

DOMINICA 2022 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

Dominica is a multiparty parliamentary democracy. The prime minister is the head of government. The House of Assembly elects the president, who serves as the head of state. In the 2019 election, Prime Minister Roosevelt Skerrit's Dominica Labor Party prevailed over the opposition United Workers Party by a margin of 18 seats to three. Election observers from the Organization of American States, United Nations, and Caribbean Community found the election generally free and fair.

The Ministry of National Security and Home Affairs oversees the police, the country's only security force. The Financial Intelligence Unit reports to the Ministry of National Security and Home Affairs; some of its officers have arrest authority. Civilian authorities maintained effective control over the security forces. There were no reports that members of the security forces committed significant abuses.

Significant human rights issues included reports of the criminalization of libel and the criminalization of consensual same-sex sexual conduct between adults, although there were no reported cases of enforcement during the year.

The government took steps to prosecute officials who committed human rights abuses or engaged in corruption.

Section 1. Respect for the Integrity of the Person

a. Arbitrary Deprivation of Life and Other Unlawful or Politically Motivated Killings

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

b. Disappearance

There were no reports of disappearances by or on behalf of government authorities.

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

The constitution prohibits such practices, and there were no credible reports that government officials employed them.

Prison and Detention Center Conditions

There were no significant reports regarding prison or detention center conditions that raised human rights concerns.

Administration: Authorities investigated credible allegations of mistreatment.

Independent Monitoring: The government permitted visits by independent human rights observers. A committee composed of the chief welfare officer, justices of the peace, chaplains, youth welfare officers, social workers, and senior retired civil servants visited the prison monthly to investigate complaints and monitor prison and detention center conditions.

d. Arbitrary Arrest or Detention

The law prohibits arbitrary arrest and detention and provides for the right of any person to challenge the lawfulness of his or her arrest or detention in court. The government generally observed these requirements.

Arrest Procedures and Treatment of Detainees

Police used warrants issued by a judicial authority to apprehend persons. The law requires that authorities inform detainees of the reasons for their arrest within 24 hours and bring them to court within 72 hours. Authorities generally observed these requirements. If authorities are unable to bring a detainee to court within the requisite period, the person may be released and rearrested later. There was a functioning bail system. Criminal detainees had prompt access to counsel and family members. The state provides a lawyer for indigent defendants only in

murder cases.

Pretrial Detention: Lengthy pretrial detention was a problem due to judicial staff shortages. According to prison management, prisoners remained on remand status for months or even years. In April a prison official reported that of the 210 inmates at the prison, 113 were on remand, including one inmate who had been on remand for seven years and nine months and 13 others who had been on remand for more than three years.

e. Denial of Fair Public Trial

The constitution provides for an independent judiciary, and the government generally respected judicial independence and impartiality.

Inadequate prosecutorial and police staffing, outdated legislation, and an insufficient number of magistrates resulted in backlogs and other problems in the judicial system.

Trial Procedures

The constitution provides for the right to a fair and public trial, and the judiciary generally enforced this right.

Political Prisoners and Detainees

There were no reports of political prisoners or detainees.

Civil Judicial Procedures and Remedies

There was an independent, impartial judiciary to which one may bring lawsuits seeking civil remedies for human rights abuses. Individuals and organizations may not appeal adverse domestic decisions to regional human rights courts for a binding decision; however, they may present petitions to the Inter-American Commission on Human Rights.

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

or Correspondence

The constitution prohibits such actions, and there were no reports that the government failed to respect these prohibitions.

Section 2. Respect for Civil Liberties

a. Freedom of Expression, Including for Members of the Press and Other Media

The constitution provides for freedom of expression, including for members of the press and other media, and the government generally respected this right. An independent press, an effective judiciary, and a functioning democratic political system combined to promote freedom of expression, including for members of the media.

Libel/Slander Laws: Defamation is a criminal offense punishable by imprisonment or fines. There were no active defamation suits against local journalists. Representatives of media outlets associated with the political opposition alleged that public and private threats of lawsuits were made against the outlets and individual reporters, leading to some self-censorship.

Internet Freedom

The government did not restrict or disrupt access to the internet or censor online content, and there were no credible reports that the government monitored private online communications without appropriate legal authority.

b. Freedoms of Peaceful Assembly and Association

The constitution provides for the freedoms of peaceful assembly and association, and the government generally respected these rights.

c. Freedom of Religion

See the Department of State's *International Religious Freedom Report* at <https://www.state.gov/religiousfreedomreport/>.

d. Freedom of Movement and the Right to Leave the Country

The law provides for freedom of internal movement, foreign travel, emigration, and repatriation, and the government generally respected these related rights. Individuals residing outside the Carib-Kalinago community must apply to the Carib Council for special access if they wish to live in the Kalinago Territory.

e. Protection of Refugees

No information was available on the government's cooperation with the Office of the UN High Commissioner for Refugees.

Access to Asylum: The law provides for granting asylum and refugee status, but the government has not established systems for determining when to grant asylum or protect refugees.

Section 3. Freedom to Participate in the Political Process

The constitution provides citizens the ability to choose their government in free and fair periodic elections held by secret ballot and based on universal and equal suffrage.

Elections and Political Participation

Recent Elections: In the 2019 general election, Prime Minister Roosevelt Skerrit's Dominica Labour Party prevailed over the opposition United Workers Party by a margin of 18 seats to three. The Caribbean Community, Organization of American States, and UN election observers assessed the election as generally free, fair, and transparent.

Participation of Women and Members of Minority Groups: No laws limit participation of women or members of minority groups in the political process, and they did participate.

Section 4. Corruption and Lack of Transparency in

Government

The law provides criminal penalties for corruption by officials, and the government generally implemented the law effectively. The opposition and some opposition-aligned local media raised allegations of corruption within the government, including abuse of funds from the Citizenship by Investment program.

Section 5. Governmental Posture Towards International and Nongovernmental Investigation of Alleged Abuses of Human Rights

Several domestic and international human rights and advocacy organizations generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were somewhat cooperative and responsive to their views.

Government Human Rights Bodies: According to the constitution, a parliamentary integrity commissioner has responsibility for investigating complaints against the government. The position of parliamentary commissioner however, had never been filled.

Section 6. Discrimination and Societal Abuses

Women

Rape and Domestic Violence: The law criminalizes rape of men and women, including spousal rape, and the government enforced the law. Although the maximum sentence for sexual molestation (rape or incest) is 25 years' imprisonment, the usual sentence was five to seven years. Whenever possible, female police officers handled rape cases involving female victims. Women were reluctant to report domestic violence to police. The only shelter for survivors of gender-based violence remained closed after suffering damage during Hurricane Maria in 2017.

Authorities reported that government personnel regularly conducted public education campaigning via radio programs and informal community discussions in

villages. During the year, the Gender Affairs Division provided training to village councils, community nurses, teachers and principals, and disaster management personnel on gender-based violence. The division also partnered with local nongovernmental organizations on public education programs and in advocating for victims of gender-based violence. These organizations were part of the government's policy and project development committees. Although there was no shelter for gender-based violence survivors, the government paid rent for housing for victims for up to six months. During this period, social workers worked with individual survivors to help them become economically and socially independent. The government also provided food vouchers and hygiene supplies.

The Gender Affairs Division managed a WhatsApp number for victims to report instances of abuse. Victims could also be referred to receive counselling by government counsellors or private counsellors. The government paid the cost of counselling for up to six sessions. Some counsellors provided their services free of charge.

The government reported there was an increase in gender-based violence cases during the COVID-19 pandemic and that it received increased requests for assistance by victims due to an increase in poverty and a loss of employment, particularly among women. The Gender Affairs Division reported that it provided food and hygiene packages for women, equipment and seeds for women farmers, and worked with the UN World Food Program and UN Development Program to provide cash grants to families. The division also reported renovating two emergency shelters to make them more gender-appropriate and gender-responsive by including additional lighting around the shelters and separate bathrooms. The division trained shelter managers to reduce instances of gender-based violence in public shelters during natural disasters.

Civil society representatives also reported that domestic violence increased during the pandemic, with many victims opting to stay in abusive situations due to a lack of economic independence. The law allows abused persons to appear before a magistrate without an attorney and request a protective order. Some persons requested protective orders.

Sexual Harassment: The law does not prohibit sexual harassment. Civil society

groups reported it was a pervasive problem.

Reproductive Rights: There were no reports of coerced abortion or involuntary sterilization on the part of government authorities.

Contraception was widely available, including for the purpose of family planning. There were no legal barriers to accessing contraception, but some religious beliefs and cultural barriers limited its usage. The Ministry of Health's Welfare Division and the National Council of Women provided access to sexual and reproductive health services for survivors of sexual violence. Other government departments, including the Bureau of Gender Affairs, Social Welfare Department, Adult Education Division, and Health Services and Housing Division, also assisted victims of sexual and gender-based violence. Survivors of sexual violence could access services from any public hospital, but emergency contraception for survivors of rape and incest was not routinely available, due to limited health-care infrastructure, particularly supplies.

Discrimination: The constitution provides women with the same legal rights as men. The government generally enforced the law effectively, but property deeds continued to be given to heads of households, who were usually men. The law requires equal pay for civil service positions, but not for other positions. Women and men generally received equal salaries for comparable jobs. Women are excluded from working in some industries, including mining, construction, energy, water, and transportation. No laws prohibit gender discrimination or sexual harassment in employment.

Systemic Racial or Ethnic Violence and Discrimination

The constitution prohibits discrimination based on sex, race, place of origin, political opinions, color, or creed. There were no reports of governmental or societal violence or discrimination against members of racial, ethnic, or national minorities.

Indigenous Peoples

The population of the Kalinago (Carib) indigenous group was approximately 3,000, most of whom lived in the 3,782-acre Kalinago Territory. The government

recognizes their special status, and the Kalinagos' rights are protected in law and practice. The law establishes the Kalinago Territory and assigns management authority over the territory to the local council, which has veto power over new infrastructure projects in the territory. Some societal discrimination against the Kalinago existed, most notably against Kalinago children when they attended schools outside the territory. There was no secondary school inside the territory.

Children

Birth Registration: Citizenship is derived by birth within the country's territory or to a citizen parent. Birth registration was provided on a nondiscriminatory basis. Parents received birth certificates on a timely basis. Failure to register births resulted in denial of access to public services except emergency care.

Child Abuse: The law prohibits child abuse, but according to the government and civil society, it remained a pervasive problem. The government maintained a Child Abuse Prevention Unit responsible for protecting children from all forms of abuse. The unit supported victims by providing counseling, psychological assessments, and other services such as financial assistance to abused children and to family members.

Advocates reported that the justice system discouraged prosecution of child abuse, discouraged victims from seeking justice, and allowed repeat offenders to continue the cycle of abuse.

Child, Early, and Forced Marriage: The legal minimum age for marriage is 18 for both men and women, but marriage is permitted at age 16 with parental consent.

Sexual Exploitation of Children: The age of consent for sexual relations is 16. The law prohibits using children for commercial sexual exploitation, including child sex trafficking, and related activity may be prosecuted under laws against prostitution or trafficking. The law protects all persons from "unlawful sexual connection," rape, procurement for prostitution, and incest. It prohibits sexual intercourse between a minor older than 15 and an adult and increases the penalty to 25 years' imprisonment for an adult who rapes a child whom the adult employs or controls, or to whom the adult pays wages. The maximum sentence for sexual

intercourse with a person younger than age 14 is 25 years in prison.

No laws or regulations explicitly prohibit the use of children in pornography or pornographic performances.

Civil society representatives reported that sexual exploitation of children was pervasive, with family members often turning a blind eye in instances when the perpetrator was economically contributing to the household.

Antisemitism

There is no organized Jewish community in the country, and there were no reports of discrimination or antisemitic acts.

Trafficking in Persons

There were no confirmed reports during the year that traffickers exploited domestic or foreign victims in Dominica or that traffickers exploited victims from Dominica abroad.

Acts of Violence, Criminalization, and Other Abuses Based on Sexual Orientation, Gender Identity or Expression, or Sex Characteristics

Criminalization: Consensual same-sex sexual conduct for both men and women is illegal under indecency statutes. The law also prohibits anal intercourse between males. The government reported it rarely enforced either statute, with no instances of the law being enforced through the end of November. Indecency statutes carry a maximum penalty of 12 years in prison, and same-sex sexual conduct between consenting men carries a maximum penalty of 10 years in prison, with the possibility of forced psychiatric confinement upon release.

Violence against LGBTQI+ Persons: Civil society representatives reported that lesbian, gay, bisexual, transgender, queer, and intersex (LGBTQI+) victims of violence or harassment avoided notifying police of abuse because of social stigma and fear of harassment. Representatives further reported that in some cases where police were notified of attacks against LGBTQI+ persons, police either rejected or

poorly investigated the claims.

Discrimination: No laws prohibit discrimination against a person based on sexual orientation, gender identity, gender expression, or sex characteristics in employment, housing, education, or health care. Civil society representatives reported that some LGBTQI+ individuals were denied access to housing, dismissed from employment, bullied in schools, or denied educational and institutional support.

The government stated it was not able to continue LGBTQI+ education awareness programs due to an increase in gender-based violence cases during the pandemic that resulted in resources being redirected. Civil society reported that the LGBTQI+ community remained largely in hiding and that being openly LGBTQI+ unless financially independent was “social suicide.” LGBTQI+ persons were subject to abuse and discrimination, with youth being particularly at risk. They reported while the government engaged with the LGBTQI+ community and made efforts to understand their plight, the government’s antidiscrimination programming did not specifically mention the LGBTQI+ community. Civil society representatives reported that while public perception of the community was improving, the laws related to LGBTQI+ conduct were often the nexus for discrimination faced by the community.

Availability of Legal Gender Recognition: There is no legislation regarding legal gender recognition.

Involuntary or Coercive Medical or Psychological Practices Specifically Targeting LGBTQI+ Individuals: There were no reports of involuntary or coercive medical or psychological practices specifically targeting LGBTQI+ individuals.

Restrictions of Freedom of Expression, Association, or Peaceful Assembly: Stigma and fear of abuse and intimidation reportedly prevented LGBTQI+ organizations from developing their membership or conducting activities such as Pride marches.

Persons with Disabilities

There is no legal requirement mandating access to buildings for persons with disabilities. Few buildings, including public buildings, provided access for persons with physical disabilities.

Representatives of civil society organizations reported that accessibility problems existed in the physical environment of some schools and with educational accommodations for persons with disabilities. Most schools built after hurricane Maria were accessible. Persons with disabilities were able to access only the first floor of some health centers. They reported there were no accessible buses and sometimes persons with wheelchairs were forced to pay an additional fare to accommodate the wheelchair.

Children with physical disabilities and those with hearing and vision disabilities were integrated into mainstream schools. Civil society representatives reported a lack of special trained teachers and facilitators at public schools to assist children with disabilities. The government provided stipends to cover educational expenses in private, separate schools for children with intellectual or mental disabilities. In December 2021, the government established a national commission for persons with disabilities to provide guidance on the rights of these persons.

The government provided partial financial support for a civil society organization focused on advocating for and improving the lives of persons with disabilities.

Other Societal Violence or Discrimination

Reports from civil society indicated individuals with HIV feared job discrimination if their HIV status became public. This fear resulted in some patients not seeking medical treatment.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

The law provides for the right of workers to form and join independent unions, bargain collectively, and conduct legal strikes; workers exercised these rights.

Workers exercised the right to collective bargaining primarily in the nonagricultural sectors of the economy, including in the civil service. The law prohibits antiunion discrimination.

The government enforced applicable labor laws, and penalties were commensurate with those of other laws involving denial of civil rights such as discrimination. Employers must reinstate workers who file a complaint of illegal dismissal, pending review of the complaint, which can cover termination for engaging in union activities. When essential workers conducted strikes, generally they did not suffer reprisals. Employers generally reinstated or paid compensation to employees who obtained favorable rulings by the ministry following a complaint of illegal dismissal.

The law designates emergency, port, electricity, telecommunications, and prison services, as well as the banana, coconut, and citrus fruit cultivation industries, as “essential,” limiting the right to strike in those industries. The International Labor Organization noted the list of essential services is broader than international standards. The procedure for essential workers to strike is cumbersome, involving appropriate notice and submission of the grievance to the labor commissioner for possible mediation. Strikes in essential services may be subject to compulsory arbitration.

The government and employers generally respected freedom of association and the right to collective bargaining. The government generally enforced applicable laws, and penalties generally were sufficient to deter violations. Administrative and judicial procedures were not subject to lengthy delays or appeals, and there were no such problems during the year. Few disputes escalated to strikes or sickouts. A company, a union representative, or an individual may request mediation by the Ministry of Justice, Immigration, and National Security.

Authorities reported that during the year, three cases were referred to the Industrial Relations Tribunal and 19 investigations were underway. As of June, there were 112 cases pending.

Small, family-owned farms employed most agricultural workers, and workers on such farms were not unionized.

b. Prohibition of Forced or Compulsory Labor

The constitution prohibits most forms of forced or compulsory labor, but the law does not prescribe penalties for forced labor. The law also does not criminalize forced labor except when it results from human trafficking. The government effectively enforced the law.

c. Prohibition of Child Labor and Minimum Age for Employment

See the Department of Labor's *Findings on the Worst Forms of Child Labor* at <https://www.dol.gov/agencies/ilab/resources/reports/child-labor/findings>.

d. Discrimination with Respect to Employment and Occupation

The constitution specifically prohibits discrimination based on race, gender, place of origin, skin color, creed, or political opinion. The government generally enforced this provision. There are legal restrictions on employment of women in working at night and in certain industries such as mining, construction, factories, energy, water, and transportation. There were no government programs to prevent discrimination in the workplace and no penalties to deter violations.

Discrimination in employment and occupation occurred against women and persons with disabilities (see section 6). Discrimination occurred based on sexual orientation. The law permits employers to pay lower wages to persons with disabilities.

Authorities reported that the most common reports of discrimination concerned Seven-Day Adventists who complained of being asked to work on Saturday by their employers.

e. Acceptable Conditions of Work

Wage and Hour Laws: The law establishes no universal minimum wage but instead sets base wages depending on the category of worker. No reliable recent data indicated whether average minimum wages were above or below the poverty level.

In September, following a multiyear review of the minimum wage across all wage

categories, the government significantly increased the minimum wage for retail and service employees, agricultural workers, home assistants, commercial drivers, construction and tourism workers, and trainees. The government also created new categories with corresponding wage rates, including for workers in the hospitality and construction industries.

The law provides for overtime pay for work above the standard workweek of 40 hours. The law does not specifically prohibit forced or compulsory overtime. The law mandates that overtime wages be paid at a minimum of 1.5 times an employee's standard wage and that the employee must give prior agreement to work overtime. There were no prosecutions reported for violations of overtime regulations.

Occupational Safety and Health: The law stipulates that occupational safety and health (OSH) standards be consistent with international standards. Workers have the right to remove themselves from unsafe work environments without jeopardizing their employment, and authorities recommend that they report the matter to the Labor Division first. The division has the responsibility to approach the employer regarding the matter. Authorities reported that employees were not encouraged to act on their own.

Quarry workers faced hazardous conditions. Some reports claimed that workers entered mines before adequate time elapsed after blasting, which exposed them to hazardous chemicals.

There were two reports of major industrial accidents during the year. In one case, a man fell from a scaffolding and was seriously and permanently injured.

Wage, Hour, and OSH Enforcement: Enforcement is the responsibility of the labor commissioner within the Ministry of Justice, Immigration, and National Security. This enforcement includes the informal sector, where workers were not commonly unionized. Inspectors have the authority to make unannounced inspections, and the government conducted 34 inspections during the year. The penalties for violations were insufficient to enforce compliance.

The government reported that it held educational sessions, employer consultations, telephone consultations after inspections, and public education campaigns to

encourage compliance with OSH and wage regulations.

Informal Sector: The informal sector was a significant part of the economy, but credible data on the informal workforce were unavailable. Persons may register as self-employed to access social security benefits and pension. No social protection was provided to persons in the informal sector beyond social security benefits for maternity leave, sickness, disability, or death. Domestic workers are not covered by labor law and do not receive social protections. The minimum wage applies to workers in the informal sector as well.