

1978 No. 1027

DOMINICA

The Commonwealth of Dominica Constitution Order 1978

Made 25th July 1978
Coming into Operation 3rd November 1978
At the Court at Buckingham Palace, the 25th day of July 1978

CHAPTER 1

PROTECTION OF FUNDAMENTAL RIGHTS AND FREEDOMS

Fundamental rights and freedoms.

1. Whereas every person in Dominica is entitled to the fundamental rights and freedoms, that is to say, the rights whatever his race, place of origins, political opinions, colour, creed or sex, but subject to respect for the rights and freedoms of others and for the public interest, to each and all of the following, namely-

- a. life, liberty, security of the person and the protection of the law;
- b. freedom of conscience, of expression and of assembly and association; and
- c. protection for the privacy of his home and other property and from deprivation of property without compensation,

the provisions of this Chapter shall have effect for the purpose of affording protection to those rights and freedoms subject to such limitations of that protection as are contained in those provisions, being limitations designed to ensure that the enjoyment of the said rights and freedoms by any person Does not prejudice the rights and freedoms of others of the public interest.

Protection of freedom of conscience.

9.- 1. Except with his own consent, a person shall not be hindered in the enjoyment of his freedom of conscience, including freedom thought and of religion, freedom or 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.

2. Except with his own consent (or, if he is a person under the age or eighteen years, the consent of his guardian) a person attending anyplace of education, detained in any prison or corrective institution or serving in a naval, military or air force shall or 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.

3. Every religious community shall be entitled, at its own expense, to establish and maintain places of education and to manage any place of education with it maintains; and no such community shall be prevented from providing religious instruction for persons of that community in the course of any education provided by that community whether or not it is in receipt of a government subsidy or other form of financial assistance designed to meet in whole or in part the cost of such course of education.

4. A person shall not be compelled to take any oath which is contrary to is religion or belief or to take any oath in a manner which is contrary to his religion or belief.

5. Nothing contained in or Done under the authority of any law shall be held to be inconsistent with or in contravention of this section to the extent that the law in question makes provisions which is reasonably required-

- a. in the interests of defence, 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 practise 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, and except so far as that provision or, as the case may be, the thing Done under the authority thereof is shown not to be reasonably justifiable in a democratic society.
6. References in this section to a religion shall be construed as including references to a religious denomination, and cognate expressions shall be construed accordingly.

Protection of freedom of expression.

10.- 1. Except with his own consent, a person shall not be hindered in the enjoyment of his freedom of expression, including freedom to hold opinions without interference, freedom to receive ideas and information without interference freedom to communicate ideas and information without interference (whether the communication be to the public generally or to any person or class of persons) and freedom from interference with his correspondence.

2. Nothing contained in or Done under the authority of any law shall be held to be inconsistent with or in contravention of this section to the extent that the law in question makes provision-

- a. that is reasonably required in the interests of defence, public safety, public order, public morality or public health;
- b. that is reasonably required for the purpose of protecting the reputations, rights and freedoms of other persons or the private lives of persons concerned in legal proceedings, preventing the disclosure of information received in confidence, maintaining the authority and independence of the courts or regulating the technical administration or the technical operation of telephony, telegraphy, posts, wireless broadcasting or television; or
- c. that imposes restrictions upon public officers that are reasonably required for the proper performance of their functions, and except so far as that provision or, as the case may be, the thing Done under the authority thereof is shown not to be reasonably justifiable in a democratic society.