



## Government of Dominica

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### **Response to Press Release from the IACHR Regarding the Electoral Reform Process in the Commonwealth of Dominica**

**Roseau, Dominica- April 17, 2025:** The Government of the Commonwealth of Dominica notes the Press Release concerning the Electoral Reform process in Dominica from the Inter American Commission on Human Rights (IACHR) issued on April 16, 2025. The Government considers it of great importance that the facts should be set out in response to the substantive matters raised in IACHR's Release.

Dominica's commitment to democratic participation is clear and the Government has at all times approached the electoral reform process with openness, good faith and transparency. Following opposition disruption of the introduction of electoral reform legislation in 2017 and again in 2018, the Government in 2020 once again took steps to bring about meaningful electoral reform in Dominica, and appointed Sir Dennis Byron as the sole Electoral Commissioner to review the electoral system.

Perusal of the draft Bills submitted by the Electoral Commissioner and the Bills recently tabled before the Parliament of Dominica confirm that the vast majority of the recommendations made by the Electoral Commissioner have been fully adopted and incorporated into and form a central component of the electoral Bills which were debated and unanimously passed by the Parliament on March 19, 2025, and subsequently enacted into law.

It is particularly noteworthy that, (i) the Deputy Leader of what may be considered the main opposition party in the Commonwealth of Dominica voted in favour of the Bills, and (ii) at that very same time the Leader, his Leader, and others were outside seeking to disrupt and stop the Sitting of Parliament and passage of the Bills.

Of the recommendations made by the Electoral Reform Commissioner, only two, namely (i) campaign financing (Clauses 54-75) of the House of Assembly (Elections) Bill 2023; and (ii) the 90/50-day residency/absence from Dominica provisions (Clauses 12(b)(ii), 13(4)(b), 15(3)(b) and 26) of the Registration of Electors Bill 2023, were not adopted. The vast majority of recommendations were adopted, either fully or with relatively minor modification where appropriate.

As regards the issue of campaign financing, the Government has made clear it is not opposed to this in principle, but is of the view that the nature and importance of this issue to the electoral and democratic process warrants full and proper consideration and analysis before being undertaken.

The campaign financing recommendations made by the Electoral Reform Commissioner effectively mirror the Jamaica legislation but are not underpinned by any commentary or analysis as to the effectiveness and efficacy regarding the Jamaica experience nor, even more importantly, sufficient to enable a proper determination to be made as to their likely effectiveness and efficacy in the Dominica context.

It is significant to note that the recommendations would result in contribution limits of EC\$50,000.00 for a candidate and EC\$250,000.00 for a political party, and expenditure limits of EC\$500,000.00 for a candidate and EC\$5,000,000.00 for a political party, whereas opposition United Workers Party espouses an EC\$50.00 per constituent expenditure limit (and is silent on the contribution limit) whilst a civil society group, the Dominica Business Forum, espouses a EC\$100.00 expenditure limit (and is similarly silent on any contribution limit). Clearly much more work needs to be carried out with respect to the issue of campaign financing and the Government favours a regional approach to this important and complicated issue. The public has been informed of this position on several occasions.

As regards the 90/50-day residence recommendation, this like the existing 5-year provision is a creature of Parliament not the Constitution, and the Government has made its position crystal clear throughout- it will not take actions which unduly disenfranchise electors. It is in that vein that the legislation provides that all duly registered electors who maintain their legitimate registration are entitled to vote at elections in Dominica whether they reside within or outside of Dominica.

The Government of Dominica has been committed to transparency and accountability throughout the entire process. Consultations involved a wide cross section of society, including opposition parties, civil society, the bar association, religious groups, media, among others on the draft electoral bills which were proposed by the Government.

This is demonstrably attested to by the OAS' own December 2023 Report on OAS Observation of Stakeholder Consultations and Technical Review of Proposed Electoral Legislation which stated the consultations *"were well organized, accessible and inclusive, and managed with a high degree of professionalism and respect by the moderators. They facilitated engagement by broad sectors of the citizenry – both in Dominica and abroad – and allowed for the sharing of diverse perspectives on a wide array of matters related to the existing and proposed electoral frameworks. There was a clear and deep interest by citizens in participating in the consultative process and offering their unfiltered views on the issues. Persons who chose to attend and to speak – whether in-person or online – were typically allowed to speak for as long as they wished, although efforts were made on a few occasions to ensure that the available time was equitably shared among those present. The*

*inclusion of a wide array of stakeholder groups, the extensive geographic coverage of the consultations in Dominica, and the allocation of two online sessions for Dominicans abroad, along with the late addition of three further community consultations, on the request of those communities, supported the government's stated interest of receiving comprehensive feedback from the citizens of Dominica. The broad coverage of the sessions facilitated through different media and online platforms, ensured that citizens who did not engage directly, either in-person or online, were yet able to follow the discussions in real time and hear the contributions made."*

Moreover, the inference that the Commonwealth of Dominica does not uphold democratic principles and respect for the principles of democratic participation is contradicted by the OAS' own report which clearly identifies the positive actions and interactions of the Government of the Commonwealth of Dominica with the citizenry during the electoral reform process.

We wish to reiterate the important key reforms which will significantly enhance the electoral process:

- **The introduction of Voter ID cards to be used for voting.** It is to be noted that in the consultations the requirement for fingerprints was strongly objected to.
- **All registered voters will have to undergo a confirmation process to have their name remain on the register of electors.** This will have the long-desired effect of 'cleansing the list' by causing the names of all people who are deceased or do not present themselves to an electoral official and satisfy the criteria removed from the electoral register.
- **The provisions on bribery and treating are included.**
- **For the first time in Dominica's history, provision granting equal access to State Media is legislated for.**
- **The Electoral Commission has been strengthened, among other things, by establishment of the Electoral Commission Fund.** The Commission can also now provide for electronic registration and other uses of technology in the registration and election process. The electoral officials have granted greater powers to carry out investigations. It is to be noted that changing the composition of the Commission will require constitutional amendment.
- **There is a more robust process in place for continually revising the Register with mandatory reporting of different agencies being required.**

Finally, it is important to draw attention to the fact that despite the apparent fixation with the Commonwealth of Dominica's electoral legislation and process, even from a cursory perusal of the electoral legislation of the other OECS and wider CARICOM countries, the Commonwealth of Dominica's electoral legislation is substantively consistent with that of

those countries. Indeed, the following table presents a reasonable reflection of the existing electoral position in the OECS and CARICOM region/countries. This lays bare the fallacy that there is some significant or inherent grave deficiency in the Commonwealth of Dominica's electoral legislative framework and process.

#### MAJOR ELECTORAL ISSUES – OECS/CARICOM COUNTRY COMPARISONS

| ISSUE  | OECS |    | CARICOM |    | COMMENTS   |
|--|------|----|---------|----|--|
|  | YES  | NO | YES     | NO |  |
| <b>ID Cards**</b>  | 7    | 2  | 6       | 0  |  |
| <b>Fingerprints</b>  | 2*   | 7  | 2       | 4  | * Only Grenada & Jamaica require full f/prints. Antigua & Belize merely make provision for a thumb print!  |
| <b>Access to Media</b>   | 2*   | 7  | 1       | 5  | *Now includes Dominica since the March 2025 enactment of the House of Assembly (Elections) Act 2025.   |
| <b>Campaign Financing</b>  | 2*** | 7  | 4 ###   | 2  | *** Antigua, s. 43 RPAA (new s. 83) 2001 & Montserrat, s. 70 Elections Act CAP. 01.04 have a very limited form of campaign expense regulation.<br><br>### Only Jamaica has a substantive regime! |
| <b>5-Year Rule</b>   | 3    | 6  | 1       | 5  |  |
| <b>“Ordinary residence”/Ordinarily Resident” Required to Vote*</b> | 0    | 9  | 1*      | 5  | * <i>Jamaica requires residence.</i>   |
| <b>Bribery</b>   | 9    | 0  | 6       | 0  | Definition and relevant provisions are virtually identical throughout the region.  |
| <b>Treating</b>  | 9    | 0  | 6       | 0  | Definition and relevant provisions are virtually identical throughout the region.  |

Regarding protest action held on March 19, it must be noted that the Constitution of Dominica, along with other conventions to which Dominica is a signatory, provides for fundamental freedoms of citizens to peaceful assembly among others, but acknowledges that those rights can be restricted in certain circumstances by law. The rights of citizens enshrined in the constitution do not extend to actions that incite violence or endanger public safety.

The protest on March 19, 2025, which was organized *without* official approval from the Commonwealth of Dominica Police Force as mandated by law and was intended to disrupt and prevent the passage of three electoral reform bills in parliament. As was intended it escalated beyond the bounds of peaceful demonstration into unacceptable, unlawful and riotous conduct. Despite warnings from officers of the Commonwealth of Dominica Police Force, protesters engaged in acts of aggression including the hurling of bottles and stones at the police. In response, the police sought to bring the situation under control to protect life and property, a reasonable response in the circumstances.

The Commonwealth of Dominica fully respects the fundamental rights and freedoms enshrined in our Constitution and the various Treaties to which it is a party and is committed to the rule of law. The Government of Dominica will continue to act in the interest of all its citizens, upholding the values of justice, peace and participatory governance.

We trust that IACHR will avail itself of a more thorough engagement with the facts the true nature of Dominica's democratic trajectory: one of progress, consultation and commitment to the rule of law. We remain open to constructive dialogue, but we will not stand by while half-truths distort the realities of our democracy. We encourage the IACHR, and indeed all international bodies, to engage with the facts in full and to consider the context and complexity of our reform efforts. We stand firm in the truth of our processes and the integrity of our intentions.

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