

Dominica

I. Social Facts

Dominica is officially known as the Commonwealth of Dominica. It has a population of approximately 73,000 and a surface area of 750 sq. km. Dominica is part of the Lesser Antilles, situated in the Caribbean Sea to the south of Guadeloupe and to the north of Martinique. Dominica is a volcanic island and is still in the process of geological formation. The capital city of Dominica is Roseau. The inhabitants of Dominica are largely clustered around Roseau in the south and Portsmouth in the north. The island is divided into ten parishes, namely Saint Andrew, Saint David, Saint George, Saint John, Saint Joseph, Saint Luke, Saint Mark, Saint Patrick, Saint Paul, and Saint Peter. Both English and Antillean Creole, a French-based language, are spoken.

According to the 2013 US Department of State *Report on International Religious Freedom*, 61% of the population are Roman Catholic, 6% are Seventh-day Adventists, 6% are Pentecostals, 4% are Baptists, and 4% are Methodists. There are also small numbers of Anglicans, Bahá'ís, Christian Brethren, Jehovah's Witnesses, Nazarenes, Rastafarians, and members of the Church of Christ. There are also an estimated 3,000 Muslims on the island. The first mosque was recently built near Ross University. Some 6% of the population have no religious allegiance.

II. Historical Background

Dominica takes its name from the day of the week that it was discovered by Columbus (*Dominica* is Sunday in Latin). It was discovered in the late 15th century. Dominica was home to the Island Caribs, many of whom moved to Dominica as surrounding islands became colonized by Europeans. The French colonized the island and used slaves to work the island's plantations. The British gained power over the island in the mid-18th century and established a colony. The religious demographics in Dominica are linked to this European heritage.

Dominica became a Crown Colony in the late 19th century and later became a province of the West Indies Federation. Dominica became independent on 3 November 1978. Today, Dominica is a

parliamentary democracy. It is one of few Caribbean Republics with a president as the head of state. The Prime Minister of Dominica controls the executive power. Dominica never became a Commonwealth Realm.

III. Legal Sources and Basic Approaches to Religion and Belief

Freedom of Religion is protected by virtue of the Constitution of Dominica of 1978. According to the preamble of the constitution, the Commonwealth of Dominica is founded on principles that acknowledge the supremacy of God, faith in fundamental human rights and freedoms, the position of the family in a society of free men and free institutions, the dignity of the human person, and the equal and inalienable rights with which all members of the human family are endowed by their Creator.

As is the case in many Caribbean countries, freedom of religion is protected under the constitution within the broader category of the freedom of conscience. According to Article 9 of the constitution,

except with his own consent, a person shall not be hindered in the enjoyment of his freedom of conscience, including freedom of thought and of religion, freedom to change his religion or belief and freedom, either alone or in community with others, and both in public and in private, to manifest and propagate his religion or belief in worship, teaching, practice and observance.

Freedom of expression and freedom of assembly and association are also protected by virtue of Articles 10 and 11, respectively.

According to Article 9(2), which deals with religious teachings,

except with his own consent (or, if he is a person under the age of eighteen years, the consent of his guardian) a person attending any place of education, detained in any prison or corrective institution or serving in a naval, military or air force shall not be required to receive religious instruction or to take part in or attend any religious ceremony or observance if that instruction ceremony or observance relates to a religion which is not his own.

Similarly, Article 9(3) states that every religious community is entitled to establish and maintain places of education and to manage any place of education. No such community shall be prevented from providing religious instruction for persons of that community in the course of any education.

Article 9(4) of the constitution ensures that a person shall not be compelled to take any oath that is contrary to his religion or belief or to take any oath in a manner that is contrary to his religion or belief.

References to a religion in the constitution are construed as including references to a religious denomination and cognate expressions are construed accordingly.

Dominica is party to various regional and international conventions. Dominica ratified the American Convention on Human Rights (ACHR) on 3 June 1993. The ACHR guarantees the right to freedom of conscience and of religion. This includes the freedom to maintain or to change religion or belief, and the freedom to profess or disseminate religion or belief, either individually or together with others, in public or in private. Dominica ratified both the 1966 International Covenant on Civil and Political Rights (ICCPR) and the 1966 International Covenant on Economic, Social and Cultural Rights (ICESCR) on 17 June 1993. The ICCPR guarantees civil and political freedom, including the right to self-determination, peaceful assembly, freedom of religion, privacy, freedom to leave a country and equal protection before the law. The ICCPR also protects against coercion that would impair a person's freedom to have or to adopt a particular religion or belief. The ICESCR requires rights to be recognized without discrimination of any kind as to race, color, sex, language, religion, political or other opinion, national or social origin, property, birth, or other status. It also recognizes the right of parents to ensure the religious and moral education of their children in conformity with their own convictions.

On 28 February 1983, Dominica ratified the Discrimination (Employment and Occupation) Convention of 1958, which requires states to prohibit all discrimination and exclusion on any basis including race, color, sex, religion, political opinion, or national or social origin in employment. Dominica is also a party to the UN Convention on the Rights of the Child 1989 (CRC). The CRC was signed on 26 January 1990 and was ratified on 13 March 1991.

IV. Individual Freedom of Religion or Belief

A. General Scope of Protection

The constitution protects the freedom of religion, and is ensured by the government. By virtue of three articles, the constitution protects freedom of conscience, which is essentially freedom of religion (Art. 9); freedom of expression, including the freedom to hold opinions without interference, the freedom to receive ideas and information without interference and the freedom to communicate ideas and information without interference (Art. 10); and freedom of assembly and association (Art. 11).

No person shall be prevented from enjoying his freedom of conscience, including freedom of thought and of religion, freedom to change his religion or belief and freedom, either alone or in community with others, and both in public and in private, to manifest and propagate his religion or belief in worship, teaching, practice, and observance (Constitution, Art. 9(1)).

B. Status of Minors

Parents and guardians decide on the religious upbringing of their child. According to Article 9(2) of the constitution, guardians are responsible for deciding whether their children receive religious instruction or take part in or attend religious ceremonies or observances at school. Similarly, guardians decide if their children will receive religious instruction or take part in or attend any religious ceremony if he or she is detained in prison or a corrective institution or serving in the navy, military, or air force.

Dominica ratified the CRC on 13 March 1991, according to which States must respect the rights of the child to freedom of thought, conscience, and religion, subject only to such limitations as are prescribed by law and are necessary to protect public safety, order, health or morals, or the fundamental rights and freedoms of others (Art. 14(1) and (3)).

C. Activities Protected

Both the internal freedom of thought and religion, including the freedom to change religion or belief, and the external freedom to manifest and propagate religion or belief in public or in private, are protected by virtue of Article 9(1) of the constitution. This manifestation or propagation may be either alone or in community with others, and may take the form of worship, teaching, practice, or observance.

The following religious holidays are considered national holidays: Good Friday, Easter Sunday, Whit Monday, and Christmas.

D. Limitations to Freedom of Religion or Belief

Limitations provided in the constitution apply to the freedom of religion (Art. 9(5)(a) to (c)), the freedom of expression (Art. 10(2)(a) to (c)), and the freedom of assembly and association (Art. 11(2)(a) to (c)).

According to Article 9(5) of the constitution, limitations shall be permitted to the extent that the law in question makes provision that is reasonably required

- a. in the interests of defense, public safety, public order, public morality, or public health;
- b. for the purpose of protecting the rights and freedoms of other persons, including the right to observe and practice any religion without the unsolicited intervention of members of any other religion; or
- c. for the purpose of regulating educational institutions in the interests of the persons who received or may receive instructions in them. Such limitations are only permitted where the provision in question or the thing done under the authority thereof is shown to be reasonably justifiable in a democratic society.

V. Legal Status of Religious Communities

According to the 2013 US Department of State *Report*, religious groups seeking nonprofit status must register with the attorney general's office. The decision of the attorney general is subject to judicial review. Communities must also register buildings that are used exclusively for worship. The registrar general is responsible for such registrations.

VI. Religious Autonomy

In Dominica, religious communities are able to practice religion with little interference from the government, save for the constitutional limitations considered above. Rastafarians have criticized the government for the outright ban on using marijuana, a practice which is considered to be religious in the Rastafarian community.

VII. Education

According to the Education Act 1997, the school day in every public or assisted private school shall begin with collective worship by all students in attendance at the school, unless the school premises are such that it would be impracticable to assemble for such purposes or it would be more convenient to conduct such worship in the classrooms (Sec. 142(1)).

It is not a condition of admission or attendance at any public or assisted private school that a student participate in religious education or attend or abstain from attending any place of religious instruction or worship (Education Act, Sec. 142(2)(a)). However, during enrollment of a student, the parent or guardian of the student must inform the school of the religious persuasion of the student (Education Regulations, Sec. 21(1)(e)).

Where the parent of any student attending a public school or assisted private school requests in writing that the student be excused from attendance at collective worship, any religious observance, or any education or instruction in religious subjects at the school, the student may be excused until withdrawal of the request (Education Act, Sec. 142(3)).

A child may be validly excused from attending school if that child is a participant in religious observances, celebrations, or activities recognized by a religious community (Education Act, Sec. 37(1)(f)).

VIII. Religion and Personnel Matters

Dominica is a party to the Discrimination (Employment and Occupation) Convention of 1958, which requires states to prohibit all discrimination and exclusion on any basis including race, color, sex, religion, political opinion, or national or social origin in employment. This was ratified on 28 February 1983.

IX. Finance

According to the 2013 US Department of State *Report*, teachers' salaries are subsidized at schools affiliated with the Catholic, Methodist, and Seventh-day Adventist churches.

X. Religious Assistance in and Access to Public Institutions

According to Article 32 of the constitution, a minister of religion is disqualified from serving as a Representative or Senator. For the purposes of the constitution, a minister of religion is defined as “any person in holy orders and any other person the functions of whose principal occupation include teaching or preaching in any congregation for religious worship”.

According to the constitution, guardians decide if their children will receive religious instruction or take part in or attend any religious ceremony if they are detained in prison or a corrective institution (Art. 9(2)).

XI. Religion and Family Matters

The constitution prohibits gender discrimination. By virtue of Article 1, every person in Dominica is entitled to enjoy the fundamental rights and freedoms of the constitution, regardless of sex. Similarly, Article 13 prohibits the passing of any law that is discriminatory on grounds of sex.

XII. Religion in Criminal Law and Other Public Regulations

Any person who makes use of any blasphemous language in any public place, or in any place to the annoyance of the public, or tending to a breach of the peace is liable to a fine of USD 250 and to one month imprisonment (Small Charges Act, Sec. 8).

Any person who behaves profanely or irreverently or indecently or in a disorderly manner, or who smokes in any building appropriated for religious worship during the performance of any religious service therein, or in any churchyard or cemetery during the performance of any funeral is liable to a fine of USD 250 (Small Charges Act, Sec. 19(3)). Same-sex sexual activity is illegal in Dominica and is punishable with five years imprisonment if committed by a minor, ten years if committed by an adult on another adult, and 25 years if committed by an adult on a minor (Sexual Offenses Act 1998, Sec. 16).

XIII. Select Bibliography

LEGISLATIVE SOURCES

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INTERNATIONAL AGREEMENTS

- International Covenant on Civil and Political Rights, available at <http://www.ohchr.org/en/professionalinterest/pages/ccpr.aspx>.
 International Covenant on Economic, Social and Cultural Rights, available at <http://www.ohchr.org/EN/ProfessionalInterest/Pages/CESCR.aspx>.
 The American Convention on Human Rights, available at <http://www.cidh.oas.org/Basicos/English/Basic3.American%20Convention.htm>.
 The Discrimination (Employment and Occupation) Convention, available at http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:C111.
 UN Convention on the Rights of the Child, available at <http://www.ohchr.org/EN/ProfessionalInterest/Pages/CRC.aspx>.

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