10:31, Part I, Art. 2; Laws of Dominica, Treason Act, Chapter 10:01, Art. 2.

¹³ Laws of Dominica, Treason Act, Chapter 10:01, Art. 2.

¹⁴ World Coalition Against the Death Penalty, *Dominica* (May 23, 2023), available at <https://worldcoalition.org/pays/dominica/>.

¹⁵ Cornell Center on the Death Penalty Worldwide, *Dominica* § 3.3 (June 1, 2023), available at <https://deathpenaltyworldwide.org/database/#/results/country?id=21#fn-fcdf22f0-e00a-4291-ae2f-b408ec7c1a60>.

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- ¹⁶ Laws of Dominica, Criminal Law and Procedure, Chapter 12:01, Part IX, Art. 50.
- ¹⁷ Laws of Dominica, Offences Against the Person Act, Chapter 10:31, Part I, Art. 3.
- ¹⁸ Cornell Center on the Death Penalty Worldwide, *Dominica* § 3.3 (June 1, 2023), available at <https://deathpenaltyworldwide.org/database/#/results/country?id=21#fn-fcdf22f0-e00a-4291-ae2f-b408ec7c1a60>.
- ¹⁹ Status, Declarations, Reservations, Denunciations, Withdrawals, *B-32: Amer. Conv. on Human Rights, Pact of San Jose, Costa Rica* (Nov. 22, 1969), available at <http://cidh.oas.org/basicos/english/basic4.amer.conv.ratif.htm>.
- ²⁰ Amnesty International, *Death Penalty in the English-Speaking Caribbean: A Human Rights Issue* 15 (2012), available at <https://www.amnesty.org/en/wp-content/uploads/2021/06/amr050012012en.pdf>.
- ²¹ Laws of Dominica, Criminal Law and Procedure, Chapter 12:01, Part X, Art. 62.
- ²² Laws of Dominica, Criminal Law and Procedure, Chapter 12:01, Part XI, Art. 68.
- ²³ Amnesty International, *Death Penalty in the Caribbean: A Human Rights Issue*. (London: Amnesty International 2012), 10.
- ²⁴ United Nations General Assembly, *Moratorium on the use of the death penalty* (Dec. 17, 2018), U.N. Doc. A/RES/73/175; United Nations Digital Library, *Votes on A/RES/73/175*, available at https://dpproject.wpengine.com/wp-content/uploads/2020/04/2809872v1_WSDOCS_-Sentencing-to-Death-Without-Execution-2020.pdf<https://digitallibrary.un.org/record/1656169?ln=en>.
- ²⁵ Human Rights Council, *Report of the Human Rights Council on its forty-second session* (April 13, 2021), U.N. Doc. A/HRC/42/2, ¶ 632.
- ²⁶ Hands off Cain, *Dominica*, available at <http://www.handsoffcain.info/bancadati/south-america/dominica-50000405>.
- ²⁷ Roger Hood & Florence Seemungal, *Sentenced to Death Without Execution: Why capital punishment has not yet been abolished in the Eastern Caribbean and Barbados* (2020) at 34, available at
- ²⁸ Government of the Commonwealth of Dominica, *Justice Minister Believes Death Penalty Should be Re-introduced* (2017), available at <https://www.news.gov.dm/news/4231-justice-minister-believes-death-penalty-should-be-re-introduced>.
- ²⁹ Human Rights Council, *Compilation on Dominica: Report of the Office of the United Nations High Commissioner for Human Rights* (Feb. 22, 2019), U.N. Doc. A/HRC/WG.6/33/DMA/2, ¶ 17, available at <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G19/048/50/PDF/G1904850.pdf?OpenElement>.
- ³⁰ Kimani Felicite-St Jean, *Dominica seeking death sentence for man guilty of murdering girlfriend*, LOOP CARIBBEAN NEWS (Nov. 25, 2020), available at <https://caribbean.loopnews.com/content/dominica-seeking-death-sentence-man-found-guilty-murdering-wife>; *UPDATE: Rodman Moses Lewis sentenced to 18 years in prison for murder – no death penalty*, DOMINICA NEWS ONLINE (Feb. 25, 2022), available at <https://dominicanewsonline.com/news/homepage/news/crime-court-law/update-rodman-moses-lewis-sentenced-to-18-years-in-prison-for-murder-no-death-penalty/>.
- ³¹ United Nations, *Human Rights Committee asks Dominica about the use of force against political opposition and the infringement on the right of peaceful assembly* (March 11, 2020), available at <https://www.ohchr.org/en/press-releases/2020/03/human-rights-committee-asks-dominica-about-use-force-against-political>.
- ³² Human Rights Committee, *Concluding observations in the absence of the initial report of Dominica*, Apr. 24, 2020, U.N. Doc. CCPR/C/DMA/COAR/1, ¶ 27.
- ³³ Human Rights Council, *Report of the Working Group on the Universal Periodic Review: Dominica* (July 9, 2019), U.N. Doc. A/HRC/42/9, ¶ 104.11 Intensify efforts to ratify the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Fiji); Expedite the process of ratifying the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Indonesia); ¶ 104.12 Ratify the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Denmark) (France) (Ukraine); ¶ 104.13 Ratify the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and its Optional Protocol (Spain); 104.14 Ratify, as previously recommended, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and its Optional Protocol (Portugal);

¶ 104.15 Consider ratifying the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Chile) (Kyrgyzstan); ¶ 104.10 Intensify efforts to accede to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, as well as other conventions, notably the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights (Ghana).

³⁴ Human Rights Council, *Report of the Working Group on the Universal Periodic Review: Dominica* (July 9, 2019), U.N. Doc. A/HRC/42/9, ¶ 104.13 Ratify the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and its Optional Protocol (Spain); ¶ 104.14 Ratify, as previously recommended, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and its Optional Protocol (Portugal).

³⁵ United Nations Human Rights Treaty Bodies, *Ratification Status by Country: Dominica*, available at https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/Treaty.aspx?CountryID=51&Lang=en.

³⁶ Human Rights Council, *Report of the Working Group on the Universal Periodic Review: Dominica* (July 9, 2019), U.N. Doc. A/HRC/42/9, ¶ 104.78 Address shortages of judicial, prosecutorial and police staffing, which contribute to lengthy pretrial detentions and severe backlogs in the judicial system (United States of America); ¶ 104.126 Outlaw all sentences of corporal punishment for children as well as life imprisonment for children under the age of 14; Ensure full compliance with international standards and take adequate measures to stop the persisting child abuse, in particular sexual abuse (Germany).

³⁷ Human Rights Council, *Report of the Working Group on the Universal Periodic Review: Dominica* (September 10, 2019), U.N. Doc. A/HRC/42/9/Add.1, ¶ 104.78.

³⁸ United States Department of State, *2022 Country Reports on Human Rights Practices: Dominica*, at 1.

³⁹ United States Department of State, *2022 Country Reports on Human Rights Practices: Dominica*, at 1.

⁴⁰ Human Rights Council, *Report of the Working Group on the Universal Periodic Review: Dominica* (September 10, 2019), U.N. Doc. A/HRC/42/9, ¶ 104.107 Adopt a law on protection against domestic violence (Senegal); ¶ 104.109 Adopt legislative and regulatory measures to strengthen efforts to combat domestic violence, further promote the rights of persons with disabilities and establish a national institution for the coordination of questions relating to persons with disabilities (Togo); ¶ 104.100 Continue fighting against sexual violence, including domestic violence (Italy); ¶ 104.99 Urgently adopt the domestic violence act (Iceland); ¶ 104.120 Take further measures to prevent and combat domestic violence and to ensure the education of children in schools (Algeria); ¶ 104.98 Implement measures to eliminate violence and discrimination against women, including the amended domestic violence act, strengthen the functioning of the Bureau of Gender Affairs and finalize and implement the national policy and action plan for gender equality (Germany).

⁴¹ Human Rights Council, *Report of the Working Group on the Universal Periodic Review: Dominica* (September 10, 2019), U.N. Doc. A/HRC/42/9/Add.1.

⁴² The Constitution of the Commonwealth of Dominica, Chapter 1, Article 1, available at https://www.constituteproject.org/constitution/Dominica_2014.

⁴³ UN Women Caribbean, Gender-Based Violence Country Resources, Dominica, available at <https://caribbean.unwomen.org/en/caribbean-gender-portal/caribbean-gbv-law-portal/gbv-country-resources/dominica>.

⁴⁴ Convention on the Elimination of All Forms of Discrimination against Women, Part IV, Art. 15 (4), available at <https://www.un.org/womenwatch/daw/cedaw/text/econvention.htm#article15>.

⁴⁵ Inter-American Convention on the Prevention, Punishment and Eradication of Violence Against Women, Chapter II, Art. 3; Inter-American Convention on the Prevention, Punishment and Eradication of Violence Against Women, Chapter III, Art. 7, available at <https://www.oas.org/juridico/english/treaties/a-61.html>.

⁴⁶ Laws of Dominica, Protection Against Domestic Violence Act, generally.

⁴⁷ Laws of Dominica, Protection Against Domestic Violence Act, generally.

⁴⁸ Laws of Dominica, Domestic Violence Act, Part I, 3. (1).

⁴⁹ Laws of Dominica, Domestic Violence Act, Part I, 5.

⁵⁰ Laws of Dominica, Domestic Violence Act, Part II, generally.

⁵¹ Human Rights Council, *Report of the Working Group on the Universal Periodic Review: Dominica* (September 10, 2019), U.N. Doc. A/HRC/42/9, ¶ 104.100 Continue fighting against sexual violence, including domestic violence (Italy); ¶ 104.99 Urgently adopt the domestic violence act (Iceland); ¶ 104.98 Implement measures to eliminate violence and discrimination against women, including the amended domestic violence act, strengthen the functioning of the Bureau of Gender Affairs and finalize and implement the national policy and action plan for gender equality (Germany).

⁵² Human Rights Council, *Report of the Working Group on the Universal Periodic Review: Dominica* (September 10, 2019), U.N. Doc. A/HRC/42/9, ¶ 104.98 Implement measures to eliminate violence and discrimination against women, including the amended domestic violence act, strengthen the functioning of the Bureau of Gender Affairs and finalize and implement the national policy and action plan for gender equality (Germany); 104.116 Swiftly finalize the update of Dominica's national policy and action plan for gender equality (Portugal); 104.104 Continue consolidating the achievements made in the promotion of women's rights, through the national policy and the plan of action on gender equality (Dominican Republic).

⁵³ The World Bank, *Gender-Based Violence Country Profile: Dominica*, at 9, available at <https://openknowledge.worldbank.org/server/api/core/bitstreams/624d2042-0483-4857-bcf3-6036d496b6db/content>.

⁵⁴ Confidential source on file with the authors, 2022, at 6.

⁵⁵ *Ibid.*

⁵⁶ *Ibid.*

⁵⁷ *Judged for More Than Her Crime: A Global Overview of Women Facing the Death Penalty*, Cornell Center on the Death Penalty Worldwide, Sept. 2018, at 3, <https://www.deathpenaltyworldwide.org/wpcontent/uploads/2019/12/Judged-More-Than-Her-Crime.pdf> (last visited Dec. 29, 2022).

⁵⁸ Cornell Center on the Death Penalty Worldwide, *Judged for More Than Her Crime: A Global Overview of Women Facing the Death Penalty*, Sept. 2018, at 18, available at <https://www.deathpenaltyworldwide.org/wp-content/uploads/2019/12/Judged-More-Than-Her-Crime.pdf> (last visited Dec. 29, 2022).

⁵⁹ Cornell Center on the Death Penalty Worldwide, *Judged for More Than Her Crime: A Global Overview of Women Facing the Death Penalty*, Sept. 2018, at 18, available at <https://www.deathpenaltyworldwide.org/wp-content/uploads/2019/12/Judged-More-Than-Her-Crime.pdf> (last visited Dec. 29, 2022).

⁶⁰ Cornell Center on the Death Penalty Worldwide, *Judged for More Than Her Crime: A Global Overview of Women Facing the Death Penalty*, Sept. 2018, at 18, available at <https://www.deathpenaltyworldwide.org/wp-content/uploads/2019/12/Judged-More-Than-Her-Crime.pdf> (last visited Dec. 29, 2022).

⁶¹ *Judged for More Than Her Crime: A Global Overview of Women Facing the Death Penalty*, Cornell Center on the Death Penalty Worldwide, Sept. 2018, at 4, <https://www.deathpenaltyworldwide.org/wpcontent/uploads/2019/12/Judged-More-Than-Her-Crime.pdf>.

⁶² *Ibid.*

⁶³ *Ibid.*

⁶⁴ *Ibid.*

⁶⁵ Human Rights Council, *Report of the Working Group on the Universal Periodic Review: Dominica* (July 19, 2019), U.N. Doc. A/HRC/42/9, ¶ 104.78 Address shortages of judicial, prosecutorial and police staffing, which contribute to lengthy pretrial detentions and severe backlogs in the judicial system (United States of America).

⁶⁶ Confidential source on file with the authors, 2022, at 3; Confidential source on file with the authors, 2021, at 3-4; Confidential source on file with the authors, 2020, at 3; Confidential source on file with the authors, 2019, at 3.

⁶⁷ Freedom House, *Freedom in the World 2023: Dominica*, available at <https://freedomhouse.org/country/dominica/freedom-world/2023>.

⁶⁸ World Justice Project, *The Rule of Law in Dominica* (2022), available at <https://worldjusticeproject.org/our-work/research-and-data/rule-of-law/dominica-2022>.

⁶⁹ World Justice Project, *The Rule of Law in Dominica* (2022), available at <https://worldjusticeproject.org/our-work/research-and-data/rule-of-law/dominica-2022>.

⁷⁰ World Justice Project, *The Rule of Law in Dominica* (2022), available at <https://worldjusticeproject.org/our-work/research-and-data/rule-of-law/dominica-2022>.