



## Dominica

### Country Reports on Human Rights Practices - [2006](#)

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Dominica is a multiparty, parliamentary democracy with a population of approximately 69,000. Prime Minister Roosevelt Skerrit's Dominica Labour Party (DLP) prevailed over the opposition United Workers Party (UWP) in May 2005 elections, 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, primarily poor prison conditions, violence against women and children, and adverse conditions experienced by indigenous Kalinago (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

There were no reports that the government or its agents committed arbitrary or unlawful killings.

On February 10, the director of public prosecutions (DPP) dismissed the case of police officers charged with the February 2005 beating, shooting, and killing of Clifford Ambo. The February 2005 case of prison guards beating to death Henson Joseph was still 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, there were reports that police used excessive force while making arrests, including two documented cases during the year. Both victims chose to sue the police for damages.

On February 17, police officers allegedly attacked and beat Derwin Peltier. Police claimed that Peltier was intoxicated and attacked them, and they used force only to subdue him. Similarly, in February a police officer allegedly beat Edward Bruney with the butt of his gun. Because these men chose to file civil suits, internal police review tribunals were suspended until the civil suits concluded. At year's end both cases were still before the civil courts.

All six cases of excessive force brought against police officers in 2005 were still pending at year's end. The police force's internal disciplinary tribunal found three police officers guilty, and all three appealed to an independent appeal board. Two cases were still before the internal tribunal, while the Police Commission, DPP, and attorney general ruled that one case was sufficiently severe to bring criminal charges against the officer. At year's end this case was still before the magistrate's court.

##### 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 301 prisoners in a facility designed for fewer than 200 inmates.

Juvenile detainees were held with adults, and 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 oversees the Dominica Police, the country's only security force. The 411-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. Corruption was not a problem within the police force.

#### 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.

#### e. Denial of Fair Public Trial

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

The judicial system is composed of a high court judge, five magistrates in the capital city of Roseau, and 10 magistrate's courts located in police stations around the country. Appeals can be made first to the Eastern Caribbean Court of Appeal and then 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 juveniles unable to obtain their own counsel, regardless of the crime committed, and to the indigent, but only in cases involving serious crimes.

#### Political Prisoners and Detainees

There were no reports of political prisoners or detainees.

#### Civil Judicial Procedures and Remedies

There is an independent, impartial judiciary in civil matters where one can bring lawsuits seeking damages for a human rights violation.

#### 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. Generally individuals could criticize the government publicly or privately without reprisal. The independent media were active and expressed a wide variety of views without restriction.

On August 24, the government-sponsored radio station, Dominica Broadcasting Service (DBS), chose not to air a radio program entitled "Gates of Health," allegedly because of pressure from the Ministry of Health. The program documented conditions at Princess Margaret Hospital, and the journalist responsible for the program performed his research, including interviews, while disguised as a patient. The journalist alleged that the documentary was cancelled because of its negative portrayal of the medical system. DBS and Ministry of Health officials claimed that DBS cancelled the program because of the clandestine manner in which it was researched, citing breaches of confidentiality.

#### Internet Freedom

There were no government restrictions on access to the Internet or reports that the government monitored e-mail or Internet chatrooms. Individuals and groups could engage in the peaceful expression of views via the Internet, including by electronic mail. The Internet was largely available in homes, offices, and Internet cafes in urban areas. Infrastructure limitations restricted Internet access in villages.

#### Academic Freedom and Cultural Events

There were no government restrictions on academic freedom or cultural events.

#### 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.

The government requires all religious organizations to register. Organizations must register as nonprofit organizations with the attorney general's office and also register their buildings through the government registrar. On February 21, the government formally recognized the Church of Jesus Christ of Latter-day Saints, which had been seeking full authorization since 2004.

#### Societal Abuses and Discrimination

There was no organized Jewish community, and there were no reports of anti-Semitic acts. Rastafarians complained that the use of marijuana, an aspect of their religious rituals, was illegal and that their members were victims of societal discrimination, especially in hiring.

For a more detailed discussion, see the [2006 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

Although the country is a signatory to the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol, 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.

After the fall of the Aristide government in Haiti in 2004, thousands of Haitians fled to Dominica. However, none of these Haitians had requested refugee status by year's end. Although the Haitians normally entered legally, many only used the country as a transit point and attempted to depart illegally for the neighboring French territories of Martinique or Guadeloupe. In September, as an incentive to enter and exit the country legally, the government began charging Haitians \$400 (EC\$1,000) when entering the country and promised to return the funds upon legal exit from the country. The refundable entrance fee had little effect on the numbers of Haitians departing illegally. There were no reported cases that any Haitians were trafficked against their will.

#### 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 based on universal suffrage.

#### Elections and Political Participation

In May 2005 the ruling DLP won 12 seats in parliamentary elections, defeating the UWP, which won eight seats. An independent candidate affiliated with the DLP also won a seat. Although the country has a history of holding free and fair elections, impartial election observers were not present to verify the results. In April the Eastern Caribbean Court of Appeal dismissed for lack of evidence petitions brought in 2005 by the UWP that disputed the results in five constituencies.

There were two 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

There were no reports of government corruption during the year.

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 (DNCW), 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, and the authorities generally respected it in practice.

##### Women

Domestic violence cases were common. Although there are no specific laws criminalizing spousal abuse, women could bring charges against husbands for battery. 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. However, enforcement of these restraining orders was difficult because of a lack of police resources. Police officers continued to receive training in dealing with domestic abuse cases.

The DNCW, a nongovernmental organization (NGO), provided preventive education about domestic violence and maintained a shelter where counseling and mediation services were available daily. It assisted approximately 70 persons during the year. Due to a shortage of funding, the organization could permit persons to stay at the shelter only for several days at a time; however, if needed, further housing was provided in private homes for up to three weeks. Because of the country's small size, abusive spouses commonly found and visited the victims at the shelter, making private homes a safer option in many cases. The Catholic Church continued to be active in educating the public about domestic violence.

The law criminalizes rape, which can include spousal rape. Whenever possible, female police officers handled rape cases. Although the maximum sentence for sexual molestation (rape or incest) is 25 years' imprisonment, the normal sentence given was five to seven years, except in the case of murder. The Women's Bureau of the Ministry of Community Development assisted victims of abuse by finding temporary shelter, providing counseling to both parties, or recommending police action. The Women's Bureau also coordinated interagency efforts to collect data, advocate policy changes, and provide programs for the empowerment of women.

Prostitution is illegal but was a problem. Although 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, minor cultural instances of discrimination existed. Also, property ownership continued to be deeded to heads of households, who were usually male. 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 resulted partly from the continuing decline of the banana export industry. There was a 53 percent unemployment rate for women. Although there were some women in managerial or high-level positions, most women worked as shopkeepers, nurses, or in education.

The Gender Bureau of the Ministry of Community Development and Gender Affairs is charged with promoting and ensuring the legal rights of women. The bureau provides lobbying, research, support, counseling, training, and education services. The Gender Bureau worked with the DNCW and other organizations to celebrate the 16th anniversary of the 16 Days of Activism to End Violence against Women. From November 25 through December 10, these organizations ran a number of projects, including marches and television broadcasts, to promote the International Day for the Elimination of Violence against Women, World AIDS Day, and International Human Rights Day. In December 2005 the Gender Bureau and DNCW, along with other related government bodies and NGOs, launched a two-year, UN-sponsored program designed to improve the implementation of existing laws, policies, and plans of action to address violence against women and girls. The program was successful throughout the year in helping the government, NGO, and police sectors work more closely together, particularly in data collection and information sharing.

##### 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 2005 the government made secondary education universal, and a year later approximately 87 percent of secondary school-age children attended school.

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

Child abuse continued to be a pervasive problem, both at home and at school. As of October the Welfare Department of the Ministry of Community Development and Gender Affairs received 143 reports of child abuse, compared with 152 in all of 2005. This included 78 cases of sexual abuse, 25 cases of neglect, 18 cases of physical abuse, four cases of emotional abuse, and 18 cases of multiple types of abuse. Of these 143 cases, at least 84 of the victims were female. The Welfare Department also assisted victims of abuse by finding temporary shelter, providing counseling to both parties, or recommending police action. The Welfare Department reported all severe cases of abuse to the police. Lack of staff and resources continued to hamper enforcement of children's rights laws.

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\$100,000) and up to seven years in prison.

#### Persons with Disabilities

Although the law does not specifically prohibit discrimination against persons with disabilities, there was no reported discrimination against them in employment, education, access to health care, or in the provision of other state services. However, mentally challenged children had difficulty attending school and finding appropriate foster homes when faced with neglect from their birth parents. There is no legal requirement mandating access to buildings for persons with disabilities. Labor laws authorize employment of 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 Kalinago, or Carib Indian, population, estimated at 4,000 persons, most of whom lived in the 3,782-acre Carib Territory. The government has a Ministry of Carib Affairs headed by a Kalinago. A police station on the Carib Territory was staffed by four to five officers, several of whom were Kalinago. Two neighboring police stations and fire stations also served the Carib Territory, along with two health centers. School, water, and health facilities on the territory were rudimentary but similar to those available in other rural communities; there were four preschools and two primary schools in the Carib Territory and two secondary schools in nearby communities attended by Kalinago children. In September the Northern Education Complex, a technically advanced school, opened, and the number of students from the Carib Territory attending secondary school increased significantly. Unemployment in the territory generally was higher than in the rest of the country, and mean income was below the national level.

The Carib Act states that any child of a Kalinago is also Kalinago. Non-Kalinagos may become Kalinagos if they are invited to live in the Carib Territory and continuously do so for 12 years. Every five years Kalinagos over the age of 18 who reside in the territory may vote for the chief and six 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.

The Kalinago people continued to suffer from low levels of unofficial and societal discrimination.

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

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

To lessen the challenges the Kalinago people face, the Ministry of Education covered tuition for Kalinago students at the Dominica State College, awarded scholarships to Kalinago students for study throughout the Caribbean, and sent the Karifuna Cultural Group on a three-month tour throughout the country to promote Kalinago culture. On May 1, the government opened the Kalinago Barana Aute (Carib Cultural Village by the Sea) to promote Kalinago culture and contribute to the socioeconomic development of the Kalinago people by providing employment, teaching skills, and fostering cooperation among them.

#### Other Societal Abuses and Discrimination

There are no laws that prohibit discrimination against a person on the basis of sexual orientation in employment, housing, education, or health care. Although no statistics were available, anecdotal evidence suggested that societal discrimination against homosexuals occurred.

The government and the Dominica Planned Parenthood Association (DPPA) initiated programs designed to discourage discrimination against HIV/AIDS-infected persons and others living with them. The Ministry of Health programmed various television spots and radio discussions on "Know Your Status," a theme promoting free HIV testing and counseling. On World AIDS Day, the DPPA sponsored a march to raise awareness of free testing and counseling.

#### 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.

The law provides that employers must reinstate workers fired for union activities, and employers generally did so in practice. The National Workers Union pursued a case on behalf of a shop steward who allegedly was dismissed for union activities in 2003. At year's end the steward had not yet been reinstated, and this case remained unresolved.

#### 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. However, emergency, port, electricity, telecommunications, and prison services, as well as banana, coconut, and citrus fruit cultivation industries, were deemed essential, which effectively prohibited workers in these sectors from going on strike. The Labor Office recognized that this law was rather broad and should be updated.

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. In November the Eastern Caribbean Supreme Court took leave of the case, allowing an appeal to be presented to the Privy Council in the United Kingdom. At year's end PSU lawyers were preparing the appeal.

#### 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 (for example, 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 five days. The law provides overtime pay 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 conducted health and safety surveys. The Department of Labor conducted 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.