

Jamaica 2023 Human Rights Report

Executive Summary

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

Significant human rights issues included credible reports of: arbitrary or unlawful killings, including extrajudicial killings; cruel, inhuman, or degrading treatment by the government; harsh and life-threatening conditions in prisons and detention facilities; arbitrary arrest or detention; serious government corruption; extensive gender-based violence; substantial barriers to reproductive health services; laws criminalizing consensual same-sex sexual conduct between adults, although the government did not enforce the law during the year; and crimes involving violence targeting lesbian, gay, bisexual, transgender, queer, or intersex persons.

The government did not take credible steps to identify and punish officials who may have committed human rights abuses.

Section 1. Respect for the Integrity of the Person

a. Arbitrary Deprivation of Life and Other Unlawful or Politically Motivated Killings

There were numerous reports government security forces committed arbitrary or unlawful killings, including extrajudicial killings, during the year. Most complaints and reports cited the Jamaica Constabulary Force, both in its roles as an independent agency and as part of joint military-police activity.

The total number of fatalities involving security forces, justifiable or otherwise, increased over prior years, with 108 reports as of September 11. The Independent Commission of Investigations (INDECOM) investigated police for several fatal shootings, including that of a Kingston man killed on September 6. Following the death, members of his community staged protests, accusing police of shooting him in cold blood. In November 2022, INDECOM recommended murder charges against a soldier who fatally shot a Kingston man during a clash under a state of emergency in November 2022, but as of September 11, prosecutors had not decided to pursue charges, and INDECOM did not have direct prosecutorial authority.

Charges against members of the security forces took years to process, primarily due to investigatory backlogs, trial delays, and appellate measures. Numerous cases awaited prosecution.

b. Disappearance

There were no reports of disappearances by or on behalf of government authorities.

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

The constitution prohibited treatment determined to be inhuman or degrading, although there was no definition of torture in the law.

Following a widely viewed video in June that appeared to show three police beating an unarmed man during a traffic stop, INDECOM urged members of the public to come forward and report police abuses.

There were allegations of cruel, inhuman, and degrading treatment or punishment of individuals in police custody and in correctional facilities. INDECOM investigated reports of alleged abuse committed by police and prison officials, including 10 deaths while in custody and at least one report of sexual assault by a Department of Corrections officer.

Most reports of abuse to INDECOM described intimidation, excessive physical force in restraint, and restricted access to medical treatment. Reports included several credible allegations of sexual assault by security forces. Representatives of nongovernmental organizations (NGOs)

expressed concern there was underreporting by victims, particularly by the vulnerable or persons with mental disabilities.

INDECOM investigated actions by members of the security forces and other state agents that resulted in death, injury, or the abuse of civil rights. As of September 11, INDECOM investigated 764 complaints of abuse by police, including wrongful deaths, assaults, and mistreatment.

The government rarely criminally prosecuted members of the security forces for abuses. Many cases faced significant delays due to court backlogs. One INDECOM investigation resulted in a correctional officer being charged in March for the July 2020 death of an inmate in custody at the Tower Street Correctional Center.

Prison and Detention Center Conditions

Conditions in prisons and detention facilities were harsh and life threatening due to gross overcrowding, physical abuse, limited food, poor sanitary conditions, inadequate medical care, and poor administration. Prisoners with mental disabilities and children in juvenile correctional facilities represented the most vulnerable populations facing harsh conditions.

Abusive Physical Conditions: Correctional facilities were significantly overcrowded. At times, cells in the maximum-security facility at Tower Street held three times the intended capacity. Cells were dark and dirty, with poor bathroom and toilet facilities and limited ventilation.

Allegations of abuse were particularly frequent at juvenile detention centers. Prisoner-on-prisoner violence was common, including severe violence against prisoners targeted for their perceived lesbian, gay, bisexual, transgender, queer, or intersex (LGBTQI+) identity. Video released in January showed an inmate at a pretrial police lockup being severely beaten and attacked with scalding liquid by several other inmates who accused him of being gay.

Prisoners sometimes did not receive required medication, including medication for HIV, according to the UN Program on HIV and AIDS.

Administration: Independent authorities investigated allegations of abuse and inhuman conditions. Investigations were infrequent, and the number of official complaints likely underrepresented the scope of the problems, according to a human rights NGO.

Independent Monitoring: Justices of the peace and representatives from the Police Civilian Oversight Authority regularly visited correctional centers and detention facilities such as lockups and remand centers. Justices of the peace reported their findings to the Ministry of Justice, while the Police Civilian Oversight Authority submitted reports to the Ministry of National Security. Both entities made recommendations to improve overall conditions. Citizen groups and NGOs stated the ministries rarely acted on these recommendations.

INDECOM investigated actions by staff members at correctional facilities and other state agents that resulted in death, injury, or the abuse of civil rights. INDECOM's legal mandate required it to investigate all prisoner deaths that occurred at a correctional facility, including deaths reported as a result of natural causes.

d. Arbitrary Arrest or Detention

The constitution prohibited arbitrary arrest and detention but allowed arrest if there was "reasonable suspicion of [a person] having committed or ... about to commit a criminal offense." The law provided for the right of any person to challenge in court the lawfulness of their arrest or detention, and the government generally observed these requirements. Observers noted abuses arose, however, because police regularly ignored the "reasonable suspicion" requirement. Detention rates were high, particularly in areas subject to focused law enforcement operations, and arraignment procedures were very slow.

The country suffered from high levels of homicide, crime, and violence. The declaration of states of emergency (SOE) granted the military and police the ability to search, seize, and arrest citizens without a warrant. The prime minister was able to declare an SOE for up to 14 days; extensions required parliamentary approval. The government frequently declared SOEs in large regions across the island during the year, often repeating declarations in a given area immediately following an SOE's expiration due to the

government's inability to gain parliamentary approval for extensions. The opposition People's National Party challenged in court the use of repeated SOEs, questioning their constitutionality. In June, a court awarded significant financial damages to a man detained for more than 20 days without charge in St. James Parish during an SOE in 2020.

The government was able to declare zones of special operations (ZOSOs), which conferred to security forces some additional detention authorities such as were applied in SOEs. During the year, the prime minister extended seven ZOSOs the government stated it viewed as necessary to reduce crime and violence. Some communities operated as ZOSOs for most of the year. Arbitrary and lengthy detentions took place in ZOSOs. Few of these detentions resulted in charges.

Arrest Procedures and Treatment of Detainees

Police were able to make arrests without a warrant when a felony, treason, or breach of the peace was committed or attempted in an officer's presence. Following an arrest, the officer was required to inform the suspect of the offense(s) for which the individual was arrested.

Officers were able to execute a warrant lawfully issued by a judge or justice of the peace without being in possession of the warrant. The officer was required to produce the warrant as soon as practical after the arrest if the suspect requested it. The decision to charge or release needed to be made

within 48 hours, although a judge or justice of the peace could extend the period of custody.

Security forces did not always follow these official procedures. According to government officials and civil society organizations, public perception was that police sometimes made arrests without judicial authorization.

There were reports of arrests and prolonged periods of detention in which police did not inform the suspect of the official charges. There were reports detainees did not have access to legal counsel and apprehended suspects could not notify family members. By law, every person charged with an offense was entitled to consideration for bail, although those charged with murder, treason, or other crimes punishable by imprisonment were sometimes denied bail on “substantial grounds” they would fail to surrender to authorities or would commit another offense while on bail. The procedure lent itself to low-level corruption in which police would accept bribes to forgo an arrest.

Arbitrary Arrest: Most cases of arbitrary detention were in the parishes of St. James, St. Catherine, Kingston, and St. Andrew. The government declared ZOSOs and deployed the military to these areas to support police. Under these orders, security forces carried out wide-ranging campaigns of detention and incarceration in attempts to contain violence. There were few official investigations or prosecutions of security force members involved in arbitrary arrests. Citizens accused of crimes enjoyed effective

legal representation in judicial criminal proceedings and successfully challenged unlawful arrests and detentions within the court system.

Pretrial Detention: Lockups were intended for short-term detentions of 48 hours or less, but the government often held suspects in these facilities for much longer periods without charge or while awaiting trial. A lack of administrative follow-through after an arrest created situations where persons were incarcerated without any accompanying paperwork. In some cases – days, weeks, months, or years later – authorities could not ascertain the reason for the arrest. On September 11, a prisoner suffering from mental illness committed suicide after being held for 22 years without trial at the governor general’s discretion. INDECOM estimated there were more than 100 prisoners deemed unfit to plead due to mental illness who were similarly incarcerated indefinitely.

e. Denial of Fair Public Trial

The constitution provided for an independent judiciary, and the government generally respected judicial independence and impartiality. A backlog of criminal cases in some courts, however, led to the denial of a fair public trial. Criminal proceedings sometimes extended for years. Cases were delayed primarily due to incomplete files and the failure of witnesses, parties, attorneys, or investigating officers to appear.

Criminal courts decreased the court case backlog, especially at the parish court level, through additional training, additional equipment, and an increased use of plea bargains. The case clearance rate for the second quarter of the year was 108 percent, which meant for every 100 new cases that entered the courts, 108 were concluded. On September 18, Chief Justice Bryan Sykes declared that parish-level courts were backlog free.

Trial Procedures

The constitution provided for the right to a fair and public trial, and the judiciary generally enforced this right.

Political Prisoners and Detainees

There were no reports of political prisoners or detainees.

f. Transnational Repression

Not applicable.

g. Property Seizure and Restitution

Not applicable.

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

Although the constitution prohibited arbitrary or unlawful interference, the law gave broad powers of search and seizure to security personnel. The law allowed warrantless searches of a person, vehicle, ship, or boat if police had reasonable suspicion of criminal activity. On occasion, police were accused of conducting searches without warrants or reasonable suspicion.

In the areas with ZOSOs and SOEs, government security forces took biometrics from temporarily detained persons. Civil society organizations challenged this practice, arguing that retaining the information and failing to delete it after police released the detained person effectively criminalized persons who subsequently were not charged.

Section 2. Respect for Civil Liberties

a. Freedom of Expression, Including for Members of the Press and Other Media

The constitution provided for freedom of expression, including for members of the press and other media, and the government generally respected this right. An independent media, generally effective judicial protection, and a functioning democratic political system combined to promote freedom of expression, including for media members.

Nongovernmental Impact: An unidentified gunman fired several shots at the Kingston headquarters of the *Nationwide News Network* in September. While the motive was unclear and nobody was injured, representatives from the government and media condemned the attack, as it occurred several days after People’s National Party General Secretary Dayton Campbell accused the network of being an “incubator for the Jamaica Labour Party.”

Internet Freedom

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

b. Freedoms of Peaceful Assembly and Association

The constitution provided for the freedoms of peaceful assembly and association, and the government generally respected these rights.

c. Freedom of Religion

See the Department of State’s *International Religious Freedom Report* at <https://www.state.gov/religiousfreedomreport/>.

d. Freedom of Movement and the Right to Leave the Country

The law provided for freedom of internal movement, foreign travel, emigration, and repatriation, and the government generally respected these

rights. The government did not provide documentation in a timely fashion for Jamaican nationals ordered removed from foreign countries, leaving some individuals awaiting repatriation for more than a year.

e. Protection of Refugees

The government generally cooperated with the Office of the UN High Commissioner for Refugees and other humanitarian organizations in providing protection and assistance to refugees, returning refugees, or asylum seekers, as well as other persons of concern.

Access to Asylum: The law did not provide clear procedures for the granting of asylum or refugee status, and the government had not established a consistent system for providing protection to refugees. The government handled each potential asylum seeker administratively on an individual basis.

Some NGOs criticized the government for inadequately explaining asylum rights and procedures to 37 persons from Haiti in July who were convicted of illegal entry into Jamaica. Local human rights groups ultimately applied for asylum on their behalf. Another group of 36 Haitians, including children, arrived on the island in September and was deported within 24 hours. Civil society groups accused the government of failing to explain the Haitians' rights to them or provide the Haitians with an adequate opportunity to apply for asylum.

Durable Solutions: Through registration, the government was able to grant Jamaican citizenship to persons with citizenship in another Commonwealth country.

Section 3. Freedom to Participate in the Political Process

The law provided citizens the ability to choose their government in free and fair periodic elections held by secret ballot and based on universal and equal suffrage.

Elections and Political Participation

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

Section 4. Corruption in Government

The law provided criminal penalties for corruption by officials, but the government generally did not implement the law effectively. There were numerous reports of government corruption, and corruption was a significant problem of public concern. Media and civil society organizations criticized the government for being slow and at times reluctant to prosecute corruption cases.

Corruption: A July 10 report by the Integrity Commission, an independent anti-corruption body, alleged corruption of six parliamentarians who were being investigated for illicit enrichment. The individuals under investigation were not named due to laws prohibiting disclosure of investigation details prior to the tabling of a report in Parliament.

Speaker of the House of Representatives Marisa Dalrymple-Philibert resigned under pressure on September 22 after the Integrity Commission brought criminal charges against her for omissions in her mandatory financial declarations.

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

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

Domestic and international human rights groups generally operated without government restriction to monitor or investigate human rights conditions or cases and publish their findings. Government officials were somewhat responsive to the views of these groups. The Integrity Commission was

harshly criticized by political leaders for pursuing what the leaders described as “witch hunts” against members of parliament. Several officials called for the abolition of the Integrity Commission or the dismissal of its director, with Minister of Justice Delroy Chuck publicly accusing the commission in June of political bias and a lack of integrity.

The United Nations or Other International Bodies: The government declined to provide substantive responses to precautionary measures and other directives issued by the Inter-American Commission on Human Rights and the UN Committee on the Elimination of Racial Discrimination regarding recognition and protection of Maroon communities, which identified as Indigenous.

Government Human Rights Bodies: The Office of the Public Defender investigated abuses of constitutional rights and engaged with claimants in a process to seek remediation from the government. The Office of the Public Defender was not authorized to appear in court but could retain attorneys to represent claimants. The Office of the Public Defender could not investigate cases affecting national defense or actions investigable by a court of law. Although the Office of the Public Defender was generally considered independent, Parliament was able to ignore the public defender’s findings or decline to act on recommended actions. This limited the overall efficacy of the public defender.

Section 6. Discrimination and Societal Abuses

Women

Rape and Domestic Violence: The law criminalized rape of women under some but not all circumstances. The rape of a woman was legally defined only as forced penile penetration of the vagina by a man; it was illegal and carried a penalty of 15 years to life imprisonment. Forced anal penetration of a woman or man was not legally defined as rape and could be punished by only a maximum of 10 years in prison. This strict definition created wide discrepancies between cases that otherwise had similar elements of rape. The government did not always enforce the law with respect to the vaginal rape of a woman and was even less effective in cases involving men survivors, according to civil rights groups.

Married women did not have the same rights and protections as single women. By law, marriage always implied sexual consent between husband and wife. The law criminalized spousal rape only when one of the following criteria was met: the act occurred after legal separation or court proceedings to dissolve the marriage; the husband was under a court order not to molest or cohabit with his wife; or the husband knew he had a sexually transmitted disease.

Advocacy groups contended rape was significantly underreported because victims had little faith in the judicial system and were unwilling to endure

lengthy criminal proceedings. Sexual violence and intimate partner violence were widespread.

The government operated a Victim Services Division (VSD) to provide direct support to all crime victims, including crisis intervention, counseling, and legal advocacy. The VSD managed 13 independent offices throughout the country, each with its own hotline and staff of trained providers. The VSD coordinated with a network of NGOs capable of providing services such as resiliency counseling and operating shelters, although overall NGO capacity was limited.

The Child Protection and Family Services Agency (CPFSA) provided similar services exclusively for children, although both the VSD and the CPFSA were too understaffed to provide comprehensive care to the populations they served. There were insufficient shelters in the capital area for women and children, and even fewer were available outside the capital area, or for men. Police and first responders received training from an international NGO on referral mechanisms and services available to child crime victims.

Other Forms of Gender-based Violence or Harassment: According to the Caribbean Policy Research Institute, a regional think tank, one in four women reported being sexually harassed during their lifetime. Harassment was common and severe in professional environments, illustrated by reports a woman journalist was threatened with rape at an opposition party event for wearing green, the color of the ruling Jamaica Labour Party.

The 2021 Sexual Harassment Act took effect in July, creating a legal definition of sexual harassment in private workplaces and public institutions. The law provided legal recourse for victims, including a sexual harassment tribunal that could receive complaints up to six years after an act of sexual harassment and could impose fines.

Discrimination: Although the law provided the same legal status and rights for women as for men, including equal pay for equal work, the government did not enforce the law effectively. Women encountered discrimination in the workplace. Women often earned less than men while performing the same work. Women were restricted from working in some factory jobs. Domestic workers, almost all women, were particularly vulnerable to workplace discrimination and sexual harassment. LGBTQI+ women, women living in rural areas, and women with disabilities reported significantly higher levels of discrimination, particularly in employment.

Reproductive Rights: There were no reports of coerced abortion or involuntary sterilization on the part of government authorities.

Access to contraception and skilled health attendance during pregnancy and childbirth were available, although availability was limited in impoverished or rural communities. While social and religious pressure against contraception created significant barriers to access, contraceptives were generally available and affordable. Children were required by law to have parental consent to access contraception.

Women had access to emergency health care, including for the management of consequences arising from abortions. The standard of care varied widely and was low in some places, particularly in rural communities. The government provided access to sexual and reproductive health services for sexual violence survivors. Emergency contraceptives and postexposure prophylaxis were provided to sexual violence survivors as part of the standard medical response to rape.

Systemic Racial or Ethnic Violence and Discrimination

The constitution provided for the right to freedom from discrimination based on race and skin color, but there were no laws or regulations prohibiting discrimination on the grounds of ethnicity.

The population was 92 percent Black, and there were few reports of racial discrimination. Some media sources reported incidents of colorism (favoring lighter-skinned persons within an ethnic group) by employers or against patrons in upper-class establishments. The government did not investigate these incidents.

While the public-school curriculum included robust discussions of race, there were no government programs designed specifically to counter racial or ethnic biases.

Indigenous Peoples

The country's Maroons, descendants of runaway enslaved persons, identified as Indigenous but were not recognized as such under the law. Smaller groups identifying as Taino were similarly unrecognized by the government. Maroon and Taino groups protested the loss of their traditional lands. These groups pursued action against the government in domestic courts, the Inter-American Commission on Human Rights, and the UN Committee for the Elimination of Racial Discrimination, seeking recognition and involvement in the government's decision-making processes.

The government failed to provide essential services to some Maroon communities, including the Accompong Maroons, which claimed sovereignty. Human rights groups reported the government blacklisted these communities from receiving government support and discouraged private companies from investing in their communities.

Children

Education: Free education through the secondary level was guaranteed only to Jamaican citizens.

Child Abuse: The law banned child abuse and mistreatment in all its forms, including neglect. The penalties included a large fine, a prison sentence with hard labor for a term not exceeding five years, or both.

The law banned corporal punishment in all government-run children's homes and places of safety (government-run or regulated private institutions). The law required anyone who knew of or suspected child abuse in any form to report to the National Children's Registry. There was a potential penalty of a large fine, six months' imprisonment, or both for failure to report. The government opened several child-friendly spaces during the year, where law enforcement provided child crime victims with assistance and service referrals in a trauma-informed setting. The CPFSA and the Office of the Children's Advocate maintained child abuse hotlines.

Despite these laws and programs, corporal punishment and other forms of child abuse were prevalent.

Girls disproportionately experienced sexual harassment, gender-based violence, and sexual abuse. Cases were widespread and varied.

Boys experienced disproportionately high levels of physical violence, including corporal punishment both at home and at school. Boys were 25 percent more likely to be put up for adoption and 25 percent less likely to be adopted.

The head of the CPFSA was forced to resign following a government investigation that revealed she exposed children in state care to danger by continuing a partnership with the head of an international NGO. The NGO head had a history of engaging in sexually explicit communication with girls.

This led to the revictimization of several girls in government-operated care facilities.

Child, Early, and Forced Marriage: The legal minimum age for marriage was 18, but children could marry at age 16 with parental consent.

Sexual Exploitation of Children: The law criminalized the commercial sexual exploitation of children, which included the production, possession, importation, exportation, and distribution of child pornography. The crime carried a maximum penalty of 20 years' imprisonment and a large fine. The law prohibited child sex trafficking and prescribed a penalty of up to 30 years' imprisonment. There were reports of the commercial sexual exploitation of children and child sex trafficking.

The law criminalized sexual relations between an adult and a child younger than age 16 and provided for penalties ranging from 15 years to life imprisonment.

Antisemitism

Approximately 500 persons in the country practiced Judaism. There were no reports of antisemitic incidents.

Trafficking in Persons

See the Department of State's *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report>.

Acts of Violence, Criminalization, and Other Abuses Based on Sexual Orientation, Gender Identity or Expression, or Sex Characteristics

Criminalization: The law criminalized consensual sexual conduct between men, with penalties of up to 10 years in prison with hard labor. Attempted sexual conduct between men was also criminalized, with penalties up to seven years in prison. Physical intimacy, or the solicitation of such intimacy, between men, in public or private, was punishable by two years in prison under gross indecency laws. The Inter-American Commission on Human Rights stated the law legitimized violence towards LGBTQI+ persons. There were no credible efforts to rescind anti-LGBTQI+ discriminatory laws.

LGBTQI+ advocacy groups reported the government did not prosecute consensual sexual conduct between men.

Violence and Harassment: LGBTQI+ advocates reported an increase in attacks against LGBTQI+ individuals by criminals utilizing online dating apps to lure victims into situations where LGBTQI+ persons were robbed, beaten, sexually assaulted, and sometimes killed. The government took positive steps to improve law enforcement's treatment of and government services to victims. Many LGBTQI+ children faced persecution and bullying in their homes or communities.

The NGO Equality for All Foundation reported that during the year it received 18 complaints of violence against LGBTQI+ persons, a number similar to previous years. Many of the cases reported during the year occurred in prior years.

Underreporting of violence against LGBTQI+ persons was a problem since many victims were reluctant to go to police due to expected inaction by police. A local NGO reported government officials, including police, had improved their response to LGBTQI+ rights violations.

Discrimination: The law did not prohibit discrimination by state and nonstate actors based on sexual orientation, gender identity or expression, or sex characteristics. LGBTQI+ individuals experienced discrimination in many areas, including housing, employment, marriage, and protections against domestic violence. The law did not recognize LGBTQI+ couples nor did it grant them rights equal to those of other persons.

Availability of Legal Gender Recognition: Individuals were not legally allowed to register a change of gender.

Involuntary or Coercive Medical or Psychological Practices: LGBTQI+ advocates reported churches, families, and other faith-based organizations employed coercive psychological measures in attempts to “convert” LGBTQI+ individuals. There were no laws specifically prohibiting these practices. Advocates reported some families sought unnecessary surgical

procedures for intersex children, although these procedures were carried out in a quiet and nonsystematic way.

Restrictions of Freedom of Expression, Association, or Peaceful Assembly:

There were no legal restrictions on LGBTQI+ gatherings or on freedom of expression on LGBTQI+ issues.

Persons with Disabilities

The law prohibited discrimination against persons with disabilities, although it did not consistently mandate accessibility standards and did not effectively enforce the law. Persons with disabilities encountered difficulties accessing education, employment, health services, public buildings, communications, transportation, and other services due to the lack of accessible facilities. The government did not provide all information in accessible formats. Civil society groups criticized the government for failing to include perspectives from persons with disabilities in the country's constitutional reform process and for designing a public education campaign on constitutional changes that did not present information in accessible formats.

There were reports of violence against persons with disabilities. In February, police arrested two high school students after a videotape emerged of them severely beating an autistic classmate.

There were limitations in access to primary school education for children with disabilities, although the constitution provided all children the right to primary education. Media reported some children with disabilities, particularly in rural areas, received no education at all. There was a lack of suitably trained teachers to care for and instruct students with disabilities. Postprimary and postsecondary educational services, vocational training, and life skills development opportunities for persons with disabilities were limited. Health care reportedly was sometimes difficult to access, especially for persons with hearing disabilities and persons with mental disabilities. Access problems were more pronounced in rural regions.

Institutionalized Children: The government placed some children with disabilities who lacked sufficient parental care in orphanages run by the government called “Places of Safety.” There was a small number of reports of children being placed in these facilities over the objections of their biological parents or other caretakers.

Other Societal Violence or Discrimination

Civil society groups, international organizations, and government officials cited stigma of and discrimination against HIV as factors contributing to low numbers of individuals being treated for HIV. The country’s legal prohibition of consensual sexual conduct between men disproportionately affected HIV treatment for subpopulations such as men who had sex with men and individuals who were LGBTQI+, where HIV infection levels were higher than

average. Some individuals with HIV reported difficulty obtaining medical care, to the extent that some delayed seeking medical attention or traveled abroad to receive treatment.

The government collaborated with international programs to address HIV-related stigma and discrimination. Measures included training healthcare providers on human rights and medical ethics; sensitizing lawmakers and law enforcement officials; reducing discrimination against women in the context of HIV; improving legal literacy; providing legal services; and monitoring and reforming laws, regulations, and policies relating to HIV.

The law prohibited HIV-related discrimination in the workplace and provided some legal recourse to persons with HIV who experienced discrimination. In rural areas and poor urban areas, there was less knowledge of government services and programming related to HIV.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

The law provided for the right of workers to form or join independent unions and to bargain collectively. The law did not provide for the right to strike, but also did not prohibit strikes. Courts have stated that workers who

strike repudiate their contract of employment, thus giving the employer the option to terminate the contract.

The law prohibited antiunion discrimination and provided for the Industrial Disputes Tribunal (IDT) to reinstate a worker who was unjustifiably dismissed. The law made it a criminal offense to prevent or deter a worker from exercising the right to participate in trade union activities or to dismiss, penalize, or otherwise discriminate against a worker for exercising these rights.

The government defined 10 categories of services as essential. Before workers in these categories could legally strike, they had to take their dispute to the Ministry of Labor and Social Security and attempt to settle the dispute through negotiation.

The International Labor Organization (ILO) expressed concern that penalties could be imposed on workers for their membership and participation in an unregistered trade union. The ILO also expressed concern the government could inspect unions and request information regarding trade union finances at any time, which would potentially be intrusive.

The government enforced the law in most cases regarding freedom of association and the right to collective bargaining in the formal sector, except in export-processing zones. Penalties were commensurate with those under other laws involving denials of civil rights. The government sometimes

applied penalties against violators, although judicial delays often weakened enforcement measures.

Worker organizations largely operated without interference, although the government maintained the right to monitor their activities. Some labor unions reported private-sector workers feared management retaliation against unionization. For example, it was not uncommon for private-sector employers to dismiss union workers and rehire them as contractors with fewer worker protections.

Legal procedures allowed firms and other large employers to appeal and delay resolution of their cases for years, thus burdening the plaintiffs. According to the law, cases should be resolved within 21 days, but the IDT took several months to decide most cases. Parties could apply for judicial review by the Supreme Court.

b. Prohibition of Forced or Compulsory Labor

See the Department of State's annual *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report>.

c. Prohibition of Child Labor and Minimum Age for Employment

See the Department of Labor's *Findings on the Worst Forms of Child Labor* at <https://www.dol.gov/agencies/ilab/resources/reports/child-labor/findings>.

d. Discrimination (see section 6)

e. Acceptable Conditions of Work

Wage and Hour Laws: The minimum wage was above the nationally estimated poverty line. Most workers received more than the legal minimum wage.

The law provided for a standard 40-hour workweek and mandated at least one day of rest per week. Employers were required to compensate work in excess of 40 hours per week at overtime rates, a provision most employers respected. The law provided for paid annual holidays. The government did not universally apply the law that restricted workdays to 12 hours or less. Allegations of labor law violations occurred across many sectors but were most common in predominantly informal industries such as construction and domestic work.

Occupational Safety and Health: The Occupational Safety and Health (OSH) Department maintained and enforced OSH standards under ILO guidelines appropriate for the main industries. Department inspectors actively identified unsafe conditions through conducting inspections, investigating accidents, warning violators, and granting them a period in which to correct violations. The department could bring violators to court if the violator did not correct a violation within a given time frame. The law had no provisions that explicitly gave workers the ability to remove themselves from

hazardous conditions without jeopardy to employment, although the IDT could reinstate workers who were unfairly dismissed. Following a summer of record-breaking temperatures, labor organizers and medical professionals called for updated OSH laws, criticizing existing laws as being insufficient to protect worker safety.

Wage, Hour, and OSH Enforcement: The law stipulated penalties and fines for minimum wage, overtime, and OSH laws, and the minister of labor and social security had the authority to increase any monetary penalty. Legal fines or imprisonment for OSH violations were lower than penalties for similar crimes. The Ministry of Labor and Social Security gained compliance in the vast majority of cases by threatening legal action. The ability of defendants to repeatedly appeal a case dulled the effectiveness of penalties.

The government did not effectively enforce the law. The number of inspectors was insufficient to enforce compliance, and inspections took place only in the formal sector. Penalties were rarely applied to violators.

Local think tanks and labor leaders estimated the informal economy generated more than 40 percent of GDP and accounted for approximately 30 percent of the labor force. Informal sector workers were covered by wage, hour, OSH, and other labor laws. The Ministry of Labor and Social Security sometimes provided social protections. Most violations pertaining to acceptable conditions of work occurred in the informal sector.