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Dominica

Country Reports on Human Rights Practices - [2005](#)

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Dominica is a multiparty, parliamentary democracy with a population of approximately 70,400. Prime Minister Roosevelt Skerrit's Dominica Labour Party (DLP) prevailed in elections in May, the results of which were certified despite challenges filed by the opposition in a few constituencies. The civilian authorities generally maintained effective control of the security forces.

The government generally respected the human rights of its citizens; however, there were problems in a few areas:

- poor prison conditions
- violence against women and children
- conditions experienced by indigenous Carib Indians

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life

The government or its agents did not commit any politically motivated killings; however, police investigated two instances in which security forces allegedly committed unjustified killings.

In February police reportedly beat, shot, and killed Clifford Ambo. According to press reports, the Ambo's family complained that the killing was unjustified. Police completed their investigation into the killing, the results of which were under review by the director of public prosecutions (DPP) at year's end.

Also in February prison guards reportedly beat to death Henson Joseph after catching him attempting to escape. The incident came to public attention after inmates sent anonymous letters to the press. Police completed their investigation into the killing, the results of which were under review by the DPP at year's end.

b. Disappearance

There were no reports of politically motivated disappearances.

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

While the law prohibits such practices, complainants brought six cases against the police charging use of excessive force during the year. At year's end all six were before the police force's internal disciplinary tribunal.

Of the seven cases of excessive force brought against police in 2004, authorities dismissed three for lack of evidence. Four cases went to the internal disciplinary tribunal, which found the officers guilty and imposed administrative penalties. At year's end three of the affected officers filed appeals.

Prison and Detention Center Conditions

Prison conditions were poor. The buildings at the country's single prison, Stock Farm, were in disrepair; conditions remained unsanitary; and overcrowding was a serious problem. The prison held 282 prisoners in a facility designed for fewer than 200 inmates. Prison overcrowding contributed to several escapes by inmates during the year. In June a citizen reportedly shot and killed one escaped inmate while authorities searched for him.

Pretrial detainees were held with convicted prisoners, due to a lack of separate facilities.

The government permitted prison visits by independent human rights observers, although no such visits were known to have occurred during the year.

d. Arbitrary Arrest or Detention

The law prohibits arbitrary arrest and detention, and the government generally observed these prohibitions.

Role of the Police and Security Apparatus

The prime minister's office oversaw the Dominica Police, the country's only security force. The 392-officer force effectively carried out its responsibilities to maintain public order. The police have a formal complaint procedure to handle allegations of excessive force or abuse by police officers.

Arrest and Detention

The police apprehend persons openly with warrants issued by a judicial authority. The law requires that the authorities inform persons of the reasons for arrest within 24 hours after arrest and bring the detainee to court within 72 hours. This requirement generally was honored in practice; however, if the authorities were unable to bring a detainee to court within the requisite period, the detainee could be released and rearrested at a later time. There is a functioning system of bail. Criminal detainees were provided prompt access to counsel and family members.

There were no reports of political detainees.

e. Denial of Fair Public Trial

The law provides for an independent judiciary, and the government generally respected this provision in practice.

The judicial system is composed of a high court judge, 5 magistrates, and 10 magistrate's 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.

Trial Procedures

The law provides for the right to a fair trial before an independent, impartial court, and an independent judiciary generally enforced this right. There are trials by jury, and defendants can confront or question witnesses. 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.

Political Prisoners

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The law prohibits such actions, and the government generally respected these prohibitions in practice.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The law provides for freedom of speech and of the press, and the government generally respected these rights in practice and did not restrict academic freedom or the Internet. An independent press, an effective judiciary, and a functioning democratic political system combined to ensure freedom of speech and of the press.

b. Freedom of Peaceful Assembly and Association

The law provides for freedom of assembly and association, and the government generally respected these rights in practice.

c. Freedom of Religion

The law provides for freedom of religion, and the government generally respected this right in practice.

Although churches are not required to register, they must do so to own property, and ministers of registered churches may have an easier time obtaining long-term work visas. In 2004 the Church of Jesus Christ of Latter-day Saints reported difficulties receiving official government recognition, but the new attorney general issued a consent form that would allow the church to register. It planned to do so as soon as

possible, but the matter was still pending at year's end.

Societal Abuses and Discrimination

There were no reports of societal abuses or discrimination, including anti-Semitic acts. There was no organized Jewish community.

For a more detailed discussion, see the [2005 International Religious Freedom Report](#)

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

The law provides for these rights, and the government generally respected them in practice.

The law prohibits forced exile, and the government did not use it.

Protection of Refugees

The government has not formulated a policy regarding refugees or asylum. In practice the government provided protection against *refoulement*, the return of persons to a country where they feared persecution, but did not routinely grant refugee status or asylum.

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

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

Elections and Political Participation

In May the ruling DLP won 12 seats in parliamentary elections, defeating the United Workers' Party (UWP), which won 8 seats. An independent candidate affiliated with the DLP also won a seat. The opposition UWP complained of electoral irregularities and challenged in court the results in five constituencies. In October a high court judge dismissed the UWP's petition, citing a lack of evidence, but the opposition planned to appeal the decision. Although the country has a history of holding free and fair elections, impartial election observers were not present to verify the results.

There were 2 women in the 30-seat legislature: an elected parliamentary representative who also served in the cabinet and a senator appointed by the president.

The parliamentary representative for the constituency that includes the Carib Territory was a Carib Indian; he served concurrently as minister for Carib affairs.

Government Corruption and Transparency

Corruption was a moderate problem, but the country has not formulated an anticorruption plan to address it.

The law does not provide for public access to government information, and the government did not provide such access in practice.

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

There were no government restrictions on the formation of local human rights organizations, although no such groups existed. Several advocacy groups, such as the Association of Disabled People, the Dominica National Council of Women, and a women's and children's self-help organization, operated 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, Societal Abuses, and Trafficking in Persons

The law specifically prohibits discrimination based on race, gender, place of origin, color, and creed, which the authorities generally respected in practice.

Women

Domestic violence cases were common. Although there are no specific spousal abuse laws, women could bring charges against husbands for battery, and the police and the courts prosecuted cases of rape and sexual assault. Rape cases were handled solely by female police officers. Although the maximum sentence for sexual molestation (rape or incest) is 25 years' imprisonment, the normal sentence given was 5 to 7 years except in the case of murder. The Department of Labor established a crisis response mechanism to assist women who were victims of domestic violence. The Welfare Department of the Ministry of Community Development assisted victims of abuse by finding temporary shelter, providing counseling to both parties, or recommending police action. The Welfare Department reported all cases of abuse

to the police.

The Protection against Domestic Violence Act allows abused persons to appear before a magistrate without an attorney and request a protective order. The court also may order the alleged perpetrator to be removed from the home in order to allow the victims, usually women and children, to remain in the home while the matter is investigated. Police officers continued to receive training in dealing with domestic abuse cases. The Dominica National Council of Women, a nongovernmental organization, provided preventive education about domestic violence and maintained a shelter where counseling and mediation services were available daily and provided to approximately 150 persons during the year. Due to a shortage of funding, the organization only could permit persons to stay at the shelter for several days at a time; however, if needed, further housing was provided in private homes for up to three weeks. The Catholic Church continued to be active in educating the public about domestic violence.

Prostitution is illegal but was a problem. Women from the Dominican Republic reportedly traveled to the country to work as prostitutes. There was no evidence that they were trafficked.

The law does not prohibit sexual harassment, and it remained a problem.

While there was little open discrimination against women, property ownership continued to be deeded to heads of households, who were usually males. When the male head of household dies without a will, the wife may not inherit or sell the property, although she may live in it and pass it to her children. The law establishes fixed pay rates for specific civil service jobs, regardless of gender. The Labor Department reported that many rural women found it difficult to meet basic economic needs, which partly resulted from the continuing decline of the banana export industry.

The Ministry of Community Development and Gender Affairs is charged with promoting and ensuring the legal rights of women.

Children

The government was committed to children's rights and welfare.

Education is compulsory, free, and universal through the age of 16. Approximately 90 percent of primary school-age children attended school. In September the government made secondary education universal.

Primary health care was available throughout the island, and boys and girls had equal access.

Child abuse continued to be a problem. During the year the Welfare Department received 152 reports of child abuse, including child sexual abuse and incest, compared with 114 in 2004. Enforcement of children's rights laws continued to be hampered by lack of staff.

The age of consent for sexual relations is 16 years. No specific laws prohibit commercial sexual exploitation of children, but such activity could be prosecuted under laws against prostitution or trafficking.

Trafficking in Persons

The law prohibits trafficking in persons, specifically involving forced labor, commercial sexual exploitation, and smuggling illegal migrants. There were no reports that persons were trafficked to, from, or within the country. Persons convicted of trafficking are subject to a fine of \$37,500 (EC\$100 thousand) and up to 7 years in prison.

Persons with Disabilities

The law does not specifically prohibit discrimination against persons with disabilities, but there was no discrimination against them in employment, education, access to health care, or in the provision of other state services. There is no legal requirement mandating access to buildings for persons with disabilities. Labor laws permit authorization of employment to persons with disabilities for less than the minimum wage, to increase employment opportunities for such persons (see section 6.e.).

Indigenous People

There was a significant Carib Indian population, estimated at 3,500 persons, most of whom lived in the 3,782-acre Carib Territory. Despite having a representative in the government, the Caribs believed that the government could do more to protect their civil and political rights. The government has a Ministry of Carib Affairs headed by a Carib Indian. A police station on the Carib Territory was staffed by four to five officers, several of whom were typically Caribs. School, water, and health facilities on the territory were rudimentary but similar to those available to other rural citizens; there were four primary schools in the Carib Territory and two secondary schools in nearby communities attended by Carib children. Unemployment in the territory generally was higher than in the rest of the country, and average income was below the national average.

The Carib Act states that any child of a Carib Indian is also Carib. Non-Caribs may become Carib Indians if they are invited to live in the Carib Territory and continuously do so for 12 years. Every 5 years Carib Indians over the age of 18 who reside there may vote for the chief and 6 members of the Council of Advisors (they also are eligible to vote in national elections). According to the Carib Act, the council must meet once a month, determine the chief's itinerary, and publish council meeting agendas in the government Gazette.

Territory building permits may be obtained from the Carib Council and only were available to Carib Indians. Although the law permits Carib men and women married to non-Caribs to continue living in the territory, in practice Carib women married to non-Caribs had to move out of the territory.

The law establishing the Carib Territory does not delineate clearly the territorial boundaries. Carib Indians continued to report difficulties obtaining bank financing, particularly since reservation land was communal and therefore unavailable for use as collateral for loans.

Section 6 Worker Rights

a. The Right of Association

Workers exercised the legal right to organize and choose their representatives. Unions represented approximately one-third of the total work force; approximately half of government workers were unionized.

While the law provides that employers must reinstate workers fired for union activities, unions were concerned that this law was not enforced. The National Workers Union and the Waterfront and Allied Workers Union pursued separate cases on behalf of shop stewards who allegedly were dismissed for union activities in 2003. These two cases remained unresolved at year's end.

b. The Right to Organize and Bargain Collectively

Unions have legally defined rights to organize workers and to bargain with employers. Workers exercised this right, particularly in the nonagricultural sectors of the economy, including in government service. Government mediation and arbitration were also available. There are no export processing zones.

The law provides for the right to strike, and workers exercised this right in practice. The banana, coconut, and citrus fruit industries as well as port services were deemed essential services, which effectively prohibits workers in these sectors from going on strike. The International Labor Organization considered this definition overly broad and repeatedly urged the government to redefine essential services in a more limited way. However, the size of the agricultural industry declined significantly and was concentrated mainly in small family farms. Thus there was little domestic impetus to change this or other sections of the labor laws that were out of date but had little real impact upon workplace issues.

In 2004 a court found in favor of the government in a case brought by the Public Service Union (PSU) concerning the legality of government cost-cutting measures. The PSU appealed the decision to the Privy Council in London, and a decision was pending at year's end.

c. Prohibition of Forced or Compulsory Labor

The law prohibits forced or compulsory labor, including by children, and there were no reports that such practices occurred.

d. Prohibition of Child Labor and Minimum Age for Employment

Although two laws prohibit employment of children, one law defines a "child" as under age 12 and the other as under age 14. The government defined 15 years as the minimum age for employment and enforced this standard in principle. Children between the ages of 12 and 14 were allowed to work only in certain family enterprises such as farming. Safety standards limit the type of work, conditions, and hours of work for children over the age of 14. The government effectively enforced these standards.

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) was as low as \$0.37 (EC\$1.00) per hour if meals were included. However, minimum wages for most workers ranged from \$0.74 (EC\$2.00) per hour for tourist industry workers to \$1.11 (EC\$3.00) per hour for occupations such as shop clerk. Minimum wages did not provide a decent standard of living for a worker and family. However, most workers (including domestic employees) earned more than the legislated minimum wage for their category, and there was no need to enforce the outdated legal minimum wages.

Labor laws 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 overtime for work above the standard workweek; however, excessive overtime is not prohibited. The government effectively enforced these standards.

The Employment Safety Act provides occupational health and safety regulations that are consistent with international standards. Inspectors from the Environmental Health Department of the Ministry of Health conduct health and safety surveys. The Department of Labor conducts inspections that prescribe specific compliance measures, impose fines, and can result in prosecution of offenders. Workers have the right to remove themselves from unsafe work environments without jeopardy to continued employment, and the authorities effectively enforced this right.

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