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Bahamas

Bureau of Democracy, Human Rights, and Labor

2005

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The Commonwealth of the Bahamas is a constitutional, parliamentary democracy with a population of approximately 320 thousand, not including an estimated 30 thousand illegal Haitians. Prime Minister Perry Christie's Progressive Liberal Party (PLP) regained control of the government after 2002 elections that observers found to be generally free and fair. The civilian authorities generally maintained effective control over security forces.

The government generally respected the human rights of its citizens. The year brought improvement in conditions at Fox Hill Prison, worsening of conditions for persons awaiting trial, and increased concerns regarding the rights of minority Haitians. The following human rights problems were reported:

- poor prison and detention center conditions
- arbitrary arrest and detention
- lengthy pretrial detention and delays in trials
- violence and discrimination against women
- violence against children
- discrimination against persons of Haitian descent

The government improved conditions at Fox Hill prison with regard to prisoner intake and cell assignments, new educational opportunities, new use-of-force guidelines, and a new internal affairs unit.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life

Unlike previous years, there were no reports that the government or its agents committed arbitrary or unlawful killings, and several past cases were resolved.

manslaughter. Authorities charged the officer, and the criminal trial continued at year's end. Also in March the coroner's court found that a police officer's 2002 killing of Jermaine Mackey, which led to a riot in the Kemp Road community, was unlawful manslaughter. At year's end criminal prosecution was under way.

b. Disappearance

There were no reports of politically motivated disappearances.

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

The law prohibits such practices, but human rights monitors and members of the public expressed concern over continued instances of police abuse of criminal suspects. Police officials, while denying systematic or chronic abuses, acknowledged that police on occasion abused their authority (see section 1.d.).

There were no further developments in the February 2004 case of a 19-year-old detainee from Grand Bahama Island who claimed police stripped him, handcuffed him to a tree, and beat him with a metal pipe to extract a confession before charging him with attempted armed robbery.

Prison and Detention Center Conditions

Conditions at Fox Hill prison, the country's 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 700 of the approximately 1,500 total inmate population. The remaining prisoners were held in remand, and in medium- and minimum-security units that were at intended capacity. The prison remand area, built to hold 300 prisoners awaiting trial, was insufficient to hold the 650 prisoners awaiting trial, leaving many pretrial detainees confined in cells with convicted prisoners in the maximum-security unit. Male prisoners placed in the maximum-security unit were crowded into poorly ventilated cells that generally lacked regular running water, toilets, and laundry facilities. Most prisoners lacked beds, slept on concrete floors, and were locked in small cells 23 hours per day, often with human waste. Maximum-security inmates were allowed outside for exercise four days a week for one hour per day. Inmates complained of inadequate medical care and treatment.

The government attempted to improve conditions at Fox Hill and appointed the chairman of the Prison Reform Commission as prison superintendent. There were improvements in prisoner intake, cell assignments, and educational opportunities for prisoners. Unlike in past years, new prisoners were no longer automatically placed in maximum security, but were processed through an intake center and assigned cells based upon an analysis of risk factors and space availability. Inmates reported continued improvement in food service operations due to a professional staff overseeing the inmate cooking staff; however, some unsanitary conditions in food preparation remained.

As part of prison reform efforts, the prison adopted new use-of-force guidelines to address past concerns over prisoner treatment. Prison officials also established an internal affairs unit to investigate complaints against guards. According to prison officials, there were no allegations of abuse by prison guards during the year.

Organizations providing aid, counseling services, and religious instruction had regular access to inmates. The government significantly increased funding for improvements in prison facilities and prisoner rehabilitation programs. Prison officials continued to improve technical and vocational programs, opening the programs to women and increasing course offerings. Approximately 500 of the 900 eligible prisoners participated in training and work release programs. In response to past concerns regarding prisoner abuse, prison officials adopted a policy on use of force, increased guard training, and used the new internal affairs unit to address complaints.

Following an investigation and an inquiry hearing, the coroner's court was unable to determine cause of death in 2000 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.

In October 2004 the coroner's court ruled that neglect and failure to provide medical attention contributed to the death of Kazimierz Kwasiborski, who died at Fox Hill prison in 2003.

Although conditions for women prisoners were less severe, they did not have access to work release 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 held at the Simpson Penn Center for Boys and the Williamae Pratt Center for Girls.

In February the coroner's court found that the 2003 deaths of two girls in a fire at the Pratt Center were accidental, but that the center's negligent management of padlocked rooms contributed to the deaths. Center officials admitted a breakdown in safety measures.

The Carmichael Road Immigrant Detention Center holds 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, with an additional 250 at a temporary holding facility on the island of Great Inagua. Detainees complained that non-English speaking migrants were sometimes unable to communicate with guards regarding basic needs and detention center rules. Detainees also continued to complain of abuse by guards. Human rights groups expressed concern that complaint investigations were handled internally without independent review and oversight.

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 months, these children did not have access to educational materials or a place to exercise or play.

Following an internal investigation into October 2004 allegations of abuse of migrants at the detention center, the government concluded that the complaints were without merit. Amnesty International (AI) criticized the investigation as biased and incomplete. In July a detainee alleged that guards unlawfully beat him and shot him with rubber bullets. Authorities reassigned the guards pending completion of an internal investigation, which continued at year's end.

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

d. Arbitrary Arrest or Detention

Although the law prohibits arbitrary arrest and detention, police occasionally arrested and detained persons arbitrarily.

Role of the Police and Security Apparatus

The Royal Bahamas Police Force (RBPF) maintains internal security, and the small Royal Bahamas Defense Force (RBDF) is responsible for external security and some minor domestic security functions such as guarding foreign embassies and ambassadors. The Ministry of National Security oversees the RBPF and the RBDF.

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 attorneys and human rights observers expressed concern that the complaints and corruption branch lacks the independent authority needed to impartially investigate allegations of abuse and misconduct, and that perceived lack of impartiality discouraged full reporting of complaints. Although the government appointed an independent four-person committee to oversee the complaints and corruption branch and report directly to the minister of national security, the committee was not used pending passage of implementing legislation.

The complaints and corruptions branch instead continued to report directly to the commissioner without independent oversight. 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. There were 292 complaints against police during the year, compared with 330 in 2004. Of these 292 cases, authorities resolved 36, referred 68 referred to court, and had 188 still under investigation at year's end. Following investigations into complaints against police during the year, including unethical conduct, assault, wrongful arrest, and excessive use of force, authorities dismissed 2 officers and brought criminal charges against 15 officers. Charges resulted in two convictions, four acquittals, and nine cases under way at year's end.

During the year police underwent training in human rights issues, including in-house training for officers on use of force, human rights, internal investigations of complaints against police, and corruption. Police officials believed that additional training is necessary to address continuing problems.

Arrest and Detention

In general the authorities conducted arrests openly and, when required, obtained judicially issued warrants. Serious cases, including those of suspected narcotics or firearms offenses, do not require warrants where probable cause exists. The law provides that a suspect must be charged within 48 hours of arrest. Arrested persons appear before a magistrate within 48 hours (or by the next business day for cases arising on weekends and holidays) to hear the charges against them. Police can apply for a 48-hour extension upon simple application to the court and for longer extensions with sufficient showing of need. Some persons on remand claimed they were not brought before a magistrate within the 48-hour time frame. One suspect was held without charge in maximum-security prison from April to August until he pled guilty to crimes before being officially charged, claiming he wanted to avoid precharge and pretrial maximum-security detention. The government generally respected the right to a judicial determination of the legality of arrests.

Although there is a functioning bail system, the law 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, but 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. 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.

There were no reports of political detainees.

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. Suspects commonly were held two to four years before they received a trial. In October a government report stated that 645 of the 1,500 prisoners at Fox Hill were awaiting trial. Prison officials estimated that approximately 100 pretrial prisoners had been on remand for over 2 years.

The authorities detained illegal immigrants, primarily Haitians and Cubans, at the Carmichael Road Immigrant Detention Center 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 law 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 five years. Trial by jury is available only in the Supreme Court, which handles most major cases. Magistrate's 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.

Trial Procedures

The law provides for the right to a fair trial, and an independent judiciary generally enforced this right. Defendants enjoy a presumption of innocence until proven guilty and are permitted to question witnesses at trial. There is a functioning system of bail, but individuals who could not post bail were held on remand for indefinite time periods. The judicial system had a large backlog of cases, and delays reportedly lasted as long as four years.

Local legal professionals attributed most delays to slow police investigation and prosecution rather than a lack of judicial capacity, suggesting that prosecutors had little incentive to quickly bring a matter to trial while the accused were detained for long prison terms while awaiting trial. In addition to excessive pretrial detention, local legal professionals continued to complain of outdated record keeping, delayed justice for victims, and a failure to update new laws on the books. 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.

Political Prisoners

There were no reports of political prisoners.

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

The law prohibits such actions, and the government generally respected these prohibitions in practice.

While the law usually requires a court order for entry into or search of a private residence, 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 law provides for freedom of speech and of the press, and the government generally respected these rights in practice. However, members of independent media complained that the government restricted access to some information and events, providing preferential access to government media sources. In November the independent press was limited in reporting on a public session in the Senate where government-controlled media were unrestricted.

The government did not restrict academic freedom or access to the Internet.

b. Freedom of Peaceful Assembly and Association

The law provides for freedom of assembly and association, and the government generally respected these rights in practice.

c. Freedom of Religion

The law provides for freedom of religion, and the government generally respected this right in practice. The constitution explicitly calls for respect for Christian values.

Societal Abuses and Discrimination

There were no reports of societal violence or discrimination, including anti-Semitic acts. There is a local Jewish community of approximately 200 persons.

For a more detailed discussion, see the [2005 International Religious Freedom Report](#).

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

The law provides for these rights, and the government generally respected them in practice.

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

Protection of Refugees

Although the country is a signatory to both the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol, 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 generally provided protection against *refoulement*, the return of persons to a country where they feared persecution. Applications for political asylum were adjudicated on a case-by-case basis at the cabinet level.

The government cooperated with the office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in assisting refugees and asylum seekers. Although the government asserted that all migrants who claimed asylum were interviewed by trained immigration officials, AI disputed this claim. The UNHCR reviewed the interview records of cases they were provided and offered recommendations on certain cases. Local and international human rights

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 government denied it inadequately screened potential asylum applicants.

The Department of Immigration reported that through October, approximately 3,200 persons were repatriated to their home countries. The authorities did not grant asylum during the year.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The law 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.

Elections and Political Participation

The two principal political parties are the ruling PLP and the opposition Free National Movement (FNM). In 2002 national elections generally considered free and fair, 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.

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. Information on racial background was not collected, but it was estimated that there were four members of minorities in parliament and none in the cabinet.

Government Corruption and Transparency

There were isolated allegations of government corruption during the year. Eight matters were reported to the complaints and corruption branch of the RBPF during the year, resulting in criminal prosecutions for bribery and five pending investigations. The public was concerned with any report of corruption but did not perceive corruption to be a widespread problem.

There were no laws providing for public access to government information. Members of the local press complained that the government failed to regularly provide open access to information, but the government did not respond to such criticism.

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 gender. However, the constitution and the law contained certain provisions that discriminated against women.

Women

Violence against women continued to be a serious, widespread problem. The law prohibits domestic violence, and the government generally enforced the law. However, domestic violence laws do not provide penalties separate from other crimes of assault and battery, and the law does not criminalize sexual violence within a marriage. The RBPF reported that 9 of the 44 recorded killings through November were the result of domestic violence. Police received an estimated one thousand domestic violence complaints for the year. Women's rights groups cited a general reluctance on the part of law enforcement authorities to intervene in domestic disputes. The police recognized domestic violence as a high priority, 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 and a need for improved legal aid for women. Women's rights advocates also sought improvements to the domestic violence law, including criminalization of spousal sexual abuse.

The government operated a toll-free hot line 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 is illegal. The maximum penalty for a first-time offender is 7 years' imprisonment and, in the case of a second or subsequent conviction, the penalty is 14 years' imprisonment. On occasion rapists were given life sentences. Some rape accusations brought by foreign victims did not result in formal charges. According to the RBPF, there were 80 rapes reported, a decrease from 86 in 2004. 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 frequently was applied.

Prostitution is illegal and was not a widespread problem. In November 2004 police raided a local strip club and arrested all 76 persons present. Authorities charged several individuals with "soliciting for immoral purposes" under antiprostitution laws. Following a June raid on a second strip club, dancers and staff of the club were similarly charged. In a September decision a local court found that the strip club activities did not violate prostitution laws.

There are no laws specifically addressing sex tourism. Police officials acknowledged that sex entertainment was a developing industry, but did not consider sex tourism a problem.

The law prohibits criminal "quid pro quo" sexual harassment, and authorizes penalties of up to five thousand dollars and a maximum of two years' imprisonment. Civil rights advocates complained that criminal prohibitions were not effectively enforced, and that civil remedies, including a prohibition on "hostile environment" sexual harassment, were needed.

The law 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. The law does not include gender as a basis for protection from discrimination. Women continued to advocate an amendment to the constitution and revision of related laws to redress this situation. Women were generally free of economic discrimination, and the law provides for equal pay for equal work.

Children

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

Public schools lacked basic educational materials, and facilities were overcrowded and substandard. Public education is compulsory and free for children through the age of 16, and most children attended school until that age. Cultural biases often forced unwed, pregnant teenagers to leave public schools, and a quasi-governmental group continued to seek to create an alternative school program for these girls.

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

From January through August, the Ministry of Social Services reported 387 cases of child abuse, including 31 reports of incest, 120 reports of physical abuse, 47 reports of sexual abuse, 177 reports of neglect, 6 reports of verbal abuse, and 6 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. The ministry operated a center for abused and neglected children.

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 eight abandoned children (all of whom had physical disabilities) during the year, as there was no effective foster care program in which to house them.

Trafficking in Persons

Although there are no laws that specifically address trafficking in persons, the law prohibits prostitution and the procurement of persons for purposes of prostitution either in or outside the country by force, threats, intimidation, or the administering of drugs. The maximum penalty for prostitution is five years' imprisonment; procurement for the purpose of prostitution carries a penalty of eight years' imprisonment.

There were no specific reports that persons were trafficked within, to, or from the country, but concerns were increasing.

The lack of a legal prohibition may have obscured trafficking within the vulnerable illegal migrant communities. In June the International Organization of Migration (IOM) issued a report on human trafficking suggesting a link between irregular migration and forced labor for domestic servitude, agriculture, and construction. In March IOM hosted an antitrafficking meeting and training that included government and civil society participants.

Persons with Disabilities

There is no specific law protecting persons with physical or mental disabilities from discrimination in employment, education, access to health care, or in the provision of other state services. Although the law mandates access for persons with physical disabilities in new public buildings, the authorities rarely enforced this requirement, and very few buildings and public facilities were accessible to persons with disabilities. Advocates for persons with disabilities complained of

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 June following a dispute over the closure of the Cheshire Home for the Physically Disabled, residents were forcefully evicted from the home by cutting power, water and phone service from the home, then boarding windows, with residents still inside. Disability advocates claimed that the government was complicit in the closure and failed to prevent the eviction. A lawsuit was pending at year's end.

National/Racial/Ethnic Minorities

According to unofficial estimates, between 10 and 25 percent of the population are Haitians or citizens of Haitian descent, making them the largest and most visible ethnic minority. Many persons of Haitian origin lived in shantytowns with limited sewage, garbage, law enforcement, or other infrastructure. Haitian children generally were granted access to education and social services, but some Haitians complained of discriminatory treatment in education.

Anti-Haitian prejudice and resentment regarding continued Haitian immigration was common. Observers reported that efforts by the authorities to stem the influx of illegal Haitian immigrants, and efforts by politicians to appear tough on immigration, fueled anti-Haitian attitudes. Interethnic tensions and inequities persisted, and observers believed tensions have escalated. Members of the Haitian community complained of discrimination in the job market, specifically that identity and work permit documents were controlled by employers seeking leverage by threat of deportation. 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.

In January a dispute over police handling of a traffic accident led to two days of violence in a Haitian neighborhood of Nassau. Residents claimed that police shouted anti-Haitian slurs and were aggressive towards the gathering crowd. The crowd reacted violently, burning cars and throwing objects at police. Five persons were injured, and authorities arrested and prosecuted individuals with Haitian surnames.

Other Societal Abuses and Discrimination

Social discrimination against homosexuals occurred. There was widespread homophobia and religiously based opposition to homosexuality. Although homosexual relations between consenting adults are legal, there was no legislation to address the human rights concerns of homosexuals, lesbians, bisexuals, or transgendered persons. The government actively promoted opposition to homosexuality.

In September Miss Teen Bahamas was stripped of her title after she said she was lesbian. Also in September public school teachers punished students wearing clothing perceived to identify them as homosexual or advocates of homosexuality. There were continued reports of job termination following disclosure of sexual orientation, as well as discrimination in housing.

Section 6 Worker Rights

The law 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 labor ministry 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 while workers exercised this right in practice, 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 and Immigration must supervise the vote.

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 allowed the Hong Kong-based company Hutchison-Whampoa, which owns the harbor, airport, and many major hotels in Freeport, to discourage unions.

c. Prohibition of Forced or Compulsory Labor

Although the law prohibits forced or compulsory labor, including by children, there were reports that such practices occurred (see section 6.d.).

d. Child Labor Practices and Minimum Age for Employment

Although the law prohibits the employment of children under the age of 14 for industrial work or work during school hours, 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.

In June the Ministry of Labor and Immigration hosted a national conference on child labor and hazardous occupations. While no current data were available, the labor minister relied upon a 2002 ILO report to estimate approximately 52 children involved in the worst forms of child labor: 4 related to slavery/bondage or the sexual exploitation of children through incestuous relationships; 9 related to illicit or unlawful activities; 4 to hazardous activities; and 35 to commercial sexual activities. The government considered the 2002 ILO report an accurate reflection of conditions during the year.

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. The minimum wage 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 time-and-a-half

The Ministry of Labor and Immigration 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 law does not provide a right for workers to remove themselves from dangerous work situations without jeopardy to continued employment.

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