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Dominica still falling down on the death penalty and the rights of LGBTI persons

Human Rights Council adopts Universal Periodic Review outcome on Dominica

Amnesty International regrets that Dominica was unable to submit a national report as part of its UPR. It acknowledges, however, the financial and technical constraints faced by small island developing states and welcomes Dominica's commitment to seek the continued support of the UN¹ in order to fulfil its international obligations and to implement accepted UPR recommendations.²

Amnesty International hopes that this collaboration will allow Dominica to fulfil its commitment to ratify key international human rights standards, including the International Convention on the Elimination of All Forms of Racial Discrimination³, the Convention against Torture and its Optional Protocol,⁴ and the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women.⁵

Amnesty International regrets that Dominica has rejected all recommendations pertaining to discrimination based on sexual orientation and gender identity, in particular the decriminalization of consensual same-sex sexual relations.⁶ During the review, Dominica stated that no one had been arrested or prosecuted under article 16 of the Sexual Offences Act which criminalizes "buggery".⁷ There have, however, been recent reports of individuals being arrested and charged under this legislation, although in all cases the charges were subsequently dropped⁸. The organization is concerned that this legislation contributes to creating a discriminatory environment in which LGBTI people are not able to fully enjoy their human rights, and we stress that by criminalizing consensual same-sex conduct Dominica is in violation of its international obligations.⁹ Amnesty International urges the government to repeal

¹ A/HRC/27/9, Report of the Working Group on the Universal Periodic Review, 26 June 2014, paragraph 6.

² Ibid, paras 93.35-93.43 (Armenia, Sierra Leone, Nicaragua, Algeria, Morocco, Paraguay, Jamaica, Uruguay, Barbados).

³ Ibid, paras 93.1-93.9 (Trinidad and Tobago, France, Portugal, Sierra Leone, Australia, Ghana, Democratic Republic of the Congo, Jamaica, Kenya)

⁴ Ibid, paras 93.10-93.19 (Denmark, Montenegro, France, Sierra Leone, United Kingdom of Great Britain and Northern Ireland, Ghana, Kenya, Spain, Benin, Ecuador)

⁵ Ibid, paras 93.20-93.21 (Netherlands, Portugal)

⁶ Ibid, paras 94.13-94.24 (Chile, Argentina, Portugal, Brazil, France, Ireland, Germany, United Kingdom of Great Britain and Northern Ireland, Australia, United States of America, Netherlands, Italy)

⁷ Ibid, paragraph 22

⁸ <http://thedomincan.net/2012/03/police-drop-sodomy-charges.html>;
<http://dominicanewsonline.com/news/homepage/news/crime-court-law/dpp-drops-buggery-charges-against-nicholas-roberts/>

⁹ Dominica ratified the International Covenant on Civil and Political Rights on 17 June 1993. The UN Human Rights Committee – the expert body that oversees the implementation of the International Covenant on Civil and Political Rights – has repeatedly stated that laws used to criminalise private, adult, consensual same-sex relations violate rights to privacy and non-discrimination: see e.g. *Toonen v. Australia*, Human Rights Committee Communication No. 488/1992, CCPR/C/50/D/488/1992, 4 April 1994. Amnesty International considers people detained or imprisoned solely because of their

this legislation as an important step towards combating discrimination against LGBTI persons.¹⁰

Finally, Amnesty International welcomes the fact that there have been no executions in Dominica since 1986 and the government's acknowledgement of its "self-imposed moratorium" on the death penalty.¹¹ As such, the organization is very disappointed that Dominica has been unable to accept recommendations to abolish the death penalty.¹² Amnesty International calls on Dominica to declare a formal moratorium on executions, with a view towards abolition of the death penalty.

Background

The UN Human Rights Council adopted the outcome of the Universal Periodic Review of the Dominica on 19 September 2014 during its 27th session. Prior to the adoption of the review outcome, Amnesty International delivered the oral statement above.

Amnesty International had earlier submitted information on the situation of human rights in Dominica: <http://www.amnesty.org/en/library/asset/AMR26/001/2013/en/1126ec32-9338-410a-8f1d-229b46d7692a/amr260012013en.pdf>

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homosexuality – including those individuals prosecuted for having sex in circumstances which would not be criminal for heterosexuals, or for their gender identity – to be prisoners of conscience and calls for their immediate and unconditional release.

¹⁰ Ibid, paras 94.13-94.24 (Chile, Argentina, Portugal, Brazil, France, Ireland, Germany, United Kingdom of Great Britain and Northern Ireland, Australia, United States of America, Netherlands, Italy)

¹¹ Presentation of the Commonwealth of Dominica to the Human Rights Council as Part of its UPR, 1 May 2014

¹² A/HRC/27/9, paras 94.5-94.8 (Portugal, Uruguay, Montenegro, Australia) and paras 94.25-94.30 (Slovenia, Sierra Leone, Brazil, Italy, Costa Rica, France)