



NGO: EUROPEAN CENTRE FOR LAW AND JUSTICE (ECLJ)

**UNIVERSAL PERIODIC REVIEW
47TH SESSION**

**STATUS OF HUMAN RIGHTS IN THE COMMONWEALTH OF DOMINICA
FOR THE 47TH SESSION OF THE
UNIVERSAL PERIODIC REVIEW**

www.ECLJ.org
4, quai Koch
67000 Strasbourg, France
Phone: +33 (0)3.88.24.94.40

Status of Human Rights in Dominica for the 47th Session of the Universal Periodic Review

Introduction

1. The European Centre for Law and Justice (ECLJ) is an international, non-governmental organization dedicated to promoting and protecting human rights around the world. The ECLJ also holds Special Consultative status before the United Nations Economic and Social Council. This report discusses the status of human rights in the Commonwealth of Dominica (Dominica) for the 47th Session of the Universal Periodic Review (UPR).

Background

2. Dominica is an island country located in the Caribbean with a population that slightly exceeds 73,000 people.¹ The country is about 92.1% Christian, with 18.04% of its citizens being evangelical.² 2.4% of Dominica’s population identifies as nonreligious, 1.9% as belonging to an ethnic religion, 1.2% as Hindu, and 2.4% with another faith.³

3. Dominica’s last review was held on May 9, 2019.⁴ As a result of the review, Dominica received 140 recommendations, 86 of which it accepted.⁵ In particular, it was recommended by Mexico, and noted by Dominica, that the government “[l]egalize the voluntary termination of pregnancy in cases of rape, incest and fetal malformation and when the mother’s health is at risk.”⁶ There were no recommendations made regarding religious freedom.

Legal Framework

4. The Preamble of the Constitution of Dominica states that the People of Dominica have affirmed that the Commonwealth of Dominica is founded upon principles that acknowledge the supremacy of God, faith in fundamental human rights and freedoms, the position of the family in a society of free men and free institutions, the dignity of the human person, and the equal and inalienable rights with

¹ *Dominica Population 2024 (Live)*, WORLD POPULATION REV., <https://worldpopulationreview.com/countries/dominica-population> (last visited Mar. 5, 2024).

² *Country: Dominica*, JOSHUA PROJECT, <https://joshuaproject.net/countries/DO#Religions> (last visited Mar. 5, 2024).

³ *Id.*

⁴ *Universal Periodic Review – Dominica*, OHCHR (May 9, 2019), <https://www.ohchr.org/en/hr-bodies/upr/dm-index>.

⁵ *Dominica Infographic*, OHCHR, https://www.ohchr.org/sites/default/files/lib-docs/HRBodies/UPR/Documents/Session33/DM/Infographics3rdCycle_Dominica.pdf (last visited Jan. 24, 2023).

⁶ OHCHR, UPR of Dominica (3rd Cycle – 33rd Session): Thematic List of Recommendations, <https://www.ohchr.org/sites/default/files/lib-docs/HRBodies/UPR/Documents/Session33/DM/MatriceRecommendationsDominica.docx>.

which all members of the human family are endowed by their Creator[.]⁷

5. Further, under the Offences Against the Person Act, abortion is prohibited unless it is done for the purpose of “preserving the life of the mother.”⁸

6. Additionally, under Article 6 of the Convention on the Rights of the Child (CRC), to which Dominica is a party⁹:

1. States Parties recognize that every child has the inherent right to life.

2. States Parties shall ensure to the maximum extent possible the survival and development of the child.¹⁰

7. Dominica’s law regarding abortion reflects the principles enshrined in the International Covenant on Civil and Political Rights (ICCPR), to which Dominica is a party.¹¹ Under Article 6 of the ICCPR, “[e]very human being has the inherent right to life. This right shall be protected by law. No one shall be arbitrarily deprived of his life.”¹² Dominica also has a responsibility to uphold the pro-life principles enshrined in other international agreements such as the UN Charter, the Universal Declaration of Human Rights (UDHR), and the 1994 Cairo Conference on Population and Development.

Abortion

8. In recent years, several states in Latin America and the Caribbean have expanded abortion access and deviated from the pro-life principles required by international law.¹³ In fact, just five years ago, less than 3% of the population in this region lived in countries where abortion was permitted.¹⁴ Today, nearly 37% of the population lives in countries where abortion is permitted.¹⁵ Further, in Latin America and the Caribbean, the abortion rate per 1,000 women between the ages of fifteen and forty-nine is thirty-two.¹⁶ Thankfully, Dominica has remained steadfast in protecting the life of the preborn and has not succumbed to recommendations that it expand access to the barbaric practice of abortion.

9. Dominica’s stance for life in rejecting calls to expand abortion is consistent with numerous fundamental international human rights documents. In fact, since the 1994 Cairo

⁷ CONSTITUTION OF DOMINICA, pmbi., https://www.constituteproject.org/constitution/Dominica_2014.

⁸ Offences Against the Person Act art. 8, <https://cyber.harvard.edu/population/abortion/Dominica.abo.html>.

⁹ *Ratification Status for Dominica*, OHCHR,

https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/Treaty.aspx (last visited Mar. 5, 2024).

¹⁰ Convention on the Rights of the Child art. 6, *adopted* Nov. 20, 1989, 1577 U.N.T.S. 3, <https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-rights-child>.

¹¹ *Ratification Status for Dominica*, *supra* note 9.

¹² International Covenant on Civil and Political Rights, Dec. 16, 1966, S. Treaty Doc. 95-20, 6 I.L.M. 368 (1976), 999 U.N.T.S. 171, art. 6, <https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-civil-and-political-rights> [hereinafter ICCPR].

¹³ Diana Cariboni, *How Latin American Women Are Winning the Battle for Abortion Rights*, NACLA (May 19, 2022), <https://nacla.org/how-latin-american-women-are-winning-battle-abortion-rights>.

¹⁴ *Id.*

¹⁵ *Id.*

¹⁶ Brianna Navarre, *A First-of-Its-Kind Study Looks at Global Abortion Rates*, U.S. NEWS (Mar. 28, 2022), <https://www.usnews.com/news/best-countries/articles/2022-03-28/global-abortion-rate-rebounds-to-90s-levels-study-finds>.

Conference on Population and Development, Member States have had an affirmative commitment to “reduce the recourse to abortion”¹⁷ and to “take appropriate steps to help women avoid abortion, *which in no case should be promoted as a method of family planning.*”¹⁸ Further, the UDHR states that “recognition of the inherent dignity and of the equal and inalienable rights of *all* members of the human family is the foundation of freedom, justice and peace in the world.”¹⁹ It also provides that “[e]veryone has the right to life.”²⁰ Likewise, the U.N. Charter recognizes and affirms the “dignity and worth of the human person.”²¹ The ICCPR also states that “[e]very human being has the inherent right to life.”²² Allowing abortion in any situation is contrary to the sanctity and dignity of life recognized by every international human rights instrument.²³

10. Furthermore, not only is Dominica’s stance on abortion supported by international human rights law, but abortion legalization violates the international human rights instruments mentioned above. Abortion is one of the gravest offenses against human life and justice because it entails the deliberate killing of an innocent human being.²⁴ This is in direct contravention of the CRC, which requires that “States Parties recognize that every child has the inherent right to life.”²⁵ Moreover, abortion fundamentally rests on the idea that some members of the human race do not have even the most basic of human rights, i.e., the right to life.

11. It should also be noted that, while Mexico recommended Dominica expand abortion, abortion laws and regulations vary across nations. Even in Mexico, Mexico’s recommendation that Dominica expand access to abortion is not a mainstream opinion; each state has its own regulations and most Mexican states restrict abortion.²⁶ In fact, most of the world, including Dominica, has strict limits to prevent taking the life of a preborn baby. Out of the 193 Member States of the U.N., an overwhelming majority (108) of them have strict limits on abortions.²⁷ Among the countries that legalize abortion, nearly all of them impose gestational limits.²⁸

12. Countries have a responsibility to protect the lives of their populace, including mothers and their preborn children. In addition to the taking of innocent human life, abortion can result

¹⁷ International Conference on Population and Development, *Report of the International Conference on Population and Development*, ¶ 8.25, U.N. Doc. A/CONF/F.171/13/Rev. 1, https://www.un.org/development/desa/pd/sites/www.un.org.development.desa.pd/files/icpd_en.pdf.

¹⁸ *Id.* ¶ 7.24 (emphasis added).

¹⁹ G.A. Res. 217 (III), A Universal Declaration of Human Rights, pmbl. (Dec. 10, 1948) (emphasis added), <https://www.ohchr.org/en/human-rights/universal-declaration/translations/english>.

²⁰ *Id.* art. 3 (emphasis added), <https://www.ohchr.org/en/human-rights/universal-declaration/translations/english>.

²¹ U.N. Charter pmbl., <https://www.un.org/en/about-us/un-charter/full-text>.

²² ICCPR art. 6, *supra* note 12.

²³ In cases where the mother’s life is in danger, doctors and scientists should do everything possible to preserve both the life of the child and the life of the mother. When it is no longer safe for the mother to carry a child in the womb, then the child should be removed from the womb and given the best care possible, even if its likelihood of survival using today’s technology is low. This course of action is preferable to an action that deliberately kills the image bearer of Christ living in the womb.

²⁴ *Cf. LePage v. Ctr. for Reprod. Med., P.C.*, SC-2022-0515, SC-2022-0579, 2024 Ala. LEXIS 60 at *32 (Ala. Feb. 16, 2024) (Parker, C.J., concurring specially) (construing “sanctity of life” to mean that “human life cannot be wrongfully destroyed without incurring the wrath of a holy God, who views the destruction of His image as an affront to Himself”).

²⁵ Convention on the Rights of the Child art. 6, *supra* note 10.

²⁶ *Abortion is Now Decriminalized in 12 Mexican States*, NBC NEWS (Aug. 31, 2023), <https://www.nbcnews.com/news/latino/abortion-now-decriminalized-12-mexican-states-rcna102864>.

²⁷ *The Worlds Abortion Laws*, CTR. FOR REPRODUCTIVE RTS., https://reproductiverights.org/wp-content/uploads/2023/07/CRR_WALM_2023_FINAL-1.pdf (last visited Feb. 27, 2023).

²⁸ *Id.*

in long lasting harm to the mother. In fact, complications from abortion account for 9.9% of maternal deaths in Latin American and Caribbean countries.²⁹ A recent study took data from seventy health facilities across six countries in Latin America and the Caribbean and examined complications related to abortion.³⁰ The data was collected from 7,983 women who had experienced abortion-complications.³¹ Of these women, 49.5% experienced moderate complications (heavy bleeding, suspected intra-abdominal injury, or infection), and 3.1% experienced potentially life threatening complications (severe hemorrhage, severe systemic infection, or suspected uterine perforation).³² Furthermore, it has also been documented that women who have undergone abortions have experienced negative psychological side effects, from shame to drug abuse to suicidal thoughts.³³

13. All of the reasons discussed above confirm that Dominica is justified in prohibiting abortion. Dominica has taken a stance to protect women and preborn children from the devastating effects of abortion, which is in complete conformity with its obligations to protect human rights, starting with the fundamental right to life.

Recommendations

14. We want to commend Dominica for rejecting recommendations that call for expanding abortion. We want to encourage Dominica to remain steadfast in its efforts to promote life and uphold protections for both preborn children and their mothers. Given the pro-abortion movement's push to make abortion freely available, it is likely that Dominica will continue to face outside pressure to expand access to abortion, but we want to encourage Dominica that not only is its pro-life stance in the majority, as clearly outlined above, it also has a moral and legal duty to protect the lives of preborn babies. Dominica should continue to protect life at all stages and continue to resist efforts to undo these protections.

²⁹ Mariana Romero, *Abortion-Related Morbidity in Six Latin American and Caribbean Countries: Findings of the WHO/HRP Multi-Country Survey on Abortion (MCS-A)*, BMJ GLOBAL HEALTH (2021), <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC8404437/>.

³⁰ *Id.*

³¹ *Id.*

³² *Id.*

³³ See, e.g., Priscilla K. Coleman et al., *Women Who Suffered Emotionally from Abortion: A Qualitative Synthesis of Their Experiences*, 22 J. OF AM. PHYSICIANS & SURGEONS 113, 116-17 (2017), <https://www.jpands.org/vol22no4/coleman.pdf>.