



Dominica

Country Reports on Human Rights Practices - [2001](#)

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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, and elected for a 5-year term by the Parliament, is head of state. The Prime Minister is Pierre Charles of the Dominica Labour Party (DLP), which prevailed in generally free and fair elections in January 2000, and has a majority coalition in Parliament. The judiciary is generally independent.

The Dominica Police--the only security force--is controlled by and responsive to the democratically elected Government. There were occasional allegations of abuse by the police.

The country's population is approximately 72,000, and its primarily agrarian economy depends on earnings from banana exports, which declined some 34 percent during the year. The Government's efforts to develop the tourist industry had mixed results, with a decline in tourist arrivals but an increase in cruise ship visitors during the year. The Government also is diversifying agricultural production and promoting the export of fresh fruits, vegetables, and coconut products, both within and outside the region. The manufacture of soaps, toiletries, and cardboard boxes fell significantly during the year, while the production of higher valued dental cream rose by over 4 percent. Unemployment surpassed 23 percent, and real growth in gross domestic product (GDP) was estimated at 0.2 percent in the fiscal year ending in March, compared with 1.6 percent the previous year. Per capita GDP was approximately \$3,750 in 2000.

The Government generally respected the human rights of its citizens; however, there were problems in several areas. The principal human rights problems are occasional instances of use of excessive force by police, poor prison conditions, societal violence against women and children, instances of discrimination against indigenous Carib Indians, and societal discrimination against female Caribs in mixed marriages.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life

There were no reports of arbitrary or unlawful deprivation of life committed by the Government or its agents.

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; however, there were several allegations of occasional use of excessive force by the police.

The police have an Internal Affairs Department to investigate public complaints against the police and to provide counseling to police officers. In 1998 a consultant from the United Kingdom conducted a 3-month

study to update antiquated police regulations and to establish new operational guidelines for the police. This report was submitted to the Government in 1998, but the recommendations were not implemented by year's end.

Prison conditions are poor. Overcrowding and unsanitary conditions continue to be problems in the sole prison facility, which held 215 prisoners as of October. The prison provides work therapy, sports programs, educational opportunities, and counseling for inmates. There continued to be complaints by prisoners about the poor quality of prison food. Pretrial detainees are housed with convicted prisoners, due to overcrowding and a lack of sufficient holding cells. Female prisoners are segregated from male prisoners; however, juveniles are housed with adult inmates.

The Government permits prison visits by independent human rights monitors.

d. Arbitrary Arrest, Detention, or Exile

The Constitution requires that the authorities charge persons with a crime within 24 hours after arrest. If charges are brought, the police must bring the detainee to court within 72 hours. This requirement generally is honored in practice, although those arrested on Fridays often must remain in jail over the weekend 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 generally independent in practice.

The judicial system is composed of a high court judge, 5 magistrates, and 10 magistrate courts located in police stations around the country. 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 generally respects this right in practice. The political opposition openly criticizes the Government.

The print media consist of four private newspapers and political party journals; all publish without censorship or government interference. The principal radio station is state-owned and has a government-appointed board. There is also an independent radio station owned by a private company. A radio station that formerly was owned by the Catholic Church ceased operations several years ago due to financial difficulties. Citizens also have access to independent news sources through cable television and radio reception from neighboring islands.

The Government does not restrict access to the Internet.

The Government does not restrict academic freedom.

b. Freedom of Peaceful Assembly and Association

The Constitution provides for the freedoms of assembly and association, and the Government generally respects these rights in practice.

c. Freedom of Religion

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

Members of the Rastafarian community have complained that law enforcement officials unfairly target them. However, it is not clear whether such complaints reflect discrimination on the basis of religious belief by the authorities or simply enforcement of laws against marijuana, which is used as part of Rastafarian religious practice.

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

The law provides for these rights, and the Government generally respects them in practice. The Government may revoke passports if subversion is suspected but has not done so in the past several years.

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 the forced return of persons to a country where they feared persecution.

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. The Constitution calls for elections at least every 5 years.

In January 2000, the Dominica Labour Party won 10 seats in generally free and fair elections, defeating the United Workers' Party (UWP) which had held power since 1995. DLP leader Roosevelt P. "Rosie" Douglas forged a majority coalition of 13 seats in the 21-member Parliament, with the Dominican Freedom Party, holder of 2 seats, and 1 former UWP parliamentarian who changed party affiliation to join the DLP Government. Douglas died in office in October 2000, and the former Minister of Communication and Works, Pierre Charles, became the Prime Minister. Ian Douglas, nephew of Rosie Douglas and representing the DLP, won the December 2000 by-election for the deceased Prime Minister's seat. Observers considered that election to be generally free and fair.

There are no impediments in law or in practice to the participation of women in leadership roles in government or political parties; however, the percentage of women in government or politics does not correspond to their percentage of the population. There are two female members of parliament.

Carib Indians participate in national political life; however, the percentage of Caribs in government or politics does not correspond to their percentage of the population.

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, the Dominican National Council of Women, 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

Domestic violence cases are common, and there is no family court to deal specifically with domestic violence

issues. Statistics from the Complaints and Reports Hot Line stated that there were 128 acts of violence reportedly committed against women in 2000, compared with 114 acts in 1999. 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. However, in 1998 a new Sexual Offences Act went into effect to replace the previous act, which required medical evidence or witness corroboration for indictment. As a matter of policy, all rape cases are handled solely by female police officers. 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 enforce them consistently. The Dominica National Council of Women, a nongovernmental organization, teaches preventive education about domestic violence and maintains a shelter where counseling and mediation services for men and women are available daily. The organization permits persons to stay at the shelter for 3 weeks at a time.

Sexual harassment is a problem.

Beyond the general protection of the Constitution, women do not benefit from any specific civil rights legislation. While there is little open discrimination against women, property ownership continues to be deeded to "heads of households," who are usually males. When the male 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. 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.

The Dominica National Council of Women has developed local adult education and small business training programs for women.

Children

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

Various laws enumerate children's rights, but their enforcement is hampered by lack of staffing in government agencies. According to the Welfare Department, cases of child abuse, including sexual abuse, have increased in the past few years, despite fluctuations in statistics of actual reports. In 2000 there were 269 reported cases of child abuse, compared with 303 cases in 1999. The 269 cases affected 80 boys and 189 girls. Of these cases, 162 involved sexual abuse. There were 139 cases reported to the Welfare Division alone as of October. These figures, which did not yet include cases reported to the police, included 81 cases of sexual abuse; 18 boys and 121 girls were victims. At year's end, there were nine staff members in the social welfare office that handles all welfare problems, including complaints of child abuse.

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 for sexual relations is 16 years.

Persons with Disabilities

Beyond the general protection of the Constitution, there is no specific legislation to address problems facing persons with disabilities. However, the labor laws permit authorization of employment of a person with disabilities for less than the minimum wage, in order to increase opportunities for employment of such persons (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 3,400 persons, of a total population of 72,000. Most live on a 3,783-acre reservation created in 1903 and expanded in 1997. School, water, and health facilities available on the Carib reservation are rudimentary but similar to those available to other rural citizens. Most Carib Indians engage in farming, fishing, and handicraft. Unemployment is believed to be higher than in rest of the country, while the average income is below the national average. About 65 percent of the Carib population is between the ages of 18 and 35.

The reservation is governed by the 1978 Carib Constitution. Carib Indians over the age of 18 who reside there are eligible to vote for the Chief and eight members of the Council of Advisors. Elections are held every 5 years, and the latest election was held in 1999. According to the Carib Constitution, the Council must meet

once a month, determine the chief's itinerary, and publish council meeting agendas in the government Gazette.

There are credible reports of discrimination against Carib women who are married to, or who live with, non-Carib men, making it difficult for such couples to obtain permits to build homes within the reservation. Building permits are obtained from the Carib Council. Until 1979 the Carib Constitution allowed Carib men married to non-Carib women to continue living on the Carib reserve but dictated that Carib women married to non-Carib men had to move off the reservation. Although the law has changed, practice is not yet in keeping with the law. An estimated 25 percent of the Carib Indian population is believed to be in mixed marriages or relationships.

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. However the banana, coconut and citrus fruit industries as well as port services are deemed "essential services," which effectively prohibits workers in these sectors from going on strike. The International Labor Organization (ILO) has asked the Government to exclude these workers from the essential services category, since such employment is not considered to be essential in relevant international labor conventions.

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, but there is no Trades Union Congress. In June the Public Service Workers Union circulated a proposal to create a "congress of unions" as an umbrella organization, but it drew no response from other unions or employee associations. There were no significant strikes during the year. On November 1, 100 police officers staged a sick-out that briefly crippled operations around the island. The action was taken to draw attention to a decade-long dispute between the Government and the Police Welfare Association over pension benefits.

Unions may affiliate 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 in government service, and there is also recourse to mediation and arbitration by the Government. The law prohibits antiunion discrimination by employers, and judicial authorities enforce union rights. In addition, employers must reinstate workers fired for union activities. The law requires that employers 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 sufficient personnel to carry out its duties.

Labor regulations and practices governing the country's industrial areas and export firms do not differ from those prevailing in the rest of the economy. There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor

The law prohibits forced or compulsory labor, including that by children, and such labor is not known to exist. The ILO has asked the Government to repeal the National Service Act, on the grounds that it is conducive to forced labor for economic development.

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

The minimum legal age for employment is 15 years. Employers generally observe this law without government enforcement. In April the Government ratified ILO Convention 182 on elimination of the worst forms of child labor. The law prohibits forced or bonded child labor, and the Government enforces this prohibition effectively (see Section 6.c.).

e. Acceptable Conditions of Work

The law sets minimum wages for various categories of workers, but these were last revised in 1989. The minimum wage rate for some categories of workers (e.g., household employees) is as low as \$0.37 (EC\$1.00)

per hour if meals are included. However, minimum wages for most workers fall in a range between \$0.74 (EC\$2.00) per hour for tourist industry workers to \$1.11 (EC\$3.00) per hour for occupations such as shop clerks. Minimum wages are not sufficient to provide a decent standard of living for a worker and family. However, most workers (including domestic employees) earn more than the legislated minimum wage for their category. The Minimum Wage Advisory Board met in 1998 and recommended increases in these wage levels, but the Government had not yet acted upon these recommendations at year's end.

The labor standards laws state that no employer shall establish or maintain differences in wages between men and women 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 person with disabilities at a wage lower than the minimum rate in order to enable that person to be employed gainfully.

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 regulations that are 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.

f. Trafficking in Persons

There are no laws that specifically address trafficking in persons.

The country has an economic citizenship program that allows foreign investors to purchase passports through loosely monitored procedures requiring cash inflows ranging from \$15,000 (EC\$40,000) to \$50,000 (EC\$135,000). This process reportedly has facilitated the illegal immigration of persons from China and other countries to North America where, in some cases, they may be forced by the criminal organizations that provided the funds to work under conditions similar to bonded labor to repay their debt. The new Government moved to curtail the economic citizenship program, following complaints from the Governments of Canada and Australia. However, a form of the program still existed at year's end. There were reports that 52 persons purchased economic citizenship between August 15, 2000, and January 12.