

SURINAME 2019 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

Suriname is a constitutional democracy with a president elected by the unicameral National Assembly. Elections for the National Assembly took place in 2015. International observers considered the legislative elections to be free and fair. In 2015 the Assembly elected Desire (Desi) Delano Bouterse to a second consecutive term as president.

The armed forces are responsible for national security and border control, with the military police having direct responsibility for immigration control at the country's ports of entry. All elements of the military are under the control of the Ministry of Defense. Civilian police bear primary responsibility for maintaining law and order and report to the Ministry of Justice and Police. Police and military personnel continued to conduct regular joint patrols as part of the government's overall efforts to combat crime, and both also served jointly on special security teams. Civilian authorities maintained effective control over the military and police.

Significant human rights issues included: unlawful or arbitrary killings by prison guards; the existence of criminal defamation laws, although there were no prosecutions during the year; significant acts of corruption; violence and abuse against women and children; and the use of child labor.

The government took steps to investigate, prosecute, and punish officials who committed human rights abuses, whether in the security forces or elsewhere in the government.

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

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

There were isolated reports that agents employed by the government committed arbitrary or unlawful killings.

In March Dion Griffith, a prisoner at the Hazard Penitentiary Facility in Nickerie, died following an attempted escape and subsequent beating by prison guards. A total of 18 prison officials were facing charges related to the death of Griffith, including excessive use of force resulting in death.

On November 29, the Court Martial issued its ruling in the December murders trial for all defendants, including the former military dictator and current President Bouterse. Seven defendants, including Bouterse, were found guilty of the extrajudicial killing of 15 political opponents. Bouterse received a 20-year prison sentence. Three defendants received 15-year prison sentences, and three other defendants received 10-year sentences. Bouterse and four others convicted stated they would appeal their verdicts. One defendant facing a 20-year sentence was acquitted along with nine others whom the prosecution had recommended for acquittal. Six defendants died during the trial process, which started in 2007.

A separate Cantonal Court trial required for two additional defendants, who were ministers at the time of the 1982 killings, resulted in acquittal of all charges for lack of sufficient evidence.

There was no progress made on establishing the Truth and Reconciliation Commission as mandated by the amnesty law.

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

While the law prohibits such practices, human rights groups, defense attorneys, and media continued to report instances of mistreatment by police, including unnecessary use of force during arrests and beatings while in detention.

Throughout the year there were several reports of individuals receiving beatings while in detention, including instances of detainees reporting beatings to judges during trial. For example, in July a detainee reported to the judge during his trial that he had been beaten and suffered injuries while in detention.

As of September the Personnel Investigation Department received 102 complaints from private citizens against members of the police force, 73 of which contained allegations of threats, firearm violence, abuse of authority, and sex crimes. By the same date, the Internal Affairs Unit conducted investigations in 248 cases involving various forms of misconduct. Ten cases resulted in the firing of police officers.

Prison and Detention Center Conditions

Prison conditions generally met international standards, but there were numerous problems in the country's 26 detention centers.

Physical Conditions: There were no significant reports regarding prison center conditions that raised human rights concerns. Nonetheless, prisons were understaffed, with high prisoner-to-guard ratios. Facilities lacked adequate emergency exits. Cells were closed with individual padlocks. There were no emergency evacuation drills.

Overcrowding was a problem in the detention centers connected to police stations and operated by police. Older buildings lacked adequate lighting and ventilation, with limited functioning sanitation facilities. Hygienic conditions were poor. Bad drainage led to flooding problems in some facilities. Police had no standard operating procedures for management of detention facilities. Police officers were assigned to detention facilities without any specialized training. Facilities lacked adequate guards, relying instead on regular duty police officers when additional assistance was necessary. Officers did not have adequate medical protective gear to handle detainees in need of medical attention. There were reported cases of communicable diseases in detention facilities.

Outside vendors were responsible for providing food. Throughout the year vendors threatened to suspend services due to lack of payment by the government.

Administration: Authorities conducted investigations of credible allegations of mistreatment. Government officials continued regular monitoring of prison and detention center conditions.

Independent Monitoring: The government permitted monitoring visits by independent human rights observers.

d. Arbitrary Arrest or Detention

The law prohibits arbitrary arrest and detention and provides for the right of any person to challenge the lawfulness for his or her arrest or detention in court. The government generally observed these requirements.

Arrest Procedures and Treatment of Detainees

Police apprehended individuals openly with warrants based on sufficient evidence and brought them before an independent judiciary. The law provides that detainees be brought before a judge within seven days to determine the legality of their arrest. Courts generally met the seven-day deadline. An assistant district attorney or a police inspector may authorize incommunicado detention. If additional time is needed to investigate the charge, a judge may extend the detention period in 30-day increments up to a total of 150 days. There is no bail system. Release pending trial is dependent on the type of crime committed and the judge handling the case. Detainees received prompt access to counsel of their choosing, but the prosecutor may prohibit access if the prosecutor believes access could harm the investigation. Legal counsel was provided at no charge for indigent detainees. Detainees were allowed weekly visits from family members.

Pretrial Detention: The Court of Justice made significant progress in the processing of new criminal cases, which resulted in detainees spending less time in pretrial detention. Nonetheless, there was still a backlog, which the court was working to reduce.

e. Denial of Fair Public Trial

The constitution provides for an independent judiciary. The dependence of the courts on the Ministry of Justice and Police and the Ministry of Finance, both executive agencies, for funding was a threat to judicial independence. Some progress was reportedly made towards financial independence of the Court of Justice when the two aforementioned ministries agreed to allow the court to manage a budget of its own for smaller expenditures.

Human rights activists continued to complain that there was no effective remedy for constitutional violations, as a succession of governments failed to install a constitutional court as mandated by the constitution. In August the National Assembly approved the legislation for the establishment of a Constitutional Court.

In January seven new judges were sworn in, bringing the total number of judges in the country to 26. While still short of the 40 judges needed for the proper functioning of the judicial system, the addition of the new judges and the introduction of a new sectoral approach to operations improved the functioning of the judicial system. There continued to be a backlog in the processing of civil cases.

The judiciary hired additional court clerks and administrative staff to improve its administrative functioning. In April the Court of Justice launched its website. The site included a databank on the rulings published by the court and served an educational purpose by providing information on the functioning of the court and its different sections. A training course for additional assistant prosecutors for the Attorney General's Office continued.

Trial Procedures

The law provides for the right to a fair and public trial, and an independent judiciary generally enforced this right.

Defendants have a right to be informed promptly of the charges against them. Defendants have the right to trial without undue delay and the right to counsel. There were court-assigned attorneys for both the civil and penal systems. All trials are public except for indecency offenses and offenses involving children. Defendants enjoy a presumption of innocence and have the right to appeal. Defendants have the right to be present at their trial and may not be compelled to testify or confess guilt. Defendants' attorneys may question witnesses and present witnesses and evidence on the defendant's behalf. The courts assign private-sector lawyers to defend indigent detainees. If necessary, free interpretation is also provided. The law protects the names of the accused, and authorities do not release those names to the public or media prior to conviction.

Legal assistance to indigent detainees continued to come under pressure as lawyers threatened to cease legal assistance due to lack of payment by the government. Cases concerning non-Dutch-speaking detainees continued to experience delays on numerous occasions, as interpreters suspended their services to the court due to a backlog in payments by the government. Cases requiring psychological or psychiatric evaluations were also repeatedly postponed as this group of experts also ceased court services during the year due to the government's failure to pay them. There was no notable progress during the year to alleviate these problems.

There are parallel military and civilian court systems, and military personnel generally are not subject to civilian criminal law. The military courts follow the same rules of procedure as the civil courts. There is no appeal from the military to the civil system.

Political Prisoners and Detainees

There were no reports of political prisoners or detainees.

Civil Judicial Procedures and Remedies

Individuals or organizations have the right to seek civil remedies for human rights violations in local courts. Individuals and organizations have the right to appeal decisions to regional human rights bodies; most cases are brought to the Inter-American Commission on Human Rights. The Inter-American Court of Human Rights ruled against the country in several cases, but the government only sporadically enforced court rulings or took no action (see section 6, Indigenous People).

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

The law prohibits such actions, and there were no reports that the government failed to respect these prohibitions.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Expression, Including for the Press

The constitution provides for freedom of expression, including for the press. While there are no formal restrictions on the press, actions by government and nongovernment actors impeded the ability of the independent media to conduct their work.

Press and Media, Including Online Media: Independent media were active and expressed a wide variety of views without formal restriction. Multiple media outlets published materials critical of the government. Ownership affiliations, either pro- or antigovernment, influenced the overall tone of reporting.

Agents of the government used state media, particularly the state-run radio station, as a tool to criticize and attack those with views opposing the government. In certain instances the attacks directly targeted democracy and rule of law.

Violence and Harassment: Journalists reported intimidation by government and nongovernment actors. To protect the identity of journalists, two of the four leading daily newspapers intermittently printed only the initials of writers instead of their full names. Another newspaper printed articles without the author's name.

Censorship or Content Restrictions: Media members reported continued self-censorship in response to alleged pressure from government officials or government-affiliated entities on journalists who published negative stories about the administration. Nonetheless, the press carried articles critical of the government on a daily basis. Additionally, many news outlets retained affiliations with particular political parties that could bias reporting.

The generally low wages for journalists made them vulnerable to bias and influence, which further jeopardized the credibility of reporting. Independent media faced competition for qualified journalists. The government's media office, as well as the private sector, hired journalists away from independent media outlets, offering them higher wages. This practice made it difficult for independent media to retain qualified staff and impeded their ability to report adequately on government activities.

Nongovernmental organizations (NGOs) reported the selective awarding of advertising by the government.

Libel/Slander Laws: The country's criminal defamation laws carry harsh penalties, with prison terms between three months and seven years. The harshest penalty is for expressing public enmity, hatred, or contempt towards the government. There were no reports of cases involving defamation during the year.

Internet Freedom

There were no government restrictions on access to the internet, and the government asserted it did not monitor private, online communications without appropriate legal oversight. Nevertheless, journalists, members of the political opposition and their supporters, and other independent entities perceived government interference or oversight of email and social media accounts.

Academic Freedom and Cultural Events

There were no government restrictions on academic freedom or cultural events.

b. Freedoms of Peaceful Assembly and Association

The law provides 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

The constitution provides for freedom of internal movement, foreign travel, emigration, and repatriation, and the government generally respected these rights.

e. Internally Displaced Persons

Not applicable.

f. Protection of Refugees

Access to Asylum: The law provides for the granting of asylum or refugee status, and the government has established a system for providing protection to refugees. The country relies on the Office of the UN High Commissioner for Refugees (UNHCR) to assign refugee or asylum seeker status. Once status is confirmed, refugees or asylum seekers obtain residency permits under the alien legislation law. Those with a UNHCR certificate receive a special certificate from the Ministry of Labor to work.

The Red Cross Suriname, the local point of contact for those filing for refugee status with UNHCR, reported an increase in the number of persons applying for asylum-seeker or refugee status, from 257 in all of 2018 to approximately 500 as of August. The majority of applicants were Cuban, followed by Venezuelans.

g. Stateless Persons

A 2014 amendment to the Citizenship and Residency Law grants citizenship through place of birth to a child who is born in the country to non-Surinamese parents, but it does not automatically confer citizenship of one of the parents. The amended law aims to eliminate the possibility of statelessness among children but does not apply retroactively, so a person born before September 2014 continued to be subject to the previous citizenship rules. Thus, children born before September 2014 in undocumented Brazilian-national mining communities or to foreign

women engaged in prostitution in Suriname become eligible to apply for citizenship only at age 18.

While officially the government does not limit services such as education to stateless children, the bureaucratic requirements of registering children for these services proved obstacles to obtaining services.

Section 3. Freedom to Participate in the Political Process

The law provides 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

Recent Elections: The constitution provides for direct election of the 51-member National Assembly no later than five years after the prior election date. The National Assembly in turn elects the president by a two-thirds majority vote. After legislative elections in 2015, the National Assembly re-elected Desire Bouterse as president in 2015. Observers from the Organization of American States and the Union of South American States judged that the elections were well organized and generally free and fair. On September 30, President Bouterse announced the next elections would be held on May 25, 2020.

Political Parties and Political Participation: In May amendments to the electoral law were approved that prohibit political organizations from running on a combination ticket in elections, thereby disadvantaging smaller parties that seek to combine their strength to challenge larger parties. The introduction of a fee for political parties to register for participation in the elections forms an additional burden for smaller or less wealthy parties to take part in the elections.

State-owned media, both radio and television, were widely used for the purpose of advancing the views of the ruling National Democratic Party, one of the larger political parties. Programs issuing land titles and assignments of low-cost government housing were considered widely used as campaign tools.

Participation of Women and Minorities: No laws limit participation of women and minorities in the political process, and they did participate.

Section 4. Corruption and Lack of Transparency in Government

The law provides criminal penalties for corruption by officials, and the government implemented the law effectively with regard to existing cases. Officials sometimes engaged in corrupt practices with impunity. There were numerous reports that officials engaged in corrupt practices, including accusations from political opponents and official investigations of graft.

Corruption: Allegations of corruption remained prevalent as the economy stabilized. Allegations included government contracting to political party insiders and supporters. There continued to be questions regarding the transparency of government decisions to issue mineral and timber concession rights. There was a continuing widespread perception that officials used public power for private gain. Civil society, media, and other nongovernmental parties particularly scrutinized and criticized the Ministries of Public Works, Social Affairs, Public Health, Finance, Regional Development, and Physical Planning, alleging widespread corruption and favoritism.

Throughout the year there were also reports of police officers involved in corrupt practices, including taking bribes. The government launched an official investigation into allegations of corruption at the state-owned Postal Bank.

In August the attorney general reported his office had made progress in the six corruption investigations, but they had not been completed yet. In the 2015 case involving corruption at the Electricity Company of Suriname, a state-owned entity, the prosecution recommended suspended sentences of between two months and three years for four of the defendants in addition to fines, while a fifth defendant received a recommendation of three years in prison and a fine.

Financial Disclosure: The anticorruption legislation approved in 2017 includes financial disclosure requirements for certain groups of government officials. The law calls for income, asset, and financial disclosure and gives strict guidelines for submission timeframes. In practice, however, the government had not yet established the Anti-Corruption Commission, which is responsible for implementing the law.

Section 5. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Abuses of Human Rights

A number of independent domestic human rights groups generally operated without government restriction, investigating and publishing their findings on

human rights cases. NGOs reported generally positive relationships with government officials, although officials were not always responsive to their views.

Government Human Rights Bodies: The Human Rights Office of the Ministry of Justice and Police is responsible for advising the government on regional and international proceedings against the state concerning human rights. It is also responsible for preparing the state's response to various international human rights reports. Its independence is limited as a ministerial office exclusively under executive branch control, and it does not solicit or investigate public complaints. The National Assembly has a commission dealing with issues related to human rights.

Section 6. Discrimination, Societal Abuses, and Trafficking in Persons

Women

Rape and Domestic Violence: The law criminalizes rape of men and women, including spousal rape, and prescribes penalties for rape or forcible sexual assault of between 12 and 15 years' imprisonment and fines up to 100,000 Surinamese dollars (SRD) (\$13,300). The government enforced the law effectively, including applying its provisions in cases involving rape of men. Authorities investigated and prosecuted all reported cases of sexual abuse.

Violence against women remained a serious and pervasive problem. The law imposes sentences of four to eight years' imprisonment for domestic violence. Domestic abuse played a role in two of the 18 homicides committed through September; prosecutions were pending.

The Victim Assistance Bureau of the Ministry of Justice and Police provided resources for victims of domestic violence and continued to raise awareness about domestic violence through public television programs. There were victims' rooms in police stations in Paramaribo and Nickerie. Authorities trained police units in dealing with survivors and perpetrators of sexual crimes and domestic violence. The Victim Assistance Bureau managed a shelter for female victims of domestic violence and children up to age 12 and served an average of 40 clients per year. The Office for Gender Affairs of the Ministry of Home Affairs launched an awareness campaign in May against domestic violence nationwide.

Sexual Harassment: There is no specific legislation on sexual harassment, but prosecutors cited various penal code articles in filing sexual harassment cases. There were no reported court cases involving sexual harassment in the workplace.

Stalking is a criminal offense, and police may investigate possible cases of stalking without the filing of a formal complaint. Pending investigation, police may issue temporary restraining orders limiting contact between victim and suspect for up to 30 days. If found guilty, offenders can receive prison sentences ranging from four to 12 years and fines from SRD 50,000 to SRD 150,000 (\$6,650 to \$19,950).

Coercion in Population Control: There were no reports of coerced abortion or involuntary sterilization.

Discrimination: The law provides for protection of women's rights to equal access to education, employment, and property. Nonetheless, women experienced discrimination in access to employment and in rates of pay for the same or substantially similar work as men.

Children

Birth Registration: The law on citizenship and residency provides that citizenship transmits to a child when either the father or mother has Surinamese citizenship at the time of birth, when the parent is Surinamese but has died before birth, or if the child is born in the country's territory and does not automatically acquire citizenship of another country. Births must be registered with the Civil Registry within one week. Failure to do so within the mandated period results in a more cumbersome process of registration.

Child Abuse: Police registered 49 cases of physical abuse and 147 cases of child sexual abuse as of September. Subject-matter experts believed the actual number of abuse cases was significantly higher than reported. To avoid intimidation by perpetrators, there were arrangements for children to testify in special chambers at legal proceedings. The Youth Affairs Office continued to raise awareness about sexual abuse, drugs, and alcohol through a weekly television program. The government operated a telephone hotline for children and provided confidential advice and aid to children in need. Authorities reported an average of 80 calls per day.

UNICEF continued cooperating with the government to provide training to officials from various ministries dealing with children and children's rights. The

Ministry of Justice and Police operated three child protection centers in different parts of the country.

Early and Forced Marriage: Parental permission to marry is required until the age of 21. The marriage law sets the age of marital consent at 15 for girls and 17 for boys, provided parents of the parties agree to the marriage. Children in certain tribal communities often marry at an age below that set forth by the law.

Sexual Exploitation of Children: The law prohibits the commercial sexual exploitation of children, the sale of children, offering or procuring a child for child prostitution, and practices related to child pornography. Authorities prosecuted all reported violations. While the legal age of sexual consent is 14, trafficking-in-persons legislation makes illegal the sexual exploitation of a person younger than age 18. Criminal law penalizes persons responsible for recruiting children into prostitution and provides penalties of up to six years' imprisonment and a fine of SRD 100,000 (\$13,300) for pimping. The law also prohibits child pornography, which carries a maximum penalty of six years' imprisonment and maximum fine of SRD 50,000 (\$6,650). Violations are punishable by prison terms of up to 12 years.

Lack of economic opportunities led to an increasing number of adolescent boys and girls entering prostitution to support family or to pay for education. One NGO reported commercial sexual exploitation of children as young as 14. While not generally marketed as a destination for child sex tourism, cases were reported of tourists involved in sexual exploitation of children. Cases were also reported of parents forcing their young children into prostitution.

Several cases of sexual exploitation, sexual and physical abuse, and neglect came to trial. Victims included both boys and girls. Sentences range up to 10 years in prison.

Institutionalized Children: A lack of financial support from the Ministry of Social Affairs for orphanages and other shelters for children significantly affected these institutions' ability to care for children adequately. There were reported cases of verbal, physical, and sexual abuse in some shelter facilities.

International Child Abductions: The country is not a party to the 1980 Hague Convention on the Civil Aspects of Child Abduction. See the Department of State's *Annual Report on International Parental Child Abduction* at

<https://travel.state.gov/content/travel/en/International-Parental-Child-Abduction/for-providers/legal-reports-and-data/reported-cases.html>.

Anti-Semitism

There was a declared Jewish community of approximately 95 persons. There were no reports of anti-Semitic acts or discrimination.

Trafficking in Persons

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

Persons with Disabilities

No laws specifically prohibit discrimination against persons with physical or mental disabilities. Persons with disabilities are eligible to receive general health benefits, but the process can be cumbersome. Persons with disabilities experienced discrimination when applying for jobs and services. Authorities provided some training programs for persons with impaired vision or other disabilities. No laws or programs provide that persons with disabilities have access to buildings. A judge may rule to deny a person with a cognitive disability the right to vote, take part in business transactions, or sign legal agreements. There was secondary and technical education for deaf and hard-of-hearing persons but not for those with visual disabilities. The Ministry of Social Affairs is responsible for protecting the rights of persons with disabilities.

Indigenous People

The law affords no special protection for, or recognition of, indigenous peoples. The Inter-American Commission on Human Rights identified the Maroons (descendants of escaped slaves who fled to the interior, approximately 22 percent of the population) as tribal peoples and thus entitled to the same rights as the indigenous Amerindian communities (approximately 4 percent of the population).

Maroons and Amerindians living in the remote and undeveloped interior had limited access to education, employment, and health and social services. Both groups participated in decisions affecting their tradition and culture, but they had limited influence in decisions affecting exploitation of energy, minerals, timber, and other natural resources on their lands. Both Maroons and Amerindians took

part in regional governing bodies, as well as in the National Assembly, and were part of the governing coalition.

The government recognizes the different Maroon and indigenous tribes, but they hold no special status under national law, and there was no effective demarcation of their lands. Because authorities did not effectively demarcate or police Amerindian and Maroon lands, these populations continued to face problems with illegal and uncontrolled logging and mining. No laws grant indigenous peoples the right to share in the revenues from the exploitation of resources on their traditional lands. Organizations representing Maroon and Amerindian communities complained that small-scale mining operations, mainly by illegal gold miners, dug trenches that cut residents off from their agricultural land and threatened to drive them away from their traditional settlements. Many of these miners were themselves tribal or supported by tribal groups. Mercury runoff from these operations as well as riverbank erosion also contaminated sources of drinking water and threatened traditional food sources, especially freshwater fish.

Maroon and Amerindian groups complained about the government granting land within their traditional territories to third parties, who sometimes prevented the villages from engaging in their traditional activities on those lands.

The government missed the January deadline for implementation of the 2015 ruling against it in the case of the Kalina and Lokono Peoples vs. Suriname by the Inter-American Court of Human Rights. The court declared the state responsible for violating the rights to recognition of juridical personality, to collective property, to political rights, and to cultural identity, and reminded the state of its duty to adopt appropriate domestic legal provisions. The court ordered the government to recognize the Kalina and Lokono collective juridical personality legally; delimit, demarcate, and title the territory to the peoples; establish a community development fund; and rehabilitate areas affected by third-party mining. The court also ordered similar legislative changes to be made for recognizing the rights of all indigenous and tribal peoples and to have this effective legal recognition and protection within three years. As of October the government had not taken action to carry out the court's orders.

Other cases in which the government consistently failed to implement the rulings against it by the Inter-American Court of Human Rights included the 2005 ruling in the case of the Moiwana Community vs. Suriname and the 2007 ruling in the case of the Saramaka People vs. Suriname. The Inter-American Court of Human Rights ruled in both cases that the rights of these Maroon populations to property

and judicial protection were violated. In addition to monetary compensation and other provisions, the rulings also called for the recognition of the rights of these groups to their lands. In the Moiwana case, the government was also ordered to investigate, prosecute, and punish those responsible for the 1986 massacre that took the lives of 40 men, women, and children.

In December 2018 the *Multi-Step Plan for the Legal Recognition of the Land Rights of the Indigenous and Tribal Peoples in Suriname* launched officially. This project includes the drafting of legislation on land rights, the demarcation of indigenous and tribal lands, and a national awareness campaign.

Acts of Violence, Discrimination, and Other Abuses based on Sexual Orientation and Gender Identity

The constitution prohibits many forms of discrimination but does not address sexual orientation or gender identity. Lesbian, gay, bisexual, transgender, and intersex (LGBTI) individuals could associate freely and advocated within society under the same laws that pertain to the assembly and association of other groups. The law prohibits discrimination and hate speech based on sexual orientation, specifically protecting the LGBTI community. Violations are punishable by a fine or prison sentence of up to one year. The law does not set standards for determining what constitutes such discrimination or hate speech. The law is in effect but has not been used in any case.

The LGBT Platform, a collective of NGOs, reported improvements in acceptance of the LGBTI community by society. Despite legal protections, the government itself discriminated against same-sex couples. Since 2014 legislation on retirement benefits specifically excludes same-sex couples from benefits granted to heterosexual couples. Among the LGBTI community, the transgender community faced the most stigmatization and discrimination. Transgender women arrested or detained by police were placed in detention facilities for men, where they faced harassment and other violence from other detainees.

There were few official reports of violence against LGBTI persons, primarily due to fear of retribution against the alleged victims, and because authorities reportedly did not take seriously complaints filed by members of the LGBTI community. There were reports of societal discrimination against the LGBTI community in areas of employment and housing.

An appeals case involving the Civil Registration Office concerning the ability of transgender individuals to update legal documents to reflect their gender identity in the public registry continued.

HIV and AIDS Social Stigma

Persons with HIV/AIDS continued to experience discrimination in employment, housing, and medical services. Medical treatment is free for HIV/AIDS patients covered under government insurance, but private insurers did not cover such treatment. NGOs reported discriminatory testing, and subsequent denial, when applying for housing assistance from the Ministry of Social Affairs.

Other Societal Violence or Discrimination

Chinese shop owners continued to be targets of violent armed robberies. Violence in the goldmining areas of the interior occurred primarily among and within the Brazilian community, where the government exercised little authority.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

The law provides for the right of workers to form and join unions of their choice without previous authorization or excessive requirements, the right to bargain collectively, and the right to strike. The law prohibits antiunion discrimination, requires that workers terminated for union activity be reinstated, and prohibits employer interference in union activities. Labor laws do not cover undocumented foreign workers.

The government is effectively responsible for enforcing laws related to freedom of association and the right to collective bargaining. Penalties for violations of these rights were generally sufficient to deter violations.

Workers formed and joined unions freely and exercised their right to strike.

The majority of trade unions have some affiliation with a political party. Some trade union leaders held high-level positions in the coalition government, while another trade union was associated with an opposition party.

In isolated cases private employers refused to bargain or recognize collective bargaining rights, but the unions usually pressured the employers to negotiate. There were some reports companies exploited legislative gaps and hired more contract employees than direct-hire staff to perform core business functions to cut costs.

The government passed several laws to protect employees from various forms of discrimination and set restrictions on the ability to fire employees. The government itself (the largest employer in the country) was not bound by these laws, however, since it deemed labor laws applicable only to private employees, not civil servants.

b. Prohibition of Forced or Compulsory Labor

The law prohibits all forms of forced or compulsory labor. Administrative penalties for violations include imprisonment and fines insufficient to deter violations. The government investigated and, if necessary, prosecuted all reported cases of forced labor. The Ministry of Labor had 50 labor inspectors, of whom 11 were junior inspectors. Labor inspectors received training on detecting forced labor. During the year the Labor Inspectorate reported it investigated two alleged forced labor cases. Labor inspectors trained to identify trafficking victims were legally authorized to conduct inspections outside formal workplaces but lacked the manpower and capacity to do so.

Also, see the Department of State's *Trafficking in Persons Report* at www.state.gov/trafficking-in-persons-report/.

c. Prohibition of Child Labor and Minimum Age for Employment

The law prohibits the worst forms of child labor. In 2018 legislation was enacted that sets the new minimum age for employment at 16 and raises the minimum age for working on fishing vessels to 18. The new law also specifies the circumstances under which children younger than 16 can still perform certain types of labor. Under the new law, children between the ages of 13 and 15 are allowed to assist in nonindustrial work of a light nature under specific circumstances. The law further specifies the responsibilities of employers and parents in employment of young persons. Special exemption is needed for children ages 13 and 14 to do any type of work. The law prohibits children younger than 18 from doing hazardous work, defined as work dangerous to life, health, and decency. The new law also sets forth the penalties and fines employers and parents can face when violating the

law. While such penalties generally were sufficient to deter violations, authorities rarely enforced them, typically responding only when a report was filed with the Youth Police.

The Ministry of Labor's Department of Labor Inspection did not identify any cases of child labor in the formal business sector during the year. While the Labor Inspectorate is authorized to enforce the law in the informal sector, it usually lacked the resources and manpower to do so, particularly in mining and agricultural areas, fisheries, and the country's interior. Enforcement in the informal sector was mostly left to police, which did so sporadically (see also section 6, Children).

Also see the Department of Labor's *Findings on the Worst Forms of Child Labor* at www.dol.gov/agencies/ilab/resources/reports/child-labor/findings and the Department of Labor's *List of Goods Produced by Child Labor or Forced Labor* at www.dol.gov/agencies/ilab/reports/child-labor/list-of-goods.

d. Discrimination with Respect to Employment and Occupation

The law prohibits discrimination with respect to employment based on birth, sex, race, language, religious origin, education, political beliefs, economic position, or any other status. The penal code prohibits discrimination based on sexual orientation. Enforcement of the law was selective, as there was reported discrimination in employment with regard to disability, gender, sexual orientation, gender identity, and HIV/AIDS status. Women's pay lagged behind men's pay. Persons with disabilities faced discrimination in access to the workplace, and LGBTI persons faced discrimination in hiring.

After passing legislation in 2018 that protects pregnant women from being fired, in June the government passed the Law on Labor Protection of the Family that not only formalizes maternity leave for women but also paternity leave and special leave for fathers or other family members in case a mother is unable to take care of a child after birth. As other labor laws, this law, too, is not applicable to government employees. The law entered into force on September 18.

e. Acceptable Conditions of Work

The law provides for a national minimum wage. The minimum wage was below the World Bank poverty income level. In the private sector, most unions were able to negotiate wage increases. In July the National Assembly approved a new

minimum wage law, which is to replace the 2014 law. Under the new law, a yet-to-be-established National Wage Council will be responsible for developing a formula on which the new annual minimum wage is to be based. The new annual minimum wage was not expected until 2021.

Approximately 41,000 of the estimated 133,000 total formal workforce were employed by the government. Government employees frequently supplemented their salaries with second or third jobs, often in the informal sector.

Work in excess of 45 hours per week on a regular basis requires special government permission, which was routinely granted. The law requires premium pay for such overtime work, prohibits excessive overtime, requires a 24-hour rest period per week, and stipulates paid annual holidays. Overtime is generally limited to four hours per day, for a maximum 12-hour workday. During the holiday season, the retail sector has a blanket permit allowing for work up to 15 hours a day, including seven hours of overtime. The government sets occupational health and safety standards, which generally are current and appropriate for the main industries in the country.

Laws were effectively enforced only in the formal sectors. Inspectors in the Occupational Health and Safety Division of the Ministry of Labor are responsible for enforcing occupational safety and health regulations, but they did not make regular occupational safety and health inspections. The Department of Labor Inspection is responsible for enforcing labor laws. Penalties for violating the labor laws vary from fines to suspension of business licenses, depending on the severity of the case, and were sufficient to deter the worst violations.

An estimated 15 percent of the working-age population worked in the informal economy, where there was limited enforcement of labor laws. Workers in the informal sector, particularly in small-scale mining, often were exposed to dangerous conditions and hazardous substances, such as mercury.

Limited data were available on workplace accidents. The International Labor Organization, however, noted an increasing number of serious or fatal occupational accidents, as well as steps by labor inspectors to begin occupational safety and health training in mines, construction, and public service. The majority of fatal occupational accidents took place in the mining sector.

Workers in the formal sector may remove themselves from situations that endanger health or safety without jeopardy to their employment, and authorities effectively

protected employees in this situation. Workers in the informal sector did not enjoy the same protection.