



**Dominica's Compliance with the International Covenant on Civil and Political Rights:
The Death Penalty**

Submitted by The Advocates for Human Rights

a non-governmental organization in special consultative status with ECOSOC since 1996
and

The World Coalition Against the Death Penalty

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The Advocates for Human Rights (The Advocates) is a volunteer-based nongovernmental organization committed to the impartial promotion and protection of international human rights standards and the rule of law. Established in 1983, 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 publications. 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.

Dominica retains the death penalty and has not ratified the Second Optional Protocol

I. Right to Life (List of Issues paragraph 12)

1. The Committee's List of Issues urges Dominica to ratify the Second Optional Protocol of the International Covenant on Civil and Political Rights and to consider making the *de facto* moratorium on executions official, with a view toward abolishing the death penalty.¹
2. The Government of Dominica retains execution by hanging as a punishment for murder. The last execution in Dominica was in 1986, and no court has sentenced a person to death since 2000.² 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."³ Any death sentence not carried out within five years commutes to life in prison.⁴
3. In 2009, Dominica accepted a Universal Periodic Review recommendation to "Consider a moratorium on the imposition of the death penalty, as a step towards completely abolishing it."⁵ In 2014, however, a representative of the Government of Dominica asserted that there was popular support within the country for the reintroduction of the death penalty, despite the *de facto* moratorium.⁶ In 2017, the Minister for Justice, Immigration, and National Security said that the death penalty is needed as a deterrent, even though it had not been used in over two decades.⁷
4. On November 16, 2018, Dominica for the first time voted in favor of the UN General Assembly resolution supporting a moratorium on the death penalty.⁸ This vote suggests that the government may be shifting its official position to reflect its longstanding practice. Moreover, while the government has made no official statement suggesting it intends to abolish the death penalty or ratify the Second Optional Protocol, it did state in the interactive dialogue for its 2019 Universal Periodic Review that it was "open to receiving assistance to facilitate a national dialogue on the death penalty."⁹ At the same time, however, the

¹ Human Rights Committee. *List of Issues in the Absence of the Initial Report of Dominica*, (April 25, 2019), U.N. Doc. CCPR/C/DMA/Q/1/Add.1 ¶ 12.

² 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.

³ The Constitution of the Commonwealth of Dominica, Section 2 (1).

⁴ World Coalition Against the Death Penalty, *The Death Penalty in the Greater Caribbean: Detailed Fact Sheet* by Jillian Rupnow (Minneapolis: Fredrikson & Byron, 2013).

⁵ Amnesty International, *Death Penalty in the Caribbean: A Human Rights Issue*. (London: Amnesty International 2012), 10.

⁶ Hands off Cain, "Dominica," accessed January 24, 2020, <http://www.handsoffcain.info/bancadati/south-america/dominica-50000405>.

⁷ *Dominica Not Ruling Out Death Penalty*, Dominica Vibes News, January 27, 2020, <https://www.dominicavibes.dm/news-221250/>.

⁸ General Assembly. *Resolution Adopted by the General Assembly on 17 December 2018*, (January 23, 2019), U.N. Doc. A/RES/73/175 ¶ 7.

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

government noted without explanation all UPR recommendations regarding the death penalty.¹⁰

II. Suggested recommendations for the Government of Dominica

- Make official the longstanding *de facto* moratorium on the death penalty, with a view toward eventual abolition of the death penalty.
- In consultation with domestic and international civil society organizations engaged on the issue of abolition, establish and implement a framework for holding a national dialogue on the death penalty and its connection to Dominica's human rights obligations.
- Sign and ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights.
- Sign and ratify the Protocol to the American Convention of Human Rights to Abolish the Death Penalty.
- Abolish the death penalty once and for all.
- Continue to support the General Assembly resolution in favor of a moratorium on the death penalty.

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