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Dominica

Country:

Dominica

Year:

2018

Freedom Status:

F

Political Rights:

1

Civil Liberties:

1

Aggregate Score:

93

Freedom Rating:

1.0

Overview:

Dominica is a parliamentary democracy, and has been governed by the Dominica Labor Party (DLP) since 2000. While the country is committed to democratic governance and civil liberties are generally upheld, a number of concerns persist; these include effective management of elections, judicial efficiency, and government integrity—notably relating to the country's Citizenship by Investment Program (CIP).

Political Rights and Civil Liberties:

POLITICAL RIGHTS: 37 / 40 (–1)

A. ELECTORAL PROCESS: 11 / 12 (–1)

A1. Was the current head of government or other chief national authority elected through free and fair elections? 4 / 4

The president, who is the ceremonial head of state, is elected by the House of Assembly for a five-year term. The prime minister is head of government and is appointed by the president. In 2013, the government elected former minister of security Charles Savarin as president. The leader of the governing DLP, Roosevelt Skerit, retained his position as

prime minister after his party won a majority of the parliamentary seats in the 2014 general elections, which were competitive and credible.

A2. Were the current national legislative representatives elected through free and fair elections? 4 / 4

Dominica's unicameral House of Assembly consists of 30 members who serve five-year terms; 21 members are directly elected, 5 senators are appointed by the prime minister, and 4 are appointed by the opposition leader.

The DLP won 15 seats in the 2014 general elections, and the UWP captured 6. The electoral observation mission of the Organization of American States (OAS) deemed the elections well run and credible, although it cited some irregularities; these included stringent standards for what constituted a valid mark on a ballot, which led to the rejection of some legitimately marked ballots.

A3. Are the electoral laws and framework fair, and are they implemented impartially by the relevant election management bodies? 3 / 4 (-1)

The Electoral Commission manages and organizes the election process, and the electoral laws are generally fair. However, constituencies in Dominica have not changed since 1990, and the OAS has raised concerns about their unbalanced sizes, with the largest constituency having over 7,000 registered voters and the smallest having just over 1,500. The OAS has also cited concerns about Dominica's outdated voter list.

Electoral amendments were set to be discussed in parliament in May 2017, but the discussion was postponed due to protests over controversial provisions the opposition said would effectively legalize bribery.

Score Change: The score declined from 4 to 3 due to a failure to address the unbalanced size of electoral districts, which allows unequal voting power among citizens.

B. POLITICAL PLURALISM AND PARTICIPATION: 16 / 16

B1. Do the people have the right to organize in different political parties or other competitive political groupings of their choice, and is the system free of undue obstacles to the rise and fall of these competing parties or groupings? 4 / 4

Political parties are free to organize and operate. The effects of the country's "first-past-the-post" electoral system has entrenched two-party politics, and while there are a number of small political parties in the country, since 2005 only the DLP and UWP have won seats in parliament.

B2. Is there a realistic opportunity for the opposition to increase its support or gain power through elections? 4 / 4

Opposition parties are generally free to operate and unencumbered by formal restrictions. However, there has not been a change of party in government since 2000. Additionally,

following a series of antigovernment protests in 2017, the government denied several demonstration permits to the opposition, citing public security grounds.

B3. Are the people's political choices free from domination by the military, foreign powers, religious hierarchies, economic oligarchies, or any other powerful group that is not democratically accountable? 4 / 4

Voters and candidates are generally able to express their political choices without undue influence from actors that are not democratically accountable.

B4. Do various segments of the population (including ethnic, religious, gender, LGBT, and other relevant groups) have full political rights and electoral opportunities? 4 / 4

All adult citizens may vote. The indigenous Carib-Kalinago population participates in the political process. Women hold only three seats in the House of Assembly, and are underrepresented in politics generally. The LGBT (lesbian, gay, bisexual, and transgender) community is marginalized, and this impacts the ability of LGBT people to engage fully in political processes.

C. FUNCTIONING OF GOVERNMENT: 10 / 12

C1. Do the freely elected head of government and national legislative representatives determine the policies of the government? 4 / 4

The freely elected prime minister, cabinet, and national legislative representatives determine the policies of the government.

C2. Are safeguards against official corruption strong and effective? 3 / 4

While the government generally implements anticorruption laws effectively, domestic and international observers have raised concerns over Dominica's CIP, a citizenship program that allows foreigners to gain citizenship through an economic investment in the country. These have included persistent allegations that the government has sold diplomatic passports to noncitizens.

In January 2017 Iranian national Alireza Zibahalat Monfared, who had held a Dominican diplomatic passport, was arrested in Iran in connection with alleged involvement in an Iranian corruption scandal. The Dominican government subsequently stated that it does not sell diplomatic passports, but in the wake of the scandal, officials stopped issuing diplomatic passports to noncitizens in order to review the policy and update regulations. In February, the prime minister announced an interim policy to tighten the issuance of diplomatic passports. In a March 2017 report, the US State Department described CIP as vulnerable and "susceptible to abuse by criminal actors."

C3. Does the government operate with openness and transparency? 3 / 4

The government of Dominica generally operates with openness and transparency, though there are concerns that the length of the DLP's incumbency has hampered transparency on some programs, including the CIP. Government officials are required to submit

financial accounts, but these accounts are frequently incomplete, and are not shared with the public prosecutor.

Access to information is not protected by law, but the government makes efforts to provide information on many topics, and makes information related to the budget available online.

CIVIL LIBERTIES: 56 / 60 (-1)

D. FREEDOM OF EXPRESSION AND BELIEF: 15 / 16

D1. Are there free and independent media? 3 / 4

Freedom of expression is constitutionally guaranteed, and the press is generally free in practice. However, defamation remains a criminal offense punishable by imprisonment or fines. Defamation lawsuits and threats of lawsuits are commonly used by the Skerit government against members of the media, resulting in some self-censorship.

D2. Are individuals free to practice and express their religious faith or nonbelief in public and private? 4 / 4

Freedom of religion is protected under the constitution and other laws, and is generally respected in practice.

D3. Is there academic freedom, and is the educational system free from extensive political indoctrination? 4 / 4

Academic freedom is generally respected.

D4. Are individuals free to express their personal views on political or other sensitive topics without fear of surveillance or retribution? 4 / 4

Individuals are generally free to express their personal views on political or other sensitive topics.

E. ASSOCIATIONAL AND ORGANIZATIONAL RIGHTS: 11 / 12 (-1)

E1. Is there freedom of assembly? 3 / 4 (-1)

Freedom of assembly is guaranteed under the constitution, and the government has generally respected these rights. However, some unrest took place at opposition protests in 2017, and the prime minister characterized the protest events as threats to state security. In February, a demonstration at which participants called for the prime minister's resignation took place in the capital, Roseau; the event saw some looting and significant acts of vandalism, and saw the use of tear gas by police against protesters. Skerit, in his criticism of the events, suggested that the unrest amounted to an organized attempt by the opposition to "seize the seat of power." In May, police fired a warning shot in response to a protest outside Parliament, and other shots were heard.

Score Change: The score declined from 4 to 3 due to unrest at opposition protests, including vandalism and looting by protesters, and the deployment of tear gas and firing of warning shots by police.

E2. Is there freedom for nongovernmental organizations, particularly those that are engaged in human rights—and governance-related work? 4 / 4

Nongovernmental organizations (NGOs) and advocacy groups generally operate without interference.

E3. Is there freedom for trade unions and similar professional or labor organizations? 4 / 4

Workers have the right to organize, strike, and bargain collectively, and laws prohibit antiunion discrimination by employers. However, the country's definition of "essential" workers is broad, extending to those in the agricultural sector, and there are burdensome restrictions on the ability of these workers to strike.

F. RULE OF LAW: 15 / 16

F1. Is there an independent judiciary? 4 / 4

An independent judiciary is provided for in the constitution, and judicial independence is generally respected. Courts are subordinate to the inter-island Eastern Caribbean Supreme Court (ECSC).

F2. Does due process prevail in civil and criminal matters? 4 / 4

The constitution provides for due process rights, and these are generally observed in practice. While the judicial system generally operates efficiently, staffing shortages remain a problem and can result in prolonged pretrial detention, which can last as long as 24 months.

F3. Is there protection from the illegitimate use of physical force and freedom from war and insurgencies? 4 / 4

People in Dominica generally enjoy freedom from illegitimate force. The Dominica police force operates professionally, and there have been few complaints of violations of human rights by officers in recent years.

In 2014, five police officers were charged in connection with the death of a detainee in a holding cell, and two officers were awaiting trial as of September 2017.

F4. Do laws, policies, and practices guarantee equal treatment of various segments of the population? 3 / 4

Members of Dominica's small indigenous population, the Carib-Kalinago, face discrimination and a variety of accompanying challenges, including high poverty levels and difficulties in obtaining loans from banks. Rastafarians have reported discrimination and profiling by police. Same-sex sexual relations are illegal, though the government has

stated that the nation's Sexual Offences Act—which criminalizes “buggery”—has never been enforced. Sexual harassment is not prohibited by law and is a widespread problem.

G. PERSONAL AUTONOMY AND INDIVIDUAL RIGHTS: 15 / 16

G1. Do individuals enjoy freedom of movement, including the ability to change their place of residence, employment, or education? 4 / 4

Individuals in Dominica generally enjoy freedom of movement, though those outside the established Carib-Kalinago community must apply for special access to the Carib Reserve area, which is granted by the Carib Council.

G2. Are individuals able to exercise the right to own property and establish private businesses without undue interference from state or non-state actors? 4 / 4

The government of Dominica is pro-business, and supports both domestic and foreign investment. Property rights are generally safeguarded. However, women have more limited rights because property is deeded to the head of household, who is usually a man.

G3. Do individuals enjoy personal social freedoms, including choice of marriage partner and size of family, protection from domestic violence, and control over appearance? 3 / 4

Women and children have some limitations on their personal freedoms, including freedom from violence. There is little protection against domestic abuse, and both violence against women and child abuse remain widespread problems.

G4. Do individuals enjoy equality of opportunity and freedom from economic exploitation? 4 / 4

Although poverty and unemployment are serious issues in Dominica, the government has made efforts to improve the economic situation for the country.

In September 2017, Hurricane Maria devastated Dominica. Just under 30 people were killed, and, according to the United Nations, approximately 90 percent of the homes in Dominica were destroyed by the hurricane, which also severely affected the tourism and agricultural industries. The effects of the storm are likely to have a detrimental impact on socioeconomic mobility for many people.

Trafficking in persons was not a major problem in Dominica in 2017.

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