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## U.S. Department of State

### Dominica Country Report on Human Rights Practices for 1997

Released by the Bureau of Democracy, Human Rights, and Labor, January 30, 1998.

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#### DOMINICA

Dominica is a multiparty, parliamentary democracy and a member of the Commonwealth of Nations. A Prime Minister, a Cabinet and a unicameral Legislative Assembly compose the Government. A President, nominated by the Prime Minister in consultation with the leader of the opposition party, elected for a 5-year term by the Parliament, is head of state. The United Workers Party (UWP), led by Prime Minister Edison James, won 11 of 21 seats in Parliament in free and fair elections in June 1995 and gained an additional seat in 1996. The Constitution calls for elections at least every 5 years. The judiciary is independent.

The Dominica Police is the only security force. It is controlled by and responsive to the democratically elected Government.

Dominica's primarily agrarian economy depends on earnings from banana exports. The Government is also developing the tourist industry, diversifying agricultural production, and promoting the export of fresh fruits, vegetables, and coconut products, both within and outside the region. Per capita gross domestic product was about \$2,900 in 1996.

Human rights are generally well respected. The principal human rights problems continued to be occasional instances of use of excessive force by police, poor prison conditions, societal violence against women and children, and instances of discrimination against indigenous Carib Indians.

#### RESPECT FOR HUMAN RIGHTS

**Section 1 Respect for the Integrity of the Person, Including Freedom From:**

## a. Political and Other Extrajudicial Killing

There were no reports of political or other extrajudicial killings.

## b. Disappearance

There were no reports of politically motivated disappearances.

## c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The Constitution prohibits such practices. There were again allegations of occasional use of excessive force by the police. In one case, a prisoner on remand claimed to have been beaten repeatedly over the course of 2 weeks, a charge supported by subsequent medical examination. The police and the Director of Public Prosecutions have been criticized for failing to investigate fully and prosecute these cases.

Prison conditions are poor. Overcrowding and unsanitary conditions continue to be problems in Dominica's only prison facility. The prison provides work therapy, sports programs, educational opportunities, and counseling for inmates.

The Government permits prison visits by independent human rights monitors.

## d. Arbitrary Arrest, Detention, or Exile

The law requires that police charge persons with a crime within 24 hours after arrest or detention or release them from custody. This is generally honored in practice, although often those arrested on Fridays remain the weekend in jail and are not charged until the following Monday.

The Government does not use forced exile.

## e. Denial of Fair Public Trial

The Constitution provides for an independent judiciary, and it is independent in practice.

The judicial system is composed of three magistrate's courts and a high court. Appeals can be made to the Eastern Caribbean Supreme Court and to the Privy Council in the United Kingdom.

The law provides for public trial before an independent, impartial court. Criminal defendants are presumed innocent until proven guilty, are allowed legal counsel, and have the right to appeal. Courts provide free legal counsel to the indigent only in capital cases.

There were no reports of political prisoners.

## f. Arbitrary Interference With Privacy, Family, Home, or Correspondence

The Constitution prohibits such practices. Government authorities generally respect these prohibitions, and violations are subject to effective legal sanction.

**Section 2 Respect for Civil Liberties, Including:**

#### a. Freedom of Speech and Press

The Constitution provides for the right of free expression, and the Government respects this in practice. The political opposition openly criticizes the Government.

The principal main radio station is state-owned and has a government-appointed board. There is also an independent radio station owned by the Catholic Church. The print media consist of two private newspapers and political party journals; all publish without censorship or government interference. Citizens also enjoy good access to independent news sources through cable television and radio reception from neighboring islands.

The Government does not restrict academic freedom.

#### b. Freedom of Peaceful Assembly and Association

The Constitution provides for these rights, and the Government respects them in practice.

#### c. Freedom of Religion

The Constitution provides for freedom of religion, and the Government respects this right in practice.

#### d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The law provides for these rights, and the authorities respect them in practice. The Government may revoke passports if subversion is suspected but has not done so in recent times.

The Government has not formulated a policy regarding refugees, asylees, or first asylum. The issue of the provision of first asylum did not arise. There were no reports of forced expulsion of anyone having a valid claim to refugee status; however, government practice remains undefined.

### **Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government**

The Constitution provides citizens with the right to change their government peacefully, and citizens exercise this right in practice through periodic, free, and fair elections held on the basis of universal suffrage.

In the last national elections in June 1995, the United Workers Party defeated the incumbent Dominica Freedom Party, taking 11 of 21 seats in Parliament. In a by-election in August 1996, the UWP gained an additional seat when it won a seat vacated by a member of the Dominica Freedom Party, giving the UWP a total of 12 seats. The Dominica Freedom Party currently holds four seats, and the Dominica Labour Party holds five seats.

There are no impediments in law or in fact to the participation of women in leadership roles in government or political parties. Voters elected two women to Parliament in the June 1995 elections. Indigenous Carib Indians participate in national political life.

### **Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights**

There are no government restrictions on the formation of local human rights organizations, although no

such groups exist. Several advocacy groups, such as the Association of Disabled People and a women's and children's self-help organization, operate freely and without government interference. There were no requests for investigations of human rights abuses from international or regional human rights groups.

### **Section 5 Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status**

The Constitution includes provisions against racial, sexual, and religious discrimination, which the authorities respect in practice.

#### **Women**

Beyond the general protection of the Constitution, women do not benefit from any specific civil rights legislation. There is little open discrimination against women, yet sexual harassment and domestic violence cases are common, and there is no family court to deal specifically with domestic violence issues. Women can bring charges against husbands for battery, and both the police and the courts prosecute cases of rape and sexual assault, but there are no specific spousal abuse laws. The Department of Labor recruited a permanent counselor and established a crisis response mechanism to assist women who are victims of domestic violence. The Welfare Department assists victims of abuse by finding temporary shelter, providing counseling to both parties, or recommending police action. The Welfare Department reports all cases of abuse to the police. The courts may issue protective orders, but the police do not consistently enforce them.

Property ownership continues to be deeded to "heads of households," who are usually males. When the husband head of household dies without a will, the wife cannot inherit the property or sell it, although she can live in it and pass it to her children. In the civil service, the law establishes fixed pay rates for specific jobs, whatever the gender of the incumbent. There is no law requiring equal pay for equal work for private sector workers.

The Dominica National Council of Women, a nongovernmental organization (NGO), has developed local adult education and small business training programs for women. According to the Labor Department, many women in rural areas find it difficult to meet basic needs, at least in part owing to the decline in the banana export industry.

#### **Children**

The law stipulates that the Government should protect the rights of children to education and health care. Education is compulsory through age 16, and primary health care is available islandwide.

Various laws enumerate children's rights, but their enforcement is hampered by lack of staffing in government agencies. Known cases of child abuse have more than doubled since 1993,

when 253 were recorded. According to the Welfare Department, reports of sexual abuse tripled since 1993, with over 350 cases in 1996. The Government has not responded with any increase in the number of social workers assigned to handle such cases. The social welfare office, which has only six staff members to deal with all welfare problems, handles complaints of child abuse. In one particularly disturbing case that highlighted the acute need for organized care for unwanted or disabled children, a 15-year-old epileptic was caged and tied in a cellar by her mother for extended periods without food or care.

Although the maximum sentence for sexual molestation (rape, incest) is life imprisonment, the normal

sentence given is 15 years except in the case of murder. The age of consent to sexual relations is 16 years.

### People With Disabilities

Beyond the general protection of the Constitution, there is no specific legislation dealing with the disabled. However, the labor laws permit authorization of employment of a disabled person for less than the minimum wage, in order to increase opportunities for employment of the disabled (see Section 6.e.). There is no requirement mandating access for those with disabilities.

### Indigenous People

There is a significant Carib Indian population, estimated at 3,000, of a total population of 72,000. Most live on a 3,700-acre reservation created in 1903. School, water, and health facilities available on the Carib reservation are rudimentary but similar to those available to other rural Dominicans. Indigenous Carib Indians enjoy the same civil rights accorded other Dominican nationals.

## Section 6 Worker Rights

### a. The Right of Association

All workers have the legal right to organize, to choose their representatives, and to strike, but unions represent less than 10 percent of the work force. All unions are independent of the Government. While there are no direct ties, members of certain political parties dominate some unions. There is no restriction on forming labor federations, and unions are affiliated with various international labor bodies.

### b. The Right to Organize and Bargain Collectively

Unions have legally defined rights to organize workers and to bargain with employers. Collective bargaining is widespread in the nonagricultural sectors of the economy, including the government service, and there is also recourse to mediation and arbitration by the Government. The law prohibits antiunion discrimination by employers, and judicial and police authorities enforce union rights. In addition, employers must reinstate workers fired for union activities. It is compulsory by law for employers to recognize unions as bargaining agents once both parties have followed appropriate procedures. Department of Labor inspectors under the supervision of the Labor Commissioner enforce labor legislation, but the small Labor Inspection Office lacks qualified personnel to carry out its duties.

Labor regulations and practices governing Dominica's industrial areas and export firms do not differ from those prevailing in the rest of the economy.

### c. Prohibition of Forced or Compulsory Labor

The law prohibits forced or compulsory labor, and such labor is not known to exist.

### d. Status of Child Labor Practices and Minimum Age for Employment

The law prohibits forced or bonded child labor, and the Government enforces this prohibition effectively. The minimum legal age for employment is 15 years. Employers generally observe this law without government enforcement.

#### e. Acceptable Conditions of Work

The law sets minimum wages for various categories of workers. These were last revised in November 1989. The minimum wage rate for most categories of workers is \$0.56 (EC\$1.50) per hour, but for domestic servants it is \$0.37 (EC\$1.00) per hour if meals are included, and \$0.46 (EC\$1.25) per hour if meals are not included. The minimum wage is not sufficient to provide a decent standard of living for a worker and family. However, most workers (including domestics) earn more than the legislated minimum wage.

The labor standard laws state that no employer shall establish or maintain differences in wages between male and female employees performing the same or similar work with parallel responsibilities under similar conditions. The law further states that no employer may reduce the wages of an employee to comply with equal wage standards. The labor laws also provide that the Labor Commissioner may authorize the employment of a handicapped person at a wage lower than the minimum rate in order to enable a handicapped person to be gainfully employed.

The standard legal workweek is 40 hours in 5 days. The law provides for a minimum of 2 weeks' paid vacation per year. The Employment Safety Act provides occupational health and safety regulation. Local NGO's and one major union consider it to be consistent with international standards. The Advisory Committee on Safety and Health is an established body but has never met. The rarely used enforcement mechanism consists of inspections by the Department of Labor, which can and does prescribe specific compliance measures, impose fines, and prosecute offenders. Workers have the right to remove themselves from unsafe work environments without jeopardy to continued employment.

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