



## Dominica

### Country Reports on Human Rights Practices - [2007](#)

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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 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 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

The government or its agents did not commit any politically motivated killings; however, security forces killed one person during the year.

On December 2, two police officers shot and killed Stan Bruney while pursuing another man. On December 11, authorities charged the two officers with murder and released them on bail to await trial.

The Director of Public Prosecutions ruled that there was not enough evidence to prosecute prison guards accused of beating Henson Joseph to death in 2005.

###### b. Disappearance

There were no reports of politically motivated disappearances.

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

While the constitution prohibits such practices, there were reports that police used excessive force while making arrests, including documented cases in which the police shot the victim.

On July 10, a man was hospitalized after being shot in the thighs by police who claimed they were acting in self-defense. On August 5, police shot a possibly mentally ill man in both legs. Police claimed that they acted in self-defense, and both cases were still under investigation at year's end.

On December 1, police shot an escaped convict who was resisting capture. An investigation found this action was justified in the line of duty.

Seven cases of use of excessive force were brought against police during the year. Of these cases, authorities dismissed four for lack of evidence, and in two cases, the complainant dropped the charges. One case was pending before the Police Services Commission at year's end.

The February 2006 cases involving police beatings of Derwin Peltier and Edward Bruney were before the civil courts at year's end.

An internal police tribunal considered six cases of excessive force brought against police officers in 2005. It dismissed one case for lack of evidence, sent one to the magistrate's court where it was dismissed for lack of evidence, found guilty in three cases that were still before an independent appeals board, and had one case still under consideration at year's end.

#### Prison and Detention Center Conditions

Prison conditions were below international standards, but improved significantly since 2006. On July 9, the prison dedicated a new wing and improvements to existing buildings. The new wing includes more cells, an infirmary, doctor's office, classrooms, and a multipurpose recreational hall. Conditions remained unsanitary but were improved from the previous year. The Dominica Prison Service lessened overcrowding by increasing space but keeping the capacity designation to 200 inmates. However, the prison was still somewhat overcrowded at 246 inmates.

The new space allowed adult remand inmates to be detained separately from adult convicted prisoners. Juvenile detainees (under 16 years old) and young offenders (16 to 25 years old) were held together, along with remand detainees and convicted detainees of those two age groups.

Anecdotal evidence suggested that some abuse of prisoners may have occurred, but there were no specifically reported cases during the year. Authorities provided inmates with health care services throughout the year.

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

#### Role of the Police and Security Apparatus

Civilian authorities maintained effective control over the 415-officer police force, and the government has effective mechanisms to investigate and punish abuse and corruption. There were no reports of impunity involving the security forces during the year.

#### 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 are unable to bring a detainee to court within the requisite period, the detainee can 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.

Lengthy detention before trial was a problem due to judicial inefficiency and staff shortages. Out of 114 inmates on remand, only seven had trial dates set by year's end.

#### e. Denial of Fair Public Trial

The constitution 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 constitution provides for the right to a fair trial, 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 constitution 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 constitution 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.

In September Prime Minister Skerrit filed two libel suits against the *Times* newspaper, one for each article alleging that Skerrit had received two plots of land through corrupt means and lied about it. The lawsuits asserted that the articles damaged the prime minister's reputation. At year's end the two suits were before the civil courts.

#### Internet Freedom

There were no government restrictions on access to the Internet or reports that the government monitored e-mail or Internet chat rooms. Individuals and groups could engage in the peaceful expression of views via the Internet, including by e-mail. The Internet was largely available in homes, offices, and Internet cafes in urban areas, but 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 constitution provides for freedom of assembly and association, and the government generally respected these rights in practice.

##### c. Freedom of Religion

The constitution 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.

#### Societal Abuses and Discrimination

Rastafarians complained that their members were victims of societal discrimination, especially in hiring. There were no other reports of societal abuses or discrimination, including anti-Semitic acts. There was no organized Jewish community.

For a more detailed discussion, see the [2007 International Religious Freedom Report](#).

##### d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons

The constitution and the law provide for freedom of movement within the country, foreign travel, emigration, and repatriation, and the government generally respected these rights in practice.

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

### Protection of Refugees

Although the country signed the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol, the government has not established a legal or procedural system for providing protection to refugees. The government did not grant refugee status or asylum during the year.

In practice the government provided protection against refoulement, the return of persons to a country where there is reason to believe they feared persecution.

Although no known cases occurred, the government was prepared to cooperate with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in assisting refugees and asylum seekers. UNHCR has an honorary liaison located in the country with whom the government can consult regarding asylum claims and other protection concerns.

### 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 exercised this right in practice through periodic, free, and fair elections based on universal suffrage.

#### Elections and Political Participation

In 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. After the election, the independent candidate and an opposition member joined the ruling party. Although the country has a history of holding free and fair elections, impartial election observers were not present to verify the results.

Political parties could operate without restrictions.

There were two women in the 30-seat legislature, one elected and one appointed, one of whom served as a cabinet minister. A woman also served as attorney general, a cabinet position. The speaker of the house was a woman.

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

The law provides criminal penalties for official corruption; however, the government did not implement the law effectively. According to the World Bank's worldwide governance indicators, government corruption was a problem.

The Integrity in Public Service Act of 2004 requires financial disclosure by elected officials and senior civil servants, but the regulations to implement this law had not been developed by year's end. The Financial Intelligence Unit is the chief government agency responsible for identifying and combating government corruption. In addition the police force and customs service have internal watchdog offices.

On August 29, a local newspaper published an article accusing the prime minister of acquiring property through corrupt methods. The prime minister vehemently denied the allegations and filed a civil suit against the newspaper, which awaited trial at year's end in the civil courts. The opposition and the Media Workers' Association of Dominica used this as example of the importance of implementing the Integrity in Public Service Act.

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. There is no ombudsman, but a parliamentary commissioner has the responsibility to investigate complaints against government.

## 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 this prohibition in practice.

### Women

The law criminalizes rape, including spousal rape. Whenever possible, female police officers handled rape cases. Although the maximum sentence for sexual molestation (rape or incest) is 25 years' imprisonment, courts normally imposed sentences of five to seven years, except in the case of murder. Through November there were 17 reported cases of rape, nine of which resulted in charges, and all nine were before the courts at year's end. The Women's Bureau of the Ministry of Community Development and Gender Affairs 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.

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. During the year the Women's Bureau provided domestic violence counseling to 83 women and 20 men, some as victims and some as perpetrators. The Legal Aid clinic had 33 women and three men seek legal counseling concerning domestic violence. The Roseau police district, the largest police district, received reports of domestic violence from 396 women and 121 men.

The DNCW, a nongovernmental organization (NGO), provided preventive education about domestic violence and maintained a shelter where counseling and mediation services were available daily. 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. 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.

Prostitution is illegal but was a problem. Anecdotal evidence suggested that members of the police force participated as customers. Although there was no evidence that foreign prostitutes, mostly from the Dominican Republic, were trafficked, these women found themselves facing cultural and language barriers that made finding assistance difficult.

The law does not prohibit sexual harassment, and it remained a problem, particularly in the workplace. Anecdotal evidence suggested that sexual harassment cases were largely underreported because victims felt there was no redress.

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. Although there were some women in managerial or high-level positions, most women worked as shopkeepers, nurses, or in education.

The Women's Bureau is charged with promoting and ensuring the legal rights of women. The bureau provides lobbying, research, support, counseling, training, and education services. In 2005 the Women's Bureau and DNCW, along with related government bodies and other NGOs, launched a two-year, UN-sponsored program 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, and approximately 87 percent of secondary school-age children attended school. Girls had equal access to education and tended to have lower drop-out rates than boys.

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. The Welfare Department of the Ministry of Community Development and Gender Affairs received 155 reports of child abuse during the year, compared with 180 in

2006. This included 104 cases of sexual abuse (up from 96 in 2006), 25 cases of physical abuse, 10 cases of neglect, one case of emotional abuse, and 15 cases of combined causes. Of these 155 cases, 127 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 all forms of trafficking in persons, but the text of the law more clearly defines human smuggling than trafficking in persons. Persons convicted of human smuggling are subject to a fine of \$37,500 (EC\$100,000) and up to seven years in prison. Although there was no concrete evidence of trafficking, experts believed this was due to a lack of investigative capacity and asserted trafficking victims might exist among foreign prostitutes and laborers.

#### 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.

#### 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. 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 faced, the Ministry of Education covered tuition for Kalinago students at the Dominica State College and awarded scholarships to Kalinago students for study throughout the Caribbean.

#### Other Societal Abuses and Discrimination

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

The government and the Dominica Planned Parenthood Association operated programs designed to discourage discrimination against HIV/AIDS-infected persons and others living with them.

## 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.

### 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.

In 2006 the Public Service Union appealed a 2004 case involving the legality of government cost-cutting measures to the Privy Council, which had not reached a decision 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 practice. 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; these were last revised in 1989. The minimum wage rate for some categories of workers, such as 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.

