

Dominica 2023 Human Rights Report

Executive Summary

There were no significant changes in the human rights situation in Dominica during the year.

Significant human rights issues included credible reports of: laws criminalizing consensual same-sex sexual conduct between adults, although not enforced; and the existence of any of the worst forms of child labor.

The government took credible steps to identify and punish officials who may have committed human rights abuses.

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 the government or its agents committed arbitrary or unlawful killings, including extrajudicial killings, during the year.

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 prohibited such practices, and there were no credible reports 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.

d. Arbitrary Arrest or Detention

The law prohibited arbitrary arrest and detention and provided for the right of any person to challenge the lawfulness of their 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 required 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 were unable to bring a detainee to court within the requisite period, the person could be released and rearrested later. There was a functioning bail system. Criminal detainees had prompt access to counsel and family members. The state provided 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.

e. Denial of Fair Public Trial

The constitution provided 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 provided 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.

f. Transnational Repression

Not applicable.

g. Property Seizure and Restitution

Not applicable.

h. Arbitrary or Unlawful Interference with Privacy, Family, Home, or Correspondence

The constitution prohibited such actions, and there were no reports 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 provided 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 media members.

Libel/Slander Laws: Defamation was a criminal offense punishable by imprisonment or fines. The law was rarely enforced.

Internet Freedom

The government did not restrict or disrupt access to the internet or censor online content.

b. Freedoms of Peaceful Assembly and Association

The constitution provided 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 provided for freedom of internal movement, foreign travel, emigration, and repatriation, and the government generally respected these rights. Individuals residing outside the Kalinago community were required

to apply to the Kalinago Council for special access if they wished 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 provided for the granting of asylum and refugee status, but the government had not established systems for determining when to grant asylum or to protect refugees.

Section 3. Freedom to Participate in the Political Process

The constitution provided 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

Abuses or Irregularities in Recent Elections: National elections were widely reported to be fair and free of abuses and irregularities.

Section 4. Corruption in Government

The law provided 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.

For additional information concerning corruption in the country, please see the Department of State's *Investment Climate Statement* for the country and the Department of State's *International Narcotics Control Strategy Report*, which includes information on financial crimes.

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

Several domestic and international human rights and advocacy organizations generally operated without government restriction to monitor or investigate human rights conditions or cases and publish their findings. Government officials were somewhat cooperative and responsive to the views of these groups.

Government Human Rights Bodies: According to the constitution, a parliamentary integrity commissioner was responsible for investigating

complaints against the government. The position of commissioner, however, had never been filled.

Section 6. Discrimination and Societal Abuses

Women

Rape and Domestic Violence: The law criminalized rape of women and men, including spousal and domestic or intimate partner rape and other forms of domestic and sexual violence. The law did not explicitly include so-called corrective rape of lesbian, gay, bisexual, transgender, queer, or intersex (LGBTQI+) persons. The government generally enforced the law effectively. Although the maximum sentence for sexual molestation (rape or incest) was 25 years' imprisonment, the usual sentence was five to seven years. Whenever possible, women police officers handled rape cases involving women survivors. Women were reluctant to report domestic violence for a variety of reasons, including a lack of follow-up by police.

In April, parliament approved the Domestic Violence Act to provide police with additional powers in domestic violence cases. Authorities reported government personnel regularly conducted public education campaigns via radio programs and informal community discussions in villages. Social workers worked with individual survivors to help them become economically and socially independent. The government also provided food

vouchers and hygiene supplies. There was no functioning shelter for survivors of gender-based violence.

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

The law allowed survivors of abuse to appear before a magistrate without an attorney to request a protective order.

Other Forms of Gender-based Violence or Harassment: The law did not prohibit sexual harassment. Civil society groups reported it was a pervasive problem.

Discrimination: The constitution provided women with the same legal rights as men. The government generally enforced the law effectively, but property deeds were given to heads of households, usually men. Some deeds for newly constructed houses with assistance from the government and foreign governments included both male and female names listed, regardless of marital status.

The law required equal pay for civil service positions, but not for other positions, although women and men generally received equal salaries for comparable jobs. There were legal restrictions on employment of women

working at night. Women were excluded from working in some industries, including mining, construction, energy, water, and transportation. No laws prohibited gender discrimination or sexual harassment in employment.

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, although religious beliefs and cultural upbringing limited their use. 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 survivors of sexual violence and other forms of gender-based violence. Survivors of sexual violence could access services from any public hospital, but emergency contraception or postexposure prophylaxis for survivors of rape and incest was not routinely available, due to limited health-care infrastructure and supplies.

Systemic Racial or Ethnic Violence and Discrimination

The constitution prohibited discrimination based on race, place of origin, 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 government recognized the special status of the Kalinago Indigenous group, and their rights were protected in law and practice. The Kalinago population was approximately 3,000, and most lived in the 3,782-acre Kalinago Territory. The law established the Kalinago Territory and assigned management authority over the territory to the local council, which had veto power over new infrastructure projects in the territory. Some societal discrimination against the Kalinago existed.

Children

Child Abuse: The law prohibited child abuse, but according to the government and civil society, it was a pervasive problem. The government enforced the law effectively. In November, the resident High Court judge imposed a term of 18 years' imprisonment against a former fire department officer convicted of sexually abusing a child.

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.

Child, Early, and Forced Marriage: The legal minimum age for marriage was 18, but marriage was permitted at age 16 with parental consent. The government enforced the law effectively.

Sexual Exploitation of Children: The law prohibited the grooming or using children for commercial sexual exploitation, including child sex trafficking. The law did not explicitly include the sale of children. Child sex trafficking and related activities could be prosecuted under laws against prostitution or trafficking. The age of consent for sexual relations was 16. The law protected all persons from “unlawful sexual connection,” rape, procurement for commercial sex, and incest. It prohibited sexual intercourse between a child younger than 15 and an adult and increased the penalty to 25 years’ imprisonment for an adult who raped a child whom the adult employed or controlled, or to whom the adult paid wages. The maximum sentence for sexual intercourse with a person younger than 14 was 25 years in prison. Authorities enforced the law effectively.

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

Civil society representatives reported 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 was no organized Jewish community in the country, and there were no reports of discrimination or antisemitic incidents.

Trafficking in Persons

There were no confirmed reports during the year that traffickers exploited domestic or foreign victims in the country or that traffickers exploited victims from 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 was illegal under indecency statutes. The law also prohibited 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 carried a maximum penalty of 12 years in prison, and same-sex sexual conduct between consenting men carried a maximum penalty of 10 years in prison, with the possibility of forced psychiatric confinement upon release. While neutral laws were not disproportionately applied to LGBTQI+ persons, there were no credible efforts by the government to rescind discriminatory laws against LGBTQI+ persons.

Violence and Harassment: Civil society representatives reported LGBTQI+ victims of violence or harassment by nonstate actors 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 the claims or failed to investigate them effectively.

Discrimination: No laws prohibited 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 some LGBTQI+ individuals were denied access to housing and dismissed from employment. Civil society reported the LGBTQI+ community was largely in hiding. LGBTQI+ persons were subject to abuse and discrimination, with young persons particularly at risk. The law did not recognize LGBTQI+ couples and their families or grant them rights equal to rights of other persons.

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

Involuntary or Coercive Medical or Psychological Practices: There were no reports of involuntary or coercive medical or psychological practices specifically targeting LGBTQI+ individuals. There were no reports medically unnecessary and irreversible “normalization” surgeries were performed on children or nonconsenting adult intersex persons.

Restrictions of Freedom of Expression, Association, or Peaceful Assembly: There were no legal restrictions on freedom of expression, association, or peaceful assembly regarding LGBTQI + matters. 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

Persons with disabilities did not have access to education, employment, health services, public buildings, or transportation on an equal basis with others. There was 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 accessibility problems existed in the physical environment of some schools and with educational accommodations for persons with disabilities. Most schools built after Hurricane Maria (2017) 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. Some polling stations were not accessible for persons with disabilities.

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. A national commission for persons with disabilities provided guidance on the rights of these persons.

Discrimination in employment and occupation occurred against persons with disabilities. The law permitted employers to pay lower wages to persons with disabilities.

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 resulted in some patients not seeking medical treatment.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

The law provided 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 prohibited 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 were required to reinstate workers who filed a complaint of illegal dismissal, pending review of the complaint, which could 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 designated 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 was broader than international standards. The procedure for essential workers to strike was cumbersome, involving appropriate notice and submission of the grievance to the labor commissioner for possible mediation. Strikes in essential services could 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. There was no information available concerning the application of penalties against violators. Few disputes escalated to strikes

or sickouts. A company, a union representative, or an individual could request mediation by the Ministry of Justice, Immigration, and National Security.

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 prohibited most forms of forced or compulsory labor, but the law did not prescribe penalties for forced labor. The law also did not criminalize forced labor except when it resulted 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 (see section 6)

e. Acceptable Conditions of Work

Wage and Hour Laws: The law did not establish a universal minimum wage but instead set base wages depending on the category of worker. No

reliable recent data indicated whether average minimum wages were above or below the poverty income level.

The law provided for overtime pay for work above the standard workweek of 40 hours. The law did not specifically prohibit forced or compulsory overtime. The law required employees to give prior agreement to work overtime and employers to pay overtime wages at a minimum of 1.5 times an employee's standard wage. There were no prosecutions reported for violations of overtime regulations.

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

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

Wage, Hour, and OSH Enforcement: Enforcement was the responsibility of the labor commissioner within the Ministry of Justice, Immigration, and National Security. Enforcement included the informal sector, where

workers were not commonly unionized. Inspectors had the authority to make unannounced inspections. No information was available regarding whether penalties were generally applied against violators.

The government stated it held educational sessions, employer consultations, telephone consultations after inspections, and public education campaigns to encourage compliance with OSH and wage regulations.

The informal sector was a significant part of the economy, but credible data on the size of the informal workforce were unavailable. The government enforced labor laws in this sector.