



## Bahamas, The

### Country Reports on Human Rights Practices - [2004](#)

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The Commonwealth of the Bahamas is a constitutional, parliamentary democracy governed by a prime minister, a cabinet, and a bicameral legislature, with an appointed governor general. Prime Minister Perry Christie's Progressive Liberal Party (PLP) regained control of the Government after May 2002 elections that observers found to be generally free and fair. The judiciary is independent.

The Royal Bahamas Police Force (RBPF) maintains internal security, and the small Royal Bahamas Defence Force (RBDF) is responsible for external security and some minor domestic security functions such as guarding foreign embassies and ambassadors; both answer to civilian authority. There continued to be reports that security forces occasionally committed human rights abuses.

The country has a market-based economy that depends primarily on tourism, which accounts for 60 percent of the gross domestic product. The country's population is approximately 310,000, not including an additional estimated 30,000 illegal Haitian immigrants. Financial services, particularly offshore banking and trust management, are also major sources of revenue. While many citizens enjoyed relatively high income levels, there was considerable underemployment and poverty. The unemployment rate was estimated at 10.2 percent in March, but may have temporarily increased following the hurricane season.

The Government generally respected the human rights of its citizens; however, problems remained in several areas. There were reports of unlawful killings by police and that police occasionally beat and abused detainees. Conditions at the prison and detention center remained harsh. The police occasionally used arbitrary arrest and detention. Lengthy pretrial detention and delays in trials were problems. Violence and discrimination against women and violence against children also were problems. Discrimination against persons with disabilities and persons of Haitian descent persisted.

#### RESPECT FOR HUMAN RIGHTS

##### Section 1 Respect for the Integrity of the Person, Including Freedom From:

###### a. Arbitrary or Unlawful Deprivation of Life

There were no reports of political killings by the Government or its agents; however, there were reports that the RBPF committed unlawful killings. Police killed four persons the year, and the cases remained under investigation before the Coroner's Court at year's end.

In February 2003, the body of a young man was found on the Grand Bahama Freeway. Although the family of the victim made allegations of police mistreatment, further investigation by the Coroner's Court during the year indicated that the victim's wounds were the result of a traffic accident.

There were no new developments in the case of the August 2003 killing of a 16-year-old girl by a RBPF reserve police officer or the 2002 police shooting of a young man. At year's end, these cases were still before the Coroner's Court.

###### b. Disappearance

There were no reports of politically motivated disappearances.

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

The Constitution prohibits torture and other cruel and degrading treatment or punishment; however, the police occasionally beat or otherwise abused suspects. Many past allegations of abuse involved beatings to extract confessions; however, no formal

complaints involving beatings to extract confessions were filed during the year. Local media reported an increase in allegations of police brutality and police shootings in particular. Human rights monitors and members of the public continued to express concern over such instances of police abuse of criminal suspects. Police officials, while denying systematic or chronic abuses, acknowledged that police on occasion abused their authority and pledged to address any wrongdoing by police officers (see Section 1.d.).

In February, a detained 19-year-old from Grand Bahama claimed he was stripped, handcuffed to a tree, and beaten with a metal pipe to extract a confession. He was released, but, subsequently, he was charged with attempted armed robbery, and the case was pending a court decision. The Chief of Police in Grand Bahama admitted this was "not an isolated event," and investigators were sent from New Providence Island to conduct inquiries; however, there were no further developments in the case at year's end.

Conditions at Her Majesty's Prison at Fox Hill, the only prison, remained harsh. Overcrowding was a major problem. The men's maximum-security block, originally built in 1953 to hold 400 to 600 inmates, held more than 800 of the approximately 1,400 total inmate population. The remaining prisoners were housed in medium- and minimum-security units that were at, or above, intended capacity. Opened in 2002, the Remand Center provided some overcrowding relief. However, prison officials estimated there were approximately 700 prisoners awaiting trial, many of whom were confined in cells with convicted prisoners. The recidivism rate at Fox Hill Prison was 69 percent.

Prisoners initially were assigned to the Maximum Security Unit before a housing determination was made as a means of "breaking them in" to prison life. Male prisoners were crowded into poorly ventilated cells that generally lacked regular running water, toilets, and laundry facilities. Most prisoners lacked beds. Many of them slept on concrete floors and were locked in small cells 23 hours per day. Maximum-security inmates were allowed outside for exercise 4 days a week for 1 hour per day. Inmates reported that food service operations improved from the previous year due to a professional staff overseeing the inmate cooking staff; however, some unsanitary conditions in food preparation remained.

Prison officials estimated that approximately 8 percent of the prison population was infected with the HIV virus and one-third suffered from tuberculosis. Amnesty International (AI) stated in a 2003 report that the HIV infection rate was closer to 20 percent.

Organizations providing aid, counseling services, and religious instruction had regular access to inmates. The Government provided limited funds for improvements in prison facilities and prisoner rehabilitation programs. Prison officials instituted some technical and vocational programs, and correctional officers were undergoing instruction to become certified trainers, although the process was hindered by resource constraints. A farming program for the prisoners to become more self-sufficient continued during the year, although the program has decreased in size pending the purchase of an additional 10 acres. Modern training facilities were equipped with new computers, and the prison also offered some educational and literacy programs for prisoners; however, less than 25 percent of inmates participated in these programs. In October, the Ministry of National Security held a 3-day symposium to discuss prison reform.

In February, authorities reopened an investigation into the 2000 death of Sidney McKenzie, a Fox Hill Prison inmate, after fellow inmates who initially had refused to testify for fear of retaliation told the courts that a prison guard beat and killed him. The investigation was ongoing at year's end.

Women were held separately from male prisoners. The prison's female population was approximately 40 inmates, considerably less than the female unit's full capacity of 200. Conditions for women were less severe, and the facilities had running water. However, women did not have access to the technical or vocational programs available to male prisoners.

The maximum-security building has a separate section for juvenile offenders between the ages of 16 and 18. There was occasional mixing of juveniles with adult inmates depending upon the severity of their crimes. Offenders younger than 16, along with children made wards of the court by their parents because of "uncontrollable behavior," were housed at the Simpson Penn Center for Boys and the Williamae Pratt Center for Girls.

In October 2003, two girls died and a third was injured severely in a fire at the center. The girls were found in a padlocked room. At year's end, a trial was ongoing to determine whether the Center employed adequate fire safety procedures to evacuate the children. Employees at the center suggested that there were no functioning fire extinguishers, and that a fire drill had not taken place for many years. An investigation by the Attorney General's office was ongoing at year's end. Fire drills at the Willie Mae Pratt Center and the Simpson Penn Center for Boys have since recommenced.

The Migration Detention Center on Carmichael Road can hold up to 500 detainees (with tent space for an additional 500), and women and men were housed separately. Haitians and Cubans were the most commonly interdicted migrants. The highest occupancy during the year was approximately 700 in spring, with an additional 250 at a temporary holding facility on the island of Great Inagua. Children under the age of 14 were held in the women's dormitory. Many children arriving with both parents were not allowed contact with the father. Despite the potential of being held for long stretches of time, these children did not have access to educational materials or a place to exercise and play. A foreign government donated money to install a water purification system at the center to provide migrants with clean drinking water.

In October, allegations of abuse against Haitian, Cuban, and Jamaican inmates, including women and children, and rumors of

untreated tuberculosis at the Detention Center were made public. Inmates also complained of poor food quality, lack of potable drinking water, and brutality by security officers. In December, following a statement by the Minister of Immigration to Parliament that the allegations were baseless, Cuban detainees burned a dormitory at the center.

Domestic and international human rights groups visited the prison and detention center during the year.

#### d. Arbitrary Arrest or Detention

The Constitution prohibits arbitrary arrest and detention; however, police occasionally arrested and detained persons arbitrarily. In general, the authorities conducted arrests openly and, when required, obtained judicially issued warrants.

The 3,000-member RBPF is commanded by a Commissioner who is supported by a Deputy Commissioner, four Assistant Commissioners, and a Director of Human Resources. The RBPF is divided into three districts: Headquarters, New Providence/Southern Bahamas, and Grand Bahama/Northern Bahamas.

The Police Complaints and Corruption Branch, which reports directly to the Deputy Commissioner, was responsible for investigating allegations of police brutality. This unit determines if enough evidence of abuse or misconduct exists in a particular case to warrant disciplinary action within the police system or, in some cases, criminal prosecution by the Attorney General. Local human rights observers doubted the police force's ability to investigate itself impartially in cases of alleged abuse and misconduct and believed that many incidents of improper police behavior were unreported. The Government appointed a four-person committee to oversee the complaints and corruption branch; members report directly to the Minister of National Security and consult with the Police Commissioner. Police officials insisted that their investigations were fair and thorough. A police officer involved in shooting or killing a suspect automatically is placed under investigation. In addition, the officer's weapon and permit are taken, and the officer must undergo mandatory counseling. There were 330 complaints against the police during the year, compared with 302 in 2003. Of these 330 cases, 165 remained under investigation at year's end. Following investigations into complaints against police during the year, including assault, wrongful arrest, and excessive use of force, two police officers were imprisoned, three were dismissed from the RBPF, and four were charged before the Magistrate's Court. Police officials believed that continuing turnover in personnel was a contributing factor in disciplinary cases.

The law provides that a suspect must be charged within 72 hours of arrest. Arrested persons appear before a magistrate within 72 hours (or by the next business day for cases arising on weekends and holidays) to hear the charges against them. Serious cases, including those of suspected narcotics or firearms offenses, do not require warrants where probable cause exists. Some persons on remand claimed they were not brought before a magistrate within the 72-hour time frame. The Government generally respected the right to a judicial determination of the legality of arrests.

The Bail Act prohibits bail for repeat offenders and those accused of certain violent crimes. Judges sometimes authorized cash bail for foreigners arrested on minor charges; however, in practice, foreign suspects generally prefer to plead guilty and pay a fine rather than pursue their right to defend themselves, given possible delays in court cases and harsh conditions in the prison. Many foreign suspects paid bail and fled the country to avoid prosecution and extended detention.

Arrested persons may hire an attorney of their choice; however, the Government only provided legal representation to destitute suspects charged with capital crimes. In a 2003 report, AI estimated that 41 percent of inmates did not have legal representation at their trial. Some local legal professionals and human rights observers believed that this lack of representation risked hasty convictions on the basis of unchallenged evidence, particularly in the case of poor or illiterate defendants.

In September, authorities released a Jamaican national after the Supreme Court ruled that he had been unlawfully detained for 14 years. The Jamaican completed a court-mandated 14-year sentence for manslaughter in 1989, but a lack of effective record keeping following his release and confusion about his nationality resulted in his detention for 14 more years without additional charge. The matter subsequently was resolved and he was released with an apology following the filing for a writ of habeas corpus.

Attorneys and other prisoner advocates continued to complain of excessive pretrial detention (see Section 1.e.). The Constitution mandates that suspects can be held for a "reasonable period of time" before trial. It was not unusual for a murder suspect to be held 2 years before trial and on occasion up to 4 years. A 2003 AI report stated that, in August 2002, at least 735 of the over 1,000 prisoners at Fox Hill were awaiting trial. The same report revealed that 78 pretrial prisoners had been on remand for over 2 years.

The authorities detained illegal immigrants, primarily Haitians and Cubans, at a detention center located off Carmichael Road until arrangements could be made for them to leave the country, or they obtained legal status. Haitians usually were repatriated within 48 hours, due to increased cooperation between Bahamian and Haitian authorities and improved efficiency in processing. Average length of detention varied significantly by nationality and availability of funds to pay for repatriation. Illegal immigrants convicted of crimes other than immigration violations were held at Fox Hill prison, where they often remained for weeks or months after serving their sentences, pending deportation.

#### e. Denial of Fair Public Trial

The Constitution provides for an independent judiciary, and the Government generally respected this provision in practice.

Magistrate's courts are the lowest level courts and only handle crimes with a maximum sentence of 5 years. Trial by jury is available only in the Supreme Court, which is the trial court that handles most major cases. Defendants enjoy a presumption of innocence until proven guilty and are permitted to question witnesses at trial. There is a functioning system of bail; however, individuals who cannot post bail are held on remand for indefinite time periods. Magistrate court decisions may be appealed to the Court of Appeal; the Privy Council in London is the final court of appeal. The Governor General appoints judges on the advice, in most cases, of the independent Judicial and Legal Services Commission.

The justice system derives from English common law. The Constitution provides for the right to a fair trial, and an independent judiciary generally enforced this right. However, the judicial system had a large backlog of cases, and delays reportedly lasted as long as 2 years. To reduce the backlog, the Government continued the process of streamlining appeals, computerizing court records, and hiring new judges, magistrates, and court reporters. During the year, the Court of Appeals reported that it reduced its backlog to 6 months.

Despite these measures to improve efficiency, complaints persisted of excessive pretrial detention, outdated record keeping, delayed justice for victims, and a failure to update new laws in the books. Some judges have been recruited from abroad. There were isolated complaints of deviations from normal, fair court proceedings--particularly in civil matters--but there were no indications that this was a widespread problem.

There were no reports of political prisoners.

#### f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Constitution prohibits such actions, and the Government generally respected these prohibitions in practice. The law usually requires a court order for entry into or search of a private residence; however, a police inspector or more senior police official may authorize a search without a court order where probable cause to suspect a weapons violation or drug possession exists.

### 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 and did not restrict academic freedom.

Three daily and several weekly newspapers, all privately owned, expressed a variety of views on issues of public interest, including varying degrees of criticism of the Government and its policies. Foreign newspapers and magazines were readily available.

There is a government-run radio station and five privately owned radio broadcasters. The country has two television stations, one operated by the state-owned Broadcasting Corporation of the Bahamas, and a privately owned station. The state-owned station presented a variety of views, although opposition politicians claimed, with some justification, that their views did not receive as extensive coverage as those of the Government.

The Government did not restrict Internet access.

#### 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. Groups must obtain permits to hold public demonstrations, and the authorities generally granted such permits.

#### c. Freedom of Religion

The Constitution provides for freedom of religion, and the Government generally respected this right in practice. The Constitution explicitly calls for respect for Christian values. There were no allegations of religious freedom violations during the year.

For a more detailed discussion, see the [2004 International Religious Freedom Report](#).

#### d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The Constitution provides for these rights, and the Government generally respected them in practice.

The law prohibits forced exile, and the Government did not use it.

The country is a signatory to both the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol; however, the Government has not established a consistent system for providing protection to all refugees and asylum seekers. The Government particularly faced difficulties with regard to Haitian migrants. All Cuban migrants were given the opportunity to apply for asylum. In practice, the Government provided protection against refoulement, the return of persons to a country where they faced persecution, and applications for political asylum were adjudicated on a case-by-case basis at the cabinet level.

The Government cooperated with the office of the U.N. High Commissioner for Refugees (UNHCR) and other humanitarian organizations in assisting refugees. The Government asserted that all migrants who claimed asylum were interviewed by trained immigration officials; however, this claim was disputed by AI. The UNHCR reviewed the interview records of cases they were provided and offered recommendations on certain cases. Local and international human rights observers criticized the Government for failing to screen potential asylum applicants adequately. These organizations claimed that some Haitians with a legitimate fear of persecution were repatriated without having the opportunity to make a claim for asylum. There was a lack of Creole-speaking immigration officers, and Haitian migrants often were unaware of their right to claim asylum, resulting in limited requests for asylum screening. In addition, those requesting asylum screening often lacked access to legal counsel.

The Department of Immigration reported that 3,034 persons were repatriated to their home countries during the year. The authorities did not grant asylum during the year.

### 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 held on the basis of universal suffrage.

The country is a constitutional, parliamentary democracy governed by a prime minister and a bicameral parliament. General elections are held at least every 5 years. The political process is open to all elements of society, and citizens 18 years of age and older are eligible to register and vote. Voting is by secret ballot. The two principal political parties are the ruling PLP and the opposition Free National Movement (FNM). In 2002, the PLP won 29 of 40 seats in the House of Assembly and formed the new Government under Perry Christie. The FNM won seven seats, and independents won four. Both the ruling party and the opposition name members to the upper house, the Senate, in compliance with constitutional guidelines. Although it passes legislation, the Senate is primarily a deliberative body that serves as a public forum to discuss national problems and policies.

There were no laws providing for public access to government information; however, in practice, the Government provide such access in most cases.

The 40-seat House of Assembly had 8 elected female members; there were 7 appointed female senators, including the President of the Senate. A woman served as Deputy Prime Minister and Minister of National Security. Women also headed several other ministries.

### Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

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

### Section 5 Discrimination, Societal Abuses, and Trafficking in Persons

The Government generally respected in practice the constitutional provisions for individual rights and freedoms regardless of race, place of origin, political opinion, creed, or sex. However, the Constitution and the law contained certain provisions that discriminated against women.

#### Women

Violence against women continued to be a serious, widespread problem. During the year, the RBPF reported that 12 of the 44 recorded killings were the result of domestic violence, a 5 percent increase from 2003. Women's rights groups cited a general reluctance on the part of law enforcement authorities to intervene in domestic disputes and a lack of police training and sensitivity in dealing with domestic violence. The police recognized domestic violence as a high priority and provided specialized training for all incoming officers and offered continuing training in domestic violence. The police force specifically made efforts to increase awareness of domestic violence in the Family Islands. The courts impose various legal constraints to protect women from abusive spouses or companions. Advocates for women's rights saw a need to improve the effectiveness of enforcement of court orders.

The Government operated a toll-free hotline in New Providence and Grand Bahama, with trained volunteers to respond to emergency calls 24 hours a day. Government and private women's organizations conducted public awareness campaigns

highlighting the problems of abuse and domestic violence. The Ministry of Social Services, in partnership with a private company, operated a safe house to assist battered women.

Rape, including spousal rape, is illegal. The maximum penalty for a first-time offender is 7 years and, in the case of a second or subsequent conviction, the penalty is 14 years. On occasion, rapists are given life sentences. Some rape accusations brought by foreign victims did not result in formal charges. The RBPF issued a report stating there were 86 rapes reported during the year, down from 111 in 2003. More than half of the victims knew their attacker. The RBPF credited public outreach programs and the involvement of the Department of Social Services, the Crisis Center, and the Adolescent Clinic for this decrease. Prosecutions and convictions on rape charges were common, and the maximum penalty was frequently applied.

Prostitution is illegal. On November 7, police raided a local strip club and arrested all 76 persons present, including locals and nationals from several foreign countries. Several individuals were charged with "soliciting for immoral purposes." Police placed plainclothes officers in various nightclubs to monitor illegal activities. Police officials acknowledged that sex entertainment was a developing industry.

The Constitution does not provide women with the same right as men to transmit citizenship to their foreign-born spouses. The law also makes it easier for men with foreign spouses to confer citizenship on their children than for women with foreign spouses. Some inheritance laws also favored men over women. Prominent women of all political persuasions continued to push for an amendment to the Constitution and revision of related laws to redress this situation.

Women participated fully in society and were well represented in the business and professional sectors.

#### Children

The Government claimed child welfare and education were priorities, but lacked sufficient funding to maintain and improve standards.

Public schools, in particular, lacked basic educational materials, and facilities were overcrowded and substandard. Public education is compulsory for children through the age of 16, and most children attend school until this age. Cultural biases often forced unwed, pregnant teenagers to leave public schools, and a quasi-governmental group sought to create an alternative school program for these girls. The Ministry of Social Services is responsible for abandoned children up to 18 years of age, but had very limited resources at its disposal. The government hospital housed 19 abandoned children (all of whom had physical disabilities) during the year, as there was no effective foster care program in which to house them.

Both the Government and civic organizations conducted intensive public education programs aimed at the problem of child abuse and appropriate parenting behavior; however, child abuse and neglect remained serious problems. During the summer months, the RBPF operated a hotline in response to an increase in the number of reports of missing or exploited children.

From January through November, the Ministry of Social Services reported 539 cases of child abuse, including 45 reports of incest, 142 reports of physical abuse, 80 reports of sexual abuse, 260 reports of neglect, 3 reports of verbal abuse, and 9 reports of abandonment. The Ministry estimated that only one-third of cases were reported.

The law requires that all persons who have contact with a child they believe to be sexually abused report their suspicions to the police. However, the same reporting requirement does not apply to cases of physical abuse, which health care professionals believed occurred quite frequently. The police referred reported cases of sexual and physical abuse to the Ministry of Social Services, which investigates them and can bring criminal charges against perpetrators. The Ministry may remove children from abusive situations if the court deems it necessary. In May, the Ministry reopened a center for abused and neglected children.

#### Trafficking in Persons

There are no laws that specifically address trafficking in persons; however, there were no reports that persons were trafficked to, from, within, or through the country, although the lack of a legal distinction may have obscured trafficking within the vulnerable illegal migrant communities. The Penal Code bans prostitution, and the maximum penalty is 5 years' imprisonment. The Code also prohibits the procurement of persons for purposes of prostitution either in or outside the country by force, threats, intimidation, or the administering of drugs and carries a penalty of 8 years' imprisonment. In June and November, the International Organization for Migration, in conjunction with other organizations, held seminars to inform relevant authorities of anti-trafficking methods, including preventative measures and raising awareness.

#### Persons with Disabilities

There was no discrimination against persons with disabilities in employment, education, access to health care, or in the provision of other state services. Although the law mandates certain accommodations for persons with physical disabilities in new public buildings, the authorities rarely enforced this requirement. There were housing units in Nassau designed specifically for persons with disabilities, but very few buildings and public facilities were accessible to them. Parking for persons with disabilities was provided in most parking lots. Advocates for persons with disabilities complained of widespread job discrimination and general

apathy on the part of private employers and political leaders toward the need for training and equal opportunity.

The Disability Affairs Unit of the Ministry of Social Development and National Insurance worked with the Bahamas Council for Disability, an umbrella organization of nongovernmental organizations that offered services for persons with disabilities, to provide a coordinated public and private sector approach to the needs of persons with disabilities. A mix of government and private residential and nonresidential institutions provided limited education, training, counseling, and job placement services for adults and children with both physical and mental disabilities.

In December, the Bahamas Council for Disability held a symposium in conjunction with the Ministry of Social Services. During the symposium, participants voiced concerns about the draft Anti-Discrimination of Persons with Disabilities Bill.

#### National/Racial/Ethnic Minorities

Unofficial estimates suggest that between 20 and 25 percent of the population are Haitians or citizens of Haitian descent, making them the largest and most visible ethnic minority in the islands. While 30,000 to 40,000 Haitian citizens (approximately 10 percent of the total population) resided in the country legally, some observers believed that an equal or greater number were in the country illegally. Haitian children were granted access to education and social services. Children born in the country of non-Bahamian parents or to a Bahamian mother and a non-Bahamian father do not automatically acquire citizenship.

Although Haitians and Bahamians of Haitian descent generally were well integrated into society, nonviolent interethnic tensions and inequities persisted. Some members of the Haitian community complained of discrimination in the job market, and resentment concerning continued Haitian immigration was widespread. For example, individuals born in the country to Haitian parents were required to pay the tuition rate for foreign students while waiting for their request for citizenship to be processed. However, reports of ethnic violence or blatant discrimination against legally resident Haitians were scarce.

#### Other Societal Abuses and Discrimination

Social discrimination against homosexuals was evident. Although homosexual relations between consenting adults are legal, there is no legislation to address the human rights concerns of homosexuals, lesbians, bisexuals, or transgendered persons. The Parliament passed the Employment Bill of 2001 only after removing a clause barring discrimination in the workplace based on sexual orientation.

In July, several religious groups protested the Government's acceptance of a port visit from a cruise ship catering to gay families. Widespread homophobia and religiously based objection to homosexuality led to reports of job termination following disclosure of sexual orientation and discrimination in housing.

#### Section 6 Worker Rights

##### a. The Right of Association

The Constitution provides labor unions with the right of free assembly and association, and workers exercised these rights in practice. Private sector and most public sector workers may form or join unions without prior approval. Members of the police force, defense force, fire brigade, and prison guards may not organize or join unions. Almost one-quarter of the work force (and 80 percent of the workers in the important hotel industry) belonged to unions.

Under the law, labor disputes first are filed with the Ministry of Labor and then, if not resolved, are transferred to an industrial tribunal. The tribunal follows normal court procedures for the admission of evidence, direct examination, and cross-examination. The tribunal's decision is final and only can be appealed in court on a strict question of law. Some employers complained that the industrial tribunal was biased unfairly in favor of employees.

##### b. The Right to Organize and Bargain Collectively

Workers freely exercised their right to organize and participate in collective bargaining, which the law protects. Unions and employers negotiated wage rates without government interference.

The law provides for the right to strike, and workers exercised this right in practice; however, the Government has the right to intervene in the national interest to assure delivery of essential services. The Industrial Relations Act requires that, before a strike begins, a simple majority of a union's membership must vote in favor of a motion to strike. The Ministry of Labor must supervise the vote. Several unions threatened several work stoppages against both public and private employers during the year.

Freeport is a specially designated free trade zone. Labor law and practice in this zone do not differ from those in the rest of the country. However, human rights advocates asserted that the Port Authority has allowed the Hong Kong-based company Hutchison-Whampoa, which owns the harbor, airport, and many major hotels in Freeport, to discourage unions.

In June, 300 Freeport workers went on a 5-day strike to protest the firing of a coworker who had led an unofficial labor union within Hutchison-Whampoa. Approximately 30 workers subsequently were fired for taking part in the strike.

c. Prohibition of Forced or Compulsory Labor

The Constitution 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

The law prohibits the employment of children under the age of 14 for industrial work or work during school hours; however, some children worked part time in light industry and service jobs. Children under the age of 16 may not work at night. There was no legal minimum age for employment in other sectors. The Ministry of Labor and Immigration is responsible for enforcing these laws.

e. Acceptable Conditions of Work

The minimum wage for government employees, set in 2000, was \$4.45 (B\$4.45) per hour. A minimum wage for the private sector was established in 2002 at \$4.00 (B\$4.00) per hour. In view of the high cost of living, these minimum wages did not provide a decent standard of living for a worker and family. The law provides for a 40-hour workweek, a 24-hour rest period, and requires overtime payment (time and a half) for hours worked beyond the standard workweek.

The Ministry of Labor is responsible for enforcing labor laws and has a team of inspectors that conducts on-site visits to enforce occupational health and safety standards and investigate employee concerns and complaints; however, inspections occurred infrequently. The Ministry normally announced inspection visits in advance, and employers generally cooperated with inspectors to implement safety standards.

The national insurance program compensates workers for work-related injuries. The Fair Labor Standards Act requires employers to find suitable alternative employment for employees injured on the job but still able to work. The law does not provide a right for workers to remove themselves from dangerous work situations without jeopardy to continued employment.