110th Congress
2nd Session

JOINT COMMITTEE PRINT

COUNTRY REPORTS ON HUMAN RIGHTS PRACTICES FOR 2007

VOLUME II

R E P O R T

SUBMITTED TO THE

COMMITTEE ON FOREIGN AFFAIRS
U.S. HOUSE OF REPRESENTATIVES

AND THE

COMMITTEE ON FOREIGN RELATIONS
U.S. SENATE

BY THE

DEPARTMENT OF STATE

IN ACCORDANCE WITH SECTIONS 116(d) AND 502B(b) OF THE FOREIGN ASSISTANCE ACT OF 1961, AS AMENDED

Available via the World Wide Web:
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AUGUST 2008

Printed for the use of the Committees on Foreign Affairs of the U.S. House of Representatives and Foreign Relations of the U.S. Senate, respectively

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CONTENTS

	Page
FOREWORD	vii
LETTER OF TRANSMITTAL	ix
PREFACE	xi
OVERVIEW AND ACKNOWLEDGMENTS	xiii
INTRODUCTION	xvii

VOLUME I

AFRICA:	
Angola	1
Benin	16
Botswana	25
Burkina Faso	35
Burundi	45
Cameroon	60
Cape Verde	79
Central African Republic	84
Chad	105
Comoros	116
Congo, Democratic Republic of the	122
Congo, Republic of	146
Cote d'Ivoire	157
Djibouti	179
Equatorial Guinea	186
Eritrea	195
Ethiopia	208
Gabon	229
Gambia, The	236
Ghana	248
Guinea	263
Guinea-Bissau	277
Kenya	283
Lesotho	306
Liberia	316
Madagascar	327
Malawi	338
Mali	352
Mauritania	360
Mauritius	370
Mozambique	377
Namibia	391
Niger	399
Nigeria	411
Rwanda	437
Sao Tome and Principe	456
Senegal	461
Seychelles	475
Sierra Leone	481
Somalia	496
South Africa	512
Sudan	526
Swaziland	547

Page

AFRICA—CONTINUED
Tanzania 560
Togo 582
Uganda 593
Zambia 612
Zimbabwe 625

EAST ASIA AND THE PACIFIC:
Australia 653
Brunei 665
Burma 673
Cambodia 699
China (includes Tibet, Hong Kong and Macau) 720
Tibet 759
Hong Kong 768
Macau 778
China (Taiwan) 785
Fiji 797
Indonesia 807
Japan 830
Kiribati 838
Korea, Democratic People's Republic of 842
Korea, Republic of 853
Laos 863
Malaysia 877
Marshall Islands 899
Micronesia, Federated States of 904
Mongolia 909
Nauru 920
New Zealand 924
Palau 932
Papua New Guinea 937
Philippines 944
Samoa 962
Singapore 968
Solomon Islands 982
Thailand 988
Timor-Leste 1018
Tonga 1029
Tuvalu 1035
Vanuatu 1040
Vietnam 1045

EUROPE AND EURASIA:
Albania 1071
Andorra 1084
Armenia 1087
Austria 1106
Azerbaijan 1114
Belarus 1138
Belgium 1167
Bosnia and Herzegovina 1174
Bulgaria 1191
Croatia 1208
Cyprus 1229
Czech Republic 1250
Denmark 1265
Estonia 1271
Finland 1278
France 1285
Georgia 1300
Germany 1329
Greece 1340
Hungary 1359
Iceland 1372
Ireland 1380
Italy 1388
Latvia 1401

Page

EUROPE AND EURASIA—CONTINUED
Liechtenstein 1413
Lithuania 1418
Luxembourg 1429
Macedonia 1434
Malta 1448
Moldova 1454
Monaco 1471
Montenegro 1475
Netherlands, The 1485
Norway 1493
Poland 1498
Portugal 1514
Romania 1520
Russia 1546
San Marino 1597
Serbia (including Kosovo) 1601
Kosovo 1620
Slovak Republic 1643
Slovenia 1656
Spain 1665
Sweden 1675
Switzerland 1683
Turkey 1693
Ukraine 1727
United Kingdom 1760

VOLUME II

NEAR EAST AND NORTH AFRICA:
Algeria 1773
Bahrain 1789
Egypt 1805
Iran 1834
Iraq 1859
Israel and the occupied territories 1884
The occupied territories 1900
Jordan 1920
Kuwait 1937
Lebanon 1955
Libya 1972
Morocco 1983
Western Sahara 2000
Oman 2006
Qatar 2016
Saudi Arabia 2030
Syria 2052
Tunisia 2074
United Arab Emirates 2092
Yemen 2107

SOUTH CENTRAL ASIA:
Afghanistan 2129
Bangladesh 2156
Bhutan 2176
India 2183
Kazakhstan 2217
Kyrgyz Republic 2235
Maldives 2256
Nepal 2266
Pakistan 2283
Sri Lanka 2313
Tajikistan 2334
Turkmenistan 2349
Uzbekistan 2363

WESTERN HEMISPHERE:
Antigua and Barbuda 2389

Page

WESTERN HEMISPHERE—CONTINUED
Argentina 2394
Bahamas 2407
Barbados 2416
Belize 2422
Bolivia 2431
Brazil 2445
Canada 2465
Chile 2474
Colombia 2484
Costa Rica 2507
Cuba 2518
Dominica 2533
Dominican Republic 2538
Ecuador 2554
El Salvador 2567
Grenada 2580
Guatemala 2585
Guyana 2602
Haiti 2610
Honduras 2621
Jamaica 2638
Mexico 2647
Nicaragua 2660
Panama 2674
Paraguay 2688
Peru 2701
Saint Kitts and Nevis 2714
Saint Lucia 2719
Saint Vincent and the Grenadines 2725
Suriname 2730
Trinidad and Tobago 2740
Uruguay 2748
Venezuela 2754

APPENDIXES:
A. Notes on Preparation of the Country Reports and Explanatory Notes .. 2769
B. Reporting on Worker Rights 2772
C. Selected International Human Rights Conventions 2774
D. Description of International Human Rights Conventions 2781
E. Part I: FY 2007 Actual Allspigots for 09 CBJ 2782
E. Part II: Definition of CBJ Account Names for FY 2007 Actual Allspigots for 09 2792
F. U.N. General Assembly's Third Committee Country Resolution Votes 2007 2793
G. Universal Declaration of Human Rights 2799

NEAR EAST AND NORTH AFRICA

ALGERIA

Algeria is a multiparty republic of approximately 33 million inhabitants whose head of state (president) is elected by popular vote to a 5-year term. The president has the constitutional authority to appoint and dismiss cabinet members and the prime minister, who serves as the head of government. The president also serves as commander-in-chief of the armed forces. President Bouteflika was re-elected in 2004 in a generally transparent, contested election. Multiparty parliamentary elections on May 17 were conducted in a generally transparent manner, but not all political parties were allowed full access to the electoral process. Multiparty local elections were held on November 29, but the election process was marred by irregularities and charges of fraud. In 1992 authorities imposed a state of emergency which continued during the year. While civilian authorities generally maintained effective control of the security forces, there were instances in which elements of the security forces acted independently of government authority.

The Government continued to fail to account for thousands of persons who disappeared in detention during the 1990s. Other significant human rights problems included restrictions on political party activity limiting the right to change the Government peacefully; reports of abuse and torture; official impunity; prolonged pretrial detention; limited judicial independence; denial of fair, public trials; restrictions on civil liberties, including freedom of speech, press, assembly, and especially association; security-based restrictions on movement; limitations on religious freedom, including increased regulation of non-Muslim worship; corruption and lack of government transparency; discrimination against women; and restrictions on workers' rights.

Armed groups committed a significant number of abuses against civilians, government officials, and members of security forces.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life.—There were no reports that the Government or its agents committed arbitrary or unlawful killings.

In contrast to previous years, Ministry of the Interior (MOI) and government press releases concerning the total number of terrorist, civilian, and security force deaths were infrequent. However, during the year, according to MOI and press reports, the total number of terrorist, civilian, and security force deaths increased to 670 (compared to 489 in 2006 and 488 in 2005). Of these, government and press reports stated that terrorists killed 132 civilians (70 in 2006, 76 in 2005) and 160 security force members (142 in 2006, 177 in 2005); security forces killed an estimated 378 suspected terrorists (277 in 2006, 235 in 2005).

Most of the terrorist attacks during the year were attributed to the Salafist Group for Preaching and Combat (GSPC), which allied itself to Al-Qa'ida in September 2006 and changed its name in January to Al-Qa'ida in the Islamic Maghreb (AQIM).

The year was marked by significant violence. For example, on April 11, three suicide car bomb attacks in Algiers caused 33 deaths and over 100 injuries. One of the attacks targeted the building housing the prime minister's office and the office of the interior ministry. The two other attacks targeted a police station in Bab Ezzouar, a suburb of Algiers. AQIM claimed responsibility for the attacks.

On July 11, a suicide car bomb attack occurred in Lakhdaria, a town southeast of Algiers, targeting a military barracks and resulting in 10 deaths and 35 injuries, all soldiers. On September 6, a man wearing a suicide vest detonated himself in a crowd in Batna waiting to greet President Bouteflika, killing 19 citizens, injuring 107. On September 8, a suicide car bomb detonated inside a coastguard base in Dellys, killing 35 and wounding 60. On December 11, two suicide vehicle bombs in

Algiers claimed the lives of 37 individuals, according to press reports. A bus filled with students bore the brunt of one of the blasts. The other bombing specifically targeted the offices of the U.N. Development Program (UNDP) and resulted in the deaths of 11 U.N. workers. AQIM claimed responsibility for all five attacks.

In February 2006 Ali Tounsi, director general of the national police, stated that terrorism had been nearly eliminated and that organized crime was responsible for some of the violence. Subsequent events, however, did not support this claim. During the year most violence continued to be localized in mountainous and rural areas in northern Algeria. Revenge, banditry, and land ownership disputes prompted some of the reported killings.

In July Minister of Interior and Local Authorities Nourredine Yazid Zerhouni stated that 4,800 policemen were killed by terrorism during the "national tragedy" of the 1990s.

b. Disappearance.—Enforced "disappearances," reportedly numbering in the thousands, were a significant problem during the 1990's.

In July Daho Ould Kablia, a minister-delegate in the Ministry of Interior in charge of Local Collectivities claimed in an interview with the newspaper Echourouk el-Youmi, "There has been no forced disappearance since 1999." On February 6, Algeria signed the new International Convention for the Protection of All Persons from Enforced Disappearances. Law 06–01 of February 27 provides measures for compensating victims of "disappearances."

In March 2006 the U.N. Human Rights Committee issued its first ruling on enforced disappearances in the country. The Committee found that the Government violated several provisions of the International Covenant on Civil and Political Rights when it failed to protect the rights and life of Salah Saker and Riad Boucherf, who disappeared in 1994 and 1995 respectively.

For courts to hear charges of disappearance, the law requires at least two eyewitnesses. Thousands of disappearances occurred in the 1990s, many later attributed to the security forces. The Government did not prosecute any security force personnel, and there was no evidence that the Government investigated any of the cases that it acknowledged were caused by security forces.

The total number of disappeared during the 1990s continued to be debated. In 2006 the Government estimated that 6,546 persons were missing or disappeared as a result of government actions between 1992 and 1999, with approximately 10,000 additional persons missing or disappeared from terrorist kidnappings and murders. Local NGOs reported that security forces played a role in the disappearances of approximately 8,000 persons.

In 2005 voters approved by referendum President Bouteflika's proposed Charter for Peace and National Reconciliation, which ended the Ad Hoc Mechanism established in 2003 to account for the disappeared. The charter went into effect in March 2006, granting amnesty to and preventing investigation into the conduct of the National Popular Army, the security forces, state-sponsored armed groups, and persons who fought on behalf of the government. The full text of the law was not provided to citizens prior to the vote and human rights organizations voiced concern in 2006 that the law consecrated impunity for crimes committed by security forces.

The amnesty also covered certain persons involved in Islamist militant and terrorist activities. To qualify for amnesty, individuals engaged in terrorism had to cease armed activities and surrender themselves and their weapons to the authorities. Persons implicated in mass killings, rapes, or bomb attacks in public places were not eligible for amnesty. Many imprisoned terrorists were also given amnesty. Some local nongovernmental organizations (NGOs), including Somoud, Djazairouna, and the Algerian League for the Defense of Human Rights, criticized the charter for enabling terrorists to escape justice for crimes they committed against civilians.

Families of the disappeared experienced complications and delays in receiving compensation from the government. According to the Ministry of National Solidarity (MNS), a special fund valued at approximately $231 million (approximately 15.6 billion dinars) was used to compensate individuals eligible under the Charter for Peace and National Reconciliation. At least 17,000 requests for compensation have been submitted, of which approximately 5,300 requests will be honored. Another 2,700 requests are under consideration. The remaining 9,000 requests will not benefit directly from the charter, but the individuals will receive financial assistance from MNS. Compensation is handled at the wilaya (province) level and amounts of payments vary.

During the year press reports indicated that 35 civilians were kidnapped in the Kabylie region by AQIM. Press reports indicated that AQIM (then known as GSPC) kidnapped approximately 55 civilians in 2006.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—Articles 34 and 35 of the Constitution and articles 263 and 263 bis-1 of the penal code prohibit torture and other cruel, inhuman, or degrading treatment or punishment; however, NGO and local human rights activists reported that government officials employed such practices and that the members of the military intelligence service's Department of Information and Security (DRS) frequently used torture to obtain confessions.

The penal code criminalizes torture; government agents can face prison sentences of up to 10 to 20 years for committing such acts, based on a December 2006 modification to the law. However, impunity remained a problem.

Human rights lawyers maintained that torture continued to occur in DRS detention facilities, most often against those arrested on "security grounds." The Amnesty International Report 2007 reported detainees were "beaten, tortured with electric shocks, suspended from the ceiling, and forced to swallow large amounts of dirty water, urine, or chemicals . . . Reports of torture and ill treatment were not known to have been investigated." In July 2006 Amnesty International (AI) published a report on torture by the secret military police, which concluded that the security forces continued to benefit from impunity.

Prison and Detention Center Conditions.—During the year the Government permitted the International Committee of the Red Cross (ICRC), the UNDP, and the Red Crescent Society to visit regular, nonmilitary prisons. ICRC visits were in accord with standard modalities. The Government denied independent human rights observers visits to military and high-security prisons and detention centers. In August a British delegation along with experts from the European Commission visited prisons run by the justice ministry's penitentiary administration. According to press reports, one British expert who had visited two prisons said that prisons did not meet international standards for medical care and recreational activities.

In a November press conference, Mokhtar Felioune, the justice ministry's Director General of the Prisons Administration said there were 54,000 prisoners housed in 127 prisons. He added that 6,100 of the 54,000 had not yet been convicted. Overcrowding was a problem in some prisons. According to human rights lawyers, the problem of overpopulation can be partially explained by "the abusive recourse to pretrial detention." Detainees are held separately in the prison system.

d. Arbitrary Arrest or Detention.—The Constitution prohibits arbitrary arrest and detention. In 2005 the head of the government-appointed National Consultative Commission for the Promotion and Protection of Human Rights (CNCPPDH) said that pretrial detention, although defined as an exceptional measure by article 123 of the penal code, was overused (see Section 4 regarding role of CNCPPDH).

Role of the Police and Security Apparatus.—The national police force (DGSN), consisting of more than 108,000 members, falls under the control of the MOI and has national jurisdiction. The gendarmerie, under the Ministry of Defense, also performs police-like functions outside urban areas. The military intelligence service's DRS reports to the defense ministry and exercises internal security functions. Police and gendarmerie were generally effective at maintaining order. All security forces are provided a copy of a code of conduct establishing regulations for conduct and sanctions for abuses. Corruption existed, especially in the customs police.

Impunity remained a significant problem. The Government did not provide disaggregated public information on the numbers, infractions, or punishments of police, military, or other security force personnel.

In 2006, according to human rights attorneys, police officials, and local NGOs, the most frequent abuse of police authority occurred as a result of officers not following established guidelines for arrests.

During the year, Ali Tounsi, director general of the DGSN, confirmed that 10 DGSN officials arrested for embezzlement, use of public money for personal gain, and cronyism were "no longer a part of the police force." Trials were conducted by the DGSN and the officials were fired. DGSN membership was more than 108,000.

In August General Commander of the National Gendarmerie Ahmed Bousteila announced that between 2000 and 2006 the gendarmerie had fired 5,000 gendarmes for violating a professional code of ethics and for being involved in corruption, absenteeism, tardiness, and drinking on duty. The National Gendarmerie further stated that, of the 5,000 fired, 1,600 gendarmes had been brought to justice for various charges. No information was available at year's end on whether cases were pending against the other 3,400 gendarmes fired.

Arrest and Detention.—According to the law, police must obtain a summons from the prosecutor's office to require a suspect to appear in a police station for preliminary questioning. Summonses are also used to notify and require the accused and/or the victim(s) to attend a court proceeding or hearing.

The Government issues warrants under three different circumstances: To bring an individual from work or home to a court; to execute a prosecutor's approved request to place a person into custody pending trial; or to arrest a suspect considered to be a flight risk. Police may make arrests without a warrant if they witness an offense taking place. Lawyers reported that procedures for warrants and summonses were usually carried out properly.

The Constitution specifies that a suspect may be held in detention for up to 48 hours without charge. If more time is required for gathering additional evidence, the police may request that the prosecutor extend the suspect's detention to 72 hours. Those suspected of terrorism or subversion may legally be held for 12 days without charge or access to counsel. In practice, the security forces generally adhered to the 48-hour limit in nonterrorism cases. However, detainees in prolonged pretrial detention were sometimes not promptly charged.

Prolonged pretrial detention remained a problem. The law does not provide a person in detention with the right to a prompt judicial determination of the legality of the detention. Persons charged with acts against the security of the state, including terrorism, may be held in pretrial detention as long as 20 months, according to the penal code; the prosecutor must show cause every 4 months for continuing pretrial detention.

Judges rarely refused prosecutor requests for extending preventive detention. Detention can be appealed to a higher court but was rarely overturned. If the detention is overturned, the defendant can request compensation. In December 2005, the minister of justice acknowledged publicly that prosecutors sometimes abused investigative detention. Most detainees had prompt access to a lawyer of their choice and, if indigent, were provided a lawyer by the government. In November according to the prison administration, pretrial detainees represented 6,100 persons or 11 percent, of those held by prison authorities.

There is no system of bail, but in nonfelony cases suspects are usually released on "provisional liberty" while waiting for trial. Under provisional liberty, suspects are required to report weekly to the police station in their district and are forbidden from leaving the country.

The penal code requires detainees in pretrial detention to be immediately informed of their right to communicate with family members, receive visitors, and be examined by a doctor of their choice at the end of detention. In addition, any suspect can request a medical examination once on police premises or before facing the judge. In practice, however, detainees were typically examined only at the end of their detention. Frequent reports that these rights were not extended to detainees continued during the year.

Local and international NGOs and activists, however, reported that there was no official news of the whereabouts of Fethi Hamaddouche. He has not been heard from since he was last seen on March 5 in the custody of the DRS. In March AI reported that Youcef Belmouaz and Brahim Abed disappeared in November 2006 and were held incommunicado by the DRS. According to a local NGO, the two were released after 7 months. On June 6, local NGOs said that Mohamed Fatmia disappeared from his job at a construction site in an Algiers suburb. On July 18, according to human rights activists, Mohamed Rahmouni disappeared after being taken into custody. According to the local NGO SOS Disparus, the whereabouts of Hamaddouche, Fatmia, and Rahmouni also remained unknown at the end of the year.

In June 2006, according to local and international NGOs, Mohammed Rabah Ajine, Zeineddine Belacel, and Habib Boukhatemi, all from Tiaret, disappeared and were later placed in pretrial detention in Algiers. In October 2006 the three appeared before a judge and were charged with belonging to a terrorist group operating in the country and abroad. They reportedly were being held in Berrouaguia at the end of the year.

e. Denial of Fair Public Trial.—Although the Constitution provides for an independent judiciary, executive branch decrees and influence limited judicial independence. The Constitution provides for the right to a fair trial; however, in practice, authorities sometimes did not respect legal provisions regarding defendants' rights and denied due process.

The High Judicial Council is responsible for judicial discipline and the appointment of all judges. President Bouteflika was President of the Council.

The judiciary is composed of civil courts, which heard cases involving civilians facing charges not related to security or terrorism, and the military courts, which can hear cases involving civilians facing security and terrorism charges. Regular criminal courts can try cases involving security-related offenses at the local level. Legal decisions regarding family matters are based on both Shari'a (Islamic law) as well as civil law.

Military courts in Oran, Blida, Constantine, and Bechar try cases involving state security, espionage, and other security-related offenses involving military personnel and civilians. Each tribunal consists of three civilian judges and two military judges. Although the president of each court is a civilian, the chief judge is a military officer. Defense lawyers must be accredited by the military tribunal in order to appear. Public attendance at the trial is at the discretion of the tribunal. Appeals are made directly to the Supreme Court. Military tribunals try cases, but only occasionally disclose information on proceedings. There was no public information available on any cases before them during the year.

The nine-member Constitutional Council reviewed the constitutionality of treaties, laws, and regulations. Although the council is not part of the judiciary, it has the authority to nullify laws found unconstitutional, to confirm the results of any type of election, and to serve as the final arbiter of amendments that pass both chambers of the Parliament before becoming law.

As part of a program intended to eliminate judicial corruption, in February the High Judicial Council decided the cases of 17 suspended magistrates. Six magistrates were permanently fired from the Court of Algiers, two received a "serious warning," three were demoted, and three were found innocent. The decisions regarding the remaining three magistrates were not available at year's end.

In 2005 at a disciplinary hearing that did not afford full due process, the High Judicial Council permanently dismissed and disbarred Judge Mohamed Ras El Ain, who was accused of criticizing the politicization of the judiciary. Ras El Ain maintained that the judicial system had been abused to serve the interests of a political party.

Most trials are public and nonjury. Defendants are presumed innocent and have the right to be present and to consult with an attorney, provided at public expense if necessary. Defendants can confront or question witnesses against them or present witnesses and evidence on their behalf. Defendants and their attorneys were sometimes denied access to government-held evidence relevant to their cases. Defendants also have the right to appeal. The testimonies of men and women are considered of equal weight.

Political Prisoners and Detainees.—Unlike in the previous year, there were no reports of political prisoners and political detainees during the year.

Civil Judicial Procedures and Remedies.—The judiciary was not fully independent and impartial in civil matters, and particularly lacks independence in human rights cases. Family connections and status of the parties involved reportedly influenced decisions. Individuals may bring lawsuits and there are administrative processes related to the amnesty, which may provide damages for human rights violations and compensation for alleged wrongs.

f. Arbitrary Interference with Privacy, Family, Home or Correspondence.—The Constitution prohibits such actions; in practice, however, government authorities infringed on citizens' privacy rights. The Government actively monitored the communications of political opponents, journalists, human rights groups, and suspected terrorists. The DRS and other security officials reportedly searched homes without a search warrant.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech and press; however, the Government restricted these rights in practice through harassment and arrest for defamation and informal pressure on publishers, editors, and journalists.

Individuals generally were able to criticize the Government privately without reprisal. However, citizens generally self-censored public criticism. The Government attempted to impede criticism by monitoring political meetings.

The law specifies that freedom of speech must respect "individual dignity, the imperatives of foreign policy, and the national defense." The state of emergency decree introduced in 1992 and still in effect, gives the Government broad authority to restrict these freedoms and take legal action against what it considers to be threats to the state or public order. These regulations were heavily applied throughout the year.

Radio and television are government-owned, with coverage favorable to government policy. During nonelection periods, opposition spokesmen were generally denied access to public radio or television. Some opposition parties had severely limited access to television. These limitations, however, were less evident for radio. Political parties and independent candidates received the same amount of radio access time during the 3-week campaign period prior to the May legislative elections and again prior to the November local elections. Several opposition parties said that

their daily media allotment during the 3-week period was the first time they had been allowed media access since the last election cycle.

The country's print media consisted of more than 52 daily, 95 weekly, 14 fortnightly, 27 monthly, and 3 occasional publications that supported or opposed the Government to varying degrees. According to Ministry of Communication statistics, 29 newspapers circulated in excess of 10,000 copies each. The Government owned two French-language and three Arabic-language newspapers. Many political parties, including legal Islamic parties, had access to the independent press and made use of it to express their views. Opposition parties also disseminated information via the Internet and in communiqués.

The law permits the Government to levy fines and to imprison members of the press in a manner that restricts press freedom. The Government censored directly and indirectly and intimidated the media into practicing self-censorship. The Government used defamation laws to harass and arrest journalists, and the press faced government retaliation for criticizing government officials.

A presidential decree of February 2006 criminalizes free speech about the conduct of the security forces during the internal conflict.

Charges of defamation are based on the 1990 communication law which protects Islam from defamation, controls access to external information, and outlaws writing that threatens national unity. In 2001, the laws were amended to criminalize writing, cartoons, and speech that insult or offend the president, Parliament, judiciary, or armed forces. The penal code imposes high fines and prison terms of up to 24 months for defamation or "the insult" of government figures, including the president, members of Parliament, judges, members of the military, and "any other authority of public order." Those convicted face prison sentences that range from 3 to 24 months and fines of $740 to $7,400(50,000 to 500,000 dinars).

Defamation laws were used by the Government in an attempt to silence editors, journalists, and the owners of printing houses. On October 18, the International Federation of Journalists (IFJ) condemned actions taken by the Algerian Government against journalists. In the press release, IFJ General Secretary, Aidan White said, "Algeria has been using its criminal law to silence any critical voices and journalists continue to be victims of this repressive tactic. We are calling on the Government to make a commitment to press freedom and to allow the media to work independently without fear of reprisals."

On April 4, the Algiers Court of Appeal imposed suspended sentences of 6 months in prison and a fine of $7,400 (500,000 dinars) on editor Ali Fodel and reporter Naila Berahal of the Arabic-language daily Echourok el-Youmi. The prosecutor's request to have the newspaper closed was rejected. In October 2006 an Algiers court convicted both men on charges of defaming "Libyan leader Muammar al-Qadhafi, the Libyan state, and the security of the Algerian and Libyan states." The judge sentenced both defendants to 6 months in prison and ordered the newspaper closed for 2 months. Fodel and Berahai appealed.

In April 18, Saad Lounes was given a 1-year sentence for tax fraud on the basis of a complaint by the Ministry of Commerce dating back to 1995. Lounes was the target of legal pressure for more than 10 years, resulting in the loss of his newspaper and his printing company Sodipress, the only privately owned printing house at that time. His company printed several publications that the state presses refused to handle. Lounes appealed the court's decision. Lounes currently resides abroad.

On October 15, Dhif Talal, an Al Fadjr journalist, was sentenced to a jail term of 6 months after being convicted of defamation charges. The initial charges were brought by the Ministry of Agriculture because of Talal's article exposing monetary losses suffered by the ministry due to poor administration. Talal appealed the decision but a court date had not been set by year's end.

On November 19, a journalist at Arabic-language daily Al Bilad, Ouahid Oussama, received a summons to appear in court on defamation charges. Oussama wrote a report outlining the failings of the Djelfa education system.

In 2006 68 press-related defamation cases were tried. In 2005 there were 114 recorded cases of defamation directed at the press. There were no accurate numbers available to reflect the number of defamation cases during the year.

Government economic leverage on the media is considerable. In the past, the Government closed newspapers for debts to the state-owned printing house. The last such closure occurred in 2004. All newspapers were printed at government-owned presses, except El-Watan, El Khabar, Quotidien d'Oran (in Oran) and Echourouk el-Youmi.

In June at the annual World Newspaper Congress, Omar Belhouchet, owner of the country's first independent newspaper El Watan, claimed to have faced over 50

lawsuits and an attempt on his life. Belhouchet continued to press for the country to adopt international standards of journalism.

The Government continued to influence the independent press through the state-owned advertising company, Agence Nationale d'Edition et de Publicite (ANEP). ANEP decided which independent newspapers could benefit from advertisements placed by state-owned agencies and companies. ANEP, and therefore the government, controlled the largest source of income for most newspapers. During the year, independent advertisers played a considerably smaller, but increasingly visible, role in advertising revenue.

Most independent newspapers continued to rely on the government's four publishers for printing presses and newsprint.

In November at the Algiers Book Fair, government officials confiscated the recent book by Mohamed Benchicou, The Jailhouses of Algiers, as well as the banned the sale of over 1,100 books and religious materials. In October 2006 the Government similarly prevented books and CD–ROMs in support of Salafist views of Islam from being exhibited and sold at the fair.

The Government continued restrictions on both the local and international media's coverage of issues relating to "national security and terrorism." Al Jazeera has been banned from reporting in the country since 2004, when the Government closed its office. The accreditation card of Al Arabiya's correspondent, Ahmed Magaache, was withdrawn in 2004.

Satellite dish antennas were widespread and provided an estimated 60 percent of households with access to European and Arab channels.

Access to print and broadcast media for Amazigh culture continued to grow. Tamazight (the Amazigh or Berber language) programming also increased on the non-Berber language channels, as did advertisements in Tamazight on all television and radio channels. Beginning in the 2006–2007 scholastic year, the Tamazight language was officially taught in primary schools, starting in the fourth grade in 17 predominantly Berber provinces.

In June the Government created an Academy and a Superior Council of the Tamazight language, pursuant to Article 3 of the Constitution announcing that Amazigh is a national language. Both institutions are under the authority of the presidency.

Restrictions remained in place on the international media, limiting its ability to report freely; however, the restrictions were not as stringently enforced as in previous years. Al Jazeera's office remained closed. Neither Ahmed Megaache as the BBC Arabic correspondent nor Arezki Ait Larbi as the Figaro correspondent has received a requested accreditation; in the latter case, a denial lasting since 1995.

Internet Freedom.—Access to the Internet was generally unimpeded by the government; however, the Government monitored email and Internet chatrooms. On June 11, Internet blogger Abdulsalam Baroudi appeared in court on charges, brought by the Director of Religious Affairs, of posting defamatory material on a personal blog. Baroudi was fined $148 (10,000 dinars). Article 14 of the 1998 ministerial decree on telecommunications states that Internet service providers are legally liable for the material and Web sites they host. The same decree specifies measures to be taken to ensure content control of Web sites, with the objective to prevent access to material "incompatible with morality or public opinion."

According to press reports, 3.5 million users accessed the Internet, including 800,000 using ADSL services at home. There were approximately 6,000 Internet cafes.

Academic Freedom and Cultural Events.—Academic freedom generally was restricted in the same manner as freedom of expression.

A growing number of academic seminars and colloquiums occurred without governmental interference, but there were extensive delays in issuing visas to international participants and instances where international experts were denied entrance.

In August Algerian rai singer Reda Taliani gave a concert in Casablanca. In one of his songs he stated that Western Sahara was a part of Morocco. Immediately after the concert, the National Radio of Algeria issued instructions to all radio stations not to broadcast any of his songs because of his views on the Western Sahara.

In June the showing of the documentary film, What Remains in the River are Just the Rocks, by Jean Pierre Lieddo was cancelled at the Cultural Center of Constantine. The film considers what might have transpired if violence had not marred Algeria's history. The Ministry of Culture had notified Lieddo that unless an advance copy of the documentary was provided to the ministry, it could not be shown in public. Lieddo chose not to supply one.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for freedom of assembly and association; however, the exercise of these rights was severely restricted in practice.

Freedom of Assembly.—The Constitution provides for the right of assembly; however, the emergency decree and government practice continued to curtail this right. A 2000 decree continued to ban demonstrations in Algiers. Citizens and organizations were required to obtain permits from the government-appointed local governor before holding public meetings. The Government frequently granted licenses to political parties, NGOs, and other groups to hold indoor rallies, although licenses were often granted on the eve of the event, thereby impeding publicity and outreach.

In February security forces banned an international seminar on forced disappearances organized by several NGOs, including SOS Disparus, Djazairouna, the National Association of the Families of the Disappeared (ANFD), and Somoud, an advocacy group for victims of terrorism. Roberto Garreton, a U.N. expert on human rights, and Anne Laurence Lacroix, deputy director of the NGO World Organization Against Torture, were denied visas to attend the seminar. The NGOs held the same seminar in March in Brussels, Belgium.

In the past, LADDH reported repeated difficulties in obtaining permission to hold outdoor meetings and, as a result, held indoor meetings. During the year, it reported no such difficulties; however, most meetings were held indoors. Groups opposing the charter on peace and reconciliation have had difficulty securing permission to hold public gatherings.

During the year outside the capital, the Government broke up at least four marches, protests, and demonstrations in El Oued, Ain Talout, Oran, and Boussaada. Since September 2006 members of the NGO SOS Disparus have gathered weekly in front of the CNCPPDH headquarters to urge President Bouteflika to take further action on the problem of the disappeared.

Freedom of Association.—The Constitution provides for the right of association; however, the emergency decree and government practice severely restricted this right. The MOI must approve all political parties before they may be legally established (see Section 3). The Government restricted the registration of certain NGOs, associations, and political parties on "security grounds," but declined to provide evidence or legal grounds for refusing to authorize other organizations that could not be disqualified on security grounds. The Government frequently failed to grant official recognition to NGOs, associations, and political parties in an expeditious fashion. The MOI may deny a license to or dissolve any group regarded as a threat to the government's authority or to the security or public order. Political activities by anyone responsible for having used religion leading to the "national tragedy" are prohibited by the law implementing the amnesty.

The Government issues licenses and subsidies to domestic associations, especially youth, medical, and neighborhood associations. The MOI regarded organizations unable to attain government licenses as illegal. Domestic NGOs encountered bureaucratic obstacles to receiving financial support from abroad. Although not illegal, financial support from abroad is conditioned on a series of authorizations from the ministries of interior and national solidarity. These authorizations were difficult to obtain.

Membership in the Islamic Salvation Front (FIS), a political party banned in 1992, remained illegal. The NGO SOS Disparus and two political parties, the Democratic Front of Sid-Ahmed Ghozali and the Wafa party of former prime minister Ahmed Taleb Ibrahimi (generally regarded as the political heir to the FIS), remained unrecognized but operated without interference.

In November 2006 the Government prevented diplomatic representatives from visiting domestic NGO Somoud, an advocacy group for victims of terrorism.

As was true in previous years, the Government issued visas to Freedom House, a foreign NGO, to meet with other NGOs and foreign diplomats in the country. In May 2006 AI informed the Government that it wanted to visit the country, but the Government denied the request. According to press reports, AI did not attempt to visit during the year.

During the year, an international democracy advocacy organization was required to obtain government permission prior to selecting domestic partners to collaborate on activities. The Government further maintained that legislation did not allow branches of foreign NGOs to operate legally in the country. The Government had at times made it difficult for NGO officers to obtain visas to visit the country and prevented citizens from traveling outside the country to attend events sponsored by international NGOs.

In March the Wali of Oran prevented the Social and Democratic Movement (MDS) from holding two meetings aimed at explaining the MDS boycotting of the May 17 legislative elections.

In May the local administration in Oran cancelled a 3-day training seminar organized by Public Administration Employees Free Trade Union (SNAPAP) and the international NGO Solidarity Center; local authorities declined to give any justification for the prohibition.

c. Freedom of Religion.—The Constitution declares Islam to be the state religion and prohibits institutions from engaging in behavior incompatible with Islamic morality. More than 99 percent of the population is Sunni Muslim. The Constitution does not provide explicitly for religious freedom and the government's interpretation of Shari'a does not recognize conversion from Islam to any other religion. However, the Constitution declares freedom of belief to be inviolable and declares the equality of all citizens. It also contains a clause against discrimination on the basis of any citizen's condition or circumstance, whether personal or societal. The Constitution prohibits non-Muslims from running for the presidency. In practice, the Government restricted religious freedom.

Ordinance 06–03 of 2006, which delimits the conditions and rules concerning the practice of religious rites for non-Muslims, provides for the freedom to practice religious rites, on condition that the exercise thereof is in keeping with the ordinance, the Constitution, other laws and regulations, and that public order, morality, and the rights and basic freedoms of others are respected. The law limits the practice of faiths other than Islam, including by prohibiting public assembly for the purpose of their practice, requiring organized religious groups to register with the government, and controlling the importation of Christian religious materials. However, the Government allowed registered non-Muslim religious groups, in limited instances, to conduct public religious services.

In May the Government published an executive decree No. 07–135 further defining rules related to religious activities in the country. In article 2, the decree defines "religious activity" as "a temporary rally of people organized in accessible edifices by religious organizations."

Religious activities must be approved by the wali pursuant to a written request submitted at least 5 days in advance. The request to organize a religious activity must be signed by three persons enjoying full civil rights and must contain all necessary information linked to the activity, including names, addresses, the objective of the activity, the association's headquarters, dates, times, and duration of the activity.

Law 90–91 authorizes the wali to ask the organizers "48 hours ahead of the submission of the request" to change the location of an approved activity and to ban any activity he considers to pose a "danger to safeguarding the public order."

According to the MORA, one objective of Ordinance 06–03 of 2006 is the maintenance of public order. The ordinance confines non-Muslim worship to specific buildings approved by the state, imposes penalties for proselytizing, and treats transgressions as criminal rather than civil offenses. There were restrictions on public assembly for purposes of practicing a faith other than Islam without a license, prohibitions on proselytizing of citizens by foreigners, and controls on the importation of religious materials. There were no reports that the ordinance was enforced during the year.

The Government required organized religions to obtain official recognition prior to conducting any religious activities. The Protestant, Roman Catholic, and Seventh-day Adventist churches were the only non-Islamic faiths authorized to operate in the country. Members of other denominations, particularly Methodists, were forced to operate without government permission or register as a part of the Protestant Church.

Article 29 of the Constitution provides citizens the right to choose their own religion; however, the government's interpretation of Shari'a did not recognize conversion from Islam to any other religion. There were no specific laws against Muslim citizens proselytizing non-Muslims; however, the Government considered the proselytizing of Muslim citizens by non-Muslims to be a subversive activity. The Government restricted the importation of religious literature, including Islamic literature, intended for widespread distribution, although it did not restrict such materials for personal use. In recent years, non-Islamic religious texts and music and video selections have become easier to locate for purchase. The government-owned radio station provided broadcast time for Protestant and Catholic radio broadcasts. The Government prohibited the dissemination of any literature portraying violence as a legitimate precept of Islam.

The education and religious affairs ministries strictly required, regulated, and funded the study of Islam in public schools. The Government monitored activities

in mosques for possible security-related offenses, barred their use as public meeting places outside of regular prayer hours, and convoked imams to the Ministry of Religious Affairs (MORA) for "disciplinary action" when deemed appropriate. MORA provided financial support to mosques and paid the salaries of imams; the ministry also trained and regulated the appointment of imams, and the law allows it to prescreen religious sermons before they are delivered publicly. However, officials from the ministry have stated that they rarely interfere with sermons beyond an advisory capacity. The Government monitored all Koranic schools to prevent extremist teachings. MORA controlled Islamic sermons during the violence between Islamists and the Government in the 1990s, and those restrictions largely remained in place.

The law provides for prison sentences and fines for preaching in a mosque by persons who have not been recognized by the Government as imams. All persons, including imams recognized by the government, were prohibited from speaking during prayers at the mosque in a manner that is "contrary to the noble nature of the mosque or likely to offend the cohesion of society or serve as an apology for such actions."

The country's Jewish population numbered fewer than 100 persons. No synagogues in the country functioned.

Societal Abuses and Discrimination.—The country's 1992–2002 civil conflict pitted self-proclaimed radical Muslims belonging to the Armed Islamic Group (GIA) and its later offshoot, the Salafist Group for Preaching and Combat (GSPC)—now known as Al-Qa'ida in the Islamic Maghreb (AQIM)—against moderate Muslims. During the year radical Islamic extremists issued public threats against all "infidels" and "apostates" in the country, both foreigners and citizens. The country's terrorist groups generally did not differentiate between religious and political killings.

Anti-Semitic articles, political commentary, and cartoons appeared regularly in the Arabic-language press. A recent example occurred on June 17, in Al-Khabar in a cartoon entitled "The Palestinian Authority is splitting into two governments." The cartoon portrayed Israel and the Jews (many depicted with stereotypical characteristics) as encouraging and mocking the discord between Hamas and Fatah, and indicated that Israel is the prime beneficiary of this internal strife. The Government did not promote tolerance or anti-bias education, and there was no hate crime legislation.

For a more detailed discussion, see the 2007 International Religious Freedom Report.

d. Freedom of Movement, Internally Displaced Persons, and Protection of Refugees.—The Constitution provides for freedom of movement; however, the Government restricted the exercise of this right. The Government did not permit young men eligible for the draft who had not yet completed their military service to leave the country without special authorization; however, such authorization was granted to students and to those persons with special family circumstances.

Under the 1992 emergency decree the interior minister and the provincial governors may deny residency in certain districts to persons regarded as threats to public order. The Government also maintained restrictions for security reasons on travel into the four southern provinces of Ouargla, El-Oued, Laghouat, and Ain-Salah, where much of the hydrocarbon industry and many foreign workers were located. The same decree permits the minister of the interior to place individuals under house arrest. AI has reported that the measure is used to assign a residence to individuals already detained in DRS barracks, thus concealing prolonged arbitrary detention.

Armed bandits and terrorists intercepted citizens at roadblocks, sometimes using stolen police uniforms and equipment to rob them of cash and vehicles. On occasion, armed bandits killed groups of military and civilian passengers at these roadblocks.

The law does not permit anyone under 18 to travel abroad without a guardian's permission.

The law does not provide for forced exile, and it was not known to occur.

Protection of Refugees.—The law provides for the granting of asylum or refugee status in accordance with the 1951 U.N. Convention relating to the Status of Refugees and its 1967 protocol, and the Government has established a system for providing protection to refugees.

During the year according to the Office of the U.N. High Commissioner for Refugees (UNHCR), however, the Government did not accept UNHCR-determined refugee status for 28 individuals from sub-Saharan Africa. The Government returned the group to the country's border with Mali in the middle of a conflict zone and did not provide protection against refoulement, the return of persons to a country where there is reason to believe they feared persecution. They were deported after trial

without legal counsel. There were no reports that the Government granted refugee status and asylum during the year.

The Government provided protection to an estimated 100,000 Sahrawi refugees who left the Western Sahara after Morocco took control of the territory in the 1970s. UNHCR, the World Food Program, the Algerian Red Crescent, and other organizations also assisted Sahrawi refugees. According to the UNHCR, the Government did not grant refugee status to anyone during the year and it did not permit UNHCR to conduct a census of the Sahrawi refugees. According to the UNHCR, there were no official cases of refoulement.

Statelessness.—Sahrawi refugees can be considered stateless in that no recognized state of Western Sahara exists where Sahrawis can establish a legal claim to nationality.

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

The Constitution provides citizens with the right to change their government peacefully through periodic elections based on universal suffrage. Although elections have been generally transparent, there were restrictions on political party activity which limited this right.

Elections and Political Participation.—Multiparty parliamentary elections were held on May 17 for the lower house on the basis of universal suffrage, but not all political parties were allowed full access to the electoral process. The Islamist party Islah was disqualified by the MOI on the ground that its leader had not been elected in a recent party congress. Voter turnout was low, officially 36 percent of the electorate with unofficial sources reporting levels at less than 25 percent, marking the lowest voter turnout since the advent of multiparty democracy in 1989.

On November 29, multiparty local elections were held, but the election process was marred by irregularities and charges of fraud. Voter turnout was officially 44 percent, but opposition political parties estimated that actual turnout was much lower. No monitoring of the vote counting process was allowed at the local, district or national level.

A contested, multiparty presidential election was held in 2004 on the basis of universal suffrage. The Constitution mandates presidential elections every 5 years and limits the incumbent to two terms. The election was generally transparent.

In 2004, for the first time since the end of the one-party system and after more than a decade of civil strife and continuing acts of terrorism, a sitting president not only completed his 5-year term of office, but was re-elected in a contested election. Public debate and controversy over the idea of reforming the Constitution to allow Bouteflika to run for an unprecedented third term occupied headlines at year's end.

Unlike previous elections, there was marked progress in 2004 towards a more free and transparent electoral process. An election observer from the Organization for Security and Cooperation in Europe stated in a press conference that the election was generally free and fair, although not without flaws.

Opposition candidates complained that the MOI regularly blocked registered parties from holding meetings and denied them access to larger and better equipped government conference rooms, but meanwhile the MOI facilitated the activities of the pro-Bouteflika FLN. Media access during the elections was generally equitable. Each party was given equal amounts of time on local radio and television to present campaign programs, though some parties complained about their time slots.

The country has a bicameral Parliament consisting of the 389-seat National People's Assembly (lower house) and the 144-seat Council of the Nation (upper house).

The law requires that potential political parties receive official approval from the MOI to be established. To obtain approval, a party must have 25 founders from across the country whose names must be registered with the MOI. July 14 amendments to the electoral law provided that a party must receive 4 percent of the vote or have received at least 2,000 votes in 25 wilayas (provinces) in one of the last three legislative elections in order to participate in national elections.

The Government continued to refuse to register Wafa because its perceived ties to the banned FIS constituted a threat to national security, according to the interior minister. The Government also failed to provide an official response to the 1998 registration request of the Democratic Front; the party leadership has claimed the Government was not ready for "real democratic openness." No party may use religion or ethnic heritage as a basis to organize for political purposes. The law also bans political party ties to nonpolitical associations and regulates party financing and reporting requirements.

There were three women in the cabinet. Women also held 30 of the 389 seats in the Assembly and four of the 144 seats in the Council of the Nation. A woman led the Workers Party, and the following three major political parties—FLN, RND,

RCD—had women's divisions headed by women. The country did not have a quota system to require election of women to a certain percentage of seats in the Parliament.

The ethnic Berber minority of about 9 million centered in the Kabylie region participated freely and actively in the political process and represented one-third of the Government ministers.

Government Corruption and Transparency.—Anticorruption regulations in the penal code call for prison sentences from 2 to 10 years for high-ranking officials; however, the regulations were not widely implemented.

Judicial sources reported in June that approximately 40 cases of policemen accused of corruption were handled between January and March. Of the officers accused, 24 were sentenced to prison terms. Further updates were not available later in the year. The number of policemen sentenced for corruption in 2006 totaled 192.

In July a court in Skikda condemned two senior police officers to 10 years in prison and fined them $7,400 (500,000 dinars) for corruption. Ten mayors involved in the same case received sentences ranging from 6 months to 1 year and were fined $89 (6000 dinars).

In February 2006 a law establishing a national anticorruption program was passed, although it was amended to remove a provision that required elected and senior officials to declare their assets and, in certain cases, removed the lifting of parliamentary immunity. The amendment came at the insistence of parliamentarians who argued that the existing penal code was sufficient to punish corruption offenses and that the decision to lift parliamentary immunity should reside solely with Parliament. In December 2006 President Bouteflika issued three decrees to implement provisions of the February 2006 anticorruption legislation. The three presidential decrees and the penal code address the types of offenses that the removed provision was intended to punish.

The case of Ahmed Bouricha, Wali of Blida, was still under investigation at year's end. In 2005 he was forced to resign his position after being implicated in real estate corruption, use of public funds for personal purposes, and misuse of agricultural lands.

In an October radio interview, Mohamed Bouderbala, Director General of Customs, said that 65 customs officials were charged with corruption between January and October.

At year's end, the trial of Djillali Araar, the Wali of El-Tarf Province, was ongoing. President Bouteflika fired Araar in October 2006 and charged him with corruption and misuse of public funds. Araar was the third governor out of 48 nationwide to be dismissed for corruption since 2005.

Although permitted under the Constitution, access to government information was often restricted. Despite pledges to eliminate corruption, there is no law facilitating access to information. Public procurement was often tainted with irregularities, including the excessive use of private agreements. According to the Ministry of Public Works, following President Bouteflika's April 2005 statement that the use of private agreements, including single source contracts, would be prohibited, government agencies began implementing a public tender policy for all infrastructure and large government projects. Some agencies, however, continued to use direct contracts for smaller and less publicized projects. For public tenders, evaluations were not released to participating companies, and evaluation methods and techniques were not clearly defined.

Lack of government transparency remained a serious problem. Parliamentary debate in 2005 on the corruption law disclosed that 80 percent of government officials did not declare their wealth. Many government economic statistics were not released to the public. All ministries had Web sites, but not all were updated. The Ministry of Justice provided information on citizens' rights and legislation at two Web sites.

Section 4. Governmental Attitudes Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

The Government continued to restrict and harass some local NGOs and impeded the work of international NGOs. The Government interfered with attempts by some domestic and international human rights groups to investigate and publish their findings. Although some human rights groups, including LADH and LADDH, were allowed to move about freely, the most active and visible organizations reported interference by government authorities, including surveillance and monitoring of telephone calls, difficulty in securing meeting spaces, and difficulty in obtaining approval for international speakers to speak on sensitive issues.

Domestic NGOs must be licensed by the Government and are prohibited from receiving funding from abroad without approval from the minister of national solidarity. However, approximately 100 unlicensed NGOs operated openly, such as

women's advocacy groups and charity organizations. Unlicensed NGOs did not receive government assistance and citizens were at times hesitant to be associated with these organizations.

International NGOs continued to experience delays in obtaining visas, but outright refusals for visas were rare. Delays in processing visa applications nonetheless prevented a number of NGOs from conducting programming during the year. A forum planned for September 2006 was indefinitely postponed because of visa difficulties for international experts.

If an NGO is not legally recognized by the MOI, it is not allowed to conduct investigations. Sometimes, however, even legally-recognized NGOs were prevented from conducting investigations. For example, the LADDH, a legally recognized NGO, did not have access to prison camps or detention centers. Domestic NGO Djazairouna, also legally recognized, faced indirect government pressure to relocate.

The most active independent human rights group was the LADDH, an organization with members throughout the country. The LADDH was not permitted access to government officials for human rights advocacy or research purposes or to prisons, except for normal lawyer-client consultations.

The less active LADH is an independent organization based in Constantine. LADH has members throughout the country monitoring individual cases.

The International Committee of the Red Cross (ICRC) had full access to civilian prisons and pre-trial detention centers; however, it was not granted access to the country's military or high-security prisons.

International NGO Handicap International and local NGO FOREM, which both work on children's rights, did not report difficulty conducting investigations.

In January Yakin Erturk, U.N. special rapporteur on violence against women, visited Algeria. However, the Government continued to deny requests for visits from the U.N. Working Group on Enforced or Involuntary Disappearances (pending since 1997), the U.N. special rapporteur on torture (pending since 1997), and the U.N. special rapporteur on extrajudicial executions (pending since 1998).

The CNCPPDH is the government-established ombudsman for human rights. Directed by Farouk Ksentini, the commission is composed of 22 members from governmental bodies and 23 from civil society and NGOs. The nongovernmental members included representatives of Islamic religious organizations, the Red Crescent Society, and women's rights advocacy groups. The president approves nominees, and the commission's budget and secretariat come from his office. The commission is mandated to report on human rights issues, coordinate with police and justice officials, advocate domestic and international human rights causes, mediate between the Government and the population, and provide expertise on human rights issues to the government.

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

The Constitution prohibits discrimination based on birth, race, sex, language, and social status. In general, the Government enforced the nationality and family codes, although women continued to face some legal and social discrimination.

Women.—Rape, spousal and nonspousal, occurred. Nonspousal rape is illegal; spousal rape is not. Prison sentences for nonspousal rape range from 1 to 5 years.

Spousal abuse occurred. The law states that a person must be incapacitated for 15 days or more and present a doctor's note certifying the injuries before filing charges for battery. Because of societal pressures, however, women frequently were reluctant to endure this process. Claims filed by women for rape and sexual abuse rarely were investigated or brought to justice.

According to a 2006 study performed by the National Institute of Public Health (INSP), 3,746 women who were the victims of aggression visited a health care facility for medical care and psychological assistance. More than 50 percent of the victims were married and 65 percent were unemployed. The study emphasized that the home was the "privileged place for spousal violence." A separate 2006 study conducted throughout the country by the national police reported that 2,440 female victims of violence had asked for assistance in police stations. Reports coming out of hospitals in 2006, however, put the number of women victims seeking treatment at over 8,000. According to press reports, the National Gendarmerie handled over 800 cases of sexual abuse of female minors between January and September.

During the year, the number of women suffering from violence climbed to 9,099 according to the National Health Institute and the national police.

Violent abuse against women was more frequent in rural areas and among less-educated persons according to a March study published by the National Public Health Institute and was less likely to be reported because of societal pressures. According to a September 2006 National Research Center for Anthropology study, 52

percent of a sample of 13,000 women indicated that they had suffered from physical abuse on at least one occasion.

During the year local women's NGOs, including SOS Femmes en Detresse, the Wassila Network and Bent Fatma N'Soumer, spoke out against violence in the family.

SOS Femmes en Detresse and Wassila Network provided judicial and psychological counseling to abused women. Women's rights groups experienced difficulty in drawing attention to spousal abuse as an important social problem, largely due to societal attitudes. Several rape crisis centers run by women's groups operated, but they had few resources. The Working Women section of the General Union of Algerian Workers (UGTA) established a counseling center with a toll free number for women suffering from sexual harassment in the workplace. The center received a growing number of calls. From January to June, the center received 1,108 calls, compared to 1,524 in 2006. SOS Femmes en Detresse opened a second call center during the year in the wilaya of Batna and, from January to June, the second center received 921 calls.

Prostitution is illegal; however, the INSP and female advocacy groups reported that prostitution was a growing problem.

The punishment for sexual harassment is 1 to 2 years' imprisonment and a fine of $740 to $1,480(50,000 to 100,000 dinars). The punishment is doubled for a second offense. The National Public Health Institute reported that 50 sexual harassment cases were brought to court during the year. According to SOS Femmes en Detresse, at least 500 women sought legal advice from the organization by year's end but did not file formal complaints. During the year, according to the National Public Health Institute, 10 persons were convicted and received fines ranging from $30 to $740 (2,000 to 50,000 dinars).

The Constitution provides for gender equality; however, some aspects of the law and many traditional social practices discriminated against women. The Family Code, adopted in 1984 and amended in 2005 by presidential decree, is based in large part on Shari'a. The Family Code prohibits Muslim women from marrying non-Muslims, although this regulation was not always enforced. A woman may marry a foreigner and transmit citizenship and nationality in her own right to both her children and spouse. Muslim men may marry non-Muslim women. Under both Shari'a and civil law, children born to a Muslim father are Muslim, regardless of the mother's religion.

Women can seek divorce for irreconcilable differences and violation of the prenuptial agreement, among other grounds. In a divorce, the amendments provide for the wife to retain the family's home until children reach 18 years of age. Custody of children normally is awarded to the mother, but she may not make decisions on education or take them out of the country without the father's authorization. In practice, more women retained the family's home when they had custody of the children.

The code affirms the Islamic practice of allowing a man to marry up to four wives. In practice, however, polygyny occurred in 1 to 2 percent of marriages.

The amendments to the code in practice contradicted the Shari'a requirement for a male sponsor's role and consent to the marriage of a woman, although the requirement has been formally retained. The sponsor continues to contract the marriage, but the woman may choose any male that she wishes to be the sponsor.

Women suffered from discrimination in inheritance claims. In accordance with Shari'a, women are entitled to a smaller portion of an estate than are male children or a deceased husband's brothers. According to Shari'a, such a distinction is justified because other provisions require that the husband's income and assets are to be used to support the family, while the wife's remain, in principle, her own. However, in practice women do not always have exclusive control over assets that they bring to a marriage or that they earn themselves. Married women under 18 years of age may not travel abroad without permission of their husbands. Married women may take out business loans and use their own financial resources. According to the National Center of Trade Records, 9,500 women had their own businesses in 2006. According to a February report by the National Office of Statistics, there were 1,179,000 women workers and 858,000 unemployed women in the country.

Despite constitutional and legal provisions providing gender equality, in practice women still faced discrimination in employment. Leaders of women's organizations reported that discriminatory violations are common.

In urban areas, there was social encouragement for women to pursue a higher education or a career. Girls have a higher high school (baccalaureate) graduation rate than boys. According to statistics, females represented 60 percent of the medical profession, 55 percent of the media profession, 30 percent of the upper levels of the legal profession, and more than 60 percent of the education profession. Of the

7.7 million workers, 1.4 million were female, representing only 18 percent of the workforce. Women may own businesses, enter into contracts, and pursue careers similar to those of men. In addition, 36 percent of judges were women. Women served at all levels in the judicial system. In addition, women police officers have been added to some precincts to assist women with abuse claims.

In July 2006 the MORA and the Ministry of Health initiated a series of training sessions for imams and female guides in order to better address social and medical issues, including HIV/AIDS. As part of the program, 100 copies of a national guide on Islam and HIV/AIDS were distributed to the attendees.

Children.—The Government was generally committed to protecting the welfare, rights, health, and education of children. Child abuse is illegal but continued to be a problem. NGOs that specialized in the care of children cited continued instances of domestic violence against children, which they attributed to the "culture of violence" developed since the civil conflict of the 1990s and the social dislocations caused by the movement of rural families to the cities to escape terrorist violence. Experts assumed that many cases went unreported because of familial reticence.

In January, February, and April 2006, according to press reports, there were incidents involving the kidnap and rape of girls by terrorists. In May 2006 the bodies of 22 children were found in the province of Jijel. They were alleged to have been used as human shields by the GSPC. In July 2006 the body of a young girl, allegedly decapitated by terrorists, was found in Bouira. Terrorist groups did not claim responsibility for any of the incidents.

The Government provides free education for children through high school. Education is compulsory until the age of 16. According to the Ministry of National Education, 99 percent of children completed the ninth grade compared to 98 percent in 2006. Boys and girls generally received the same education, although girls from rural areas were slightly more prone to leave school because of familial financial reasons, while sons were often given educational priority.

The Government provided free medical care for all citizens—including children with disabilities—albeit in generally rudimentary facilities, and to both sexes equally.

Economic necessity compelled many children to resort to informal employment, such as street vending.

Trafficking in Persons.—The law does not prohibit trafficking in persons and officials instead consider the issue covered by existing laws on illegal migration. The country was a transit and destination country for men, women, and children from sub-Saharan Africa and Asia trafficked for forced labor and sexual exploitation. The Government did not acknowledge trafficking to be a problem, but saw it as part of the larger issue of illegal immigration. According to the government, in the absence of specific antitrafficking laws, other laws against illegal immigration, prostitution, and forced labor are used to enforce anti-trafficking standards. There were no indications of official government involvement in trafficking.

Forced prostitution and domestic servitude of illegal immigrants from sub-Saharan Africa occurred as immigrants transited through the country seeking economic opportunity in Europe. The Government did not compile official statistical estimates of the severity of trafficking. No government assistance programs existed for victims, nor were there any information campaigns about trafficking.

According to a June National Gendarmerie report, between January 2001 and January 2007 the number of illegal African and Arab migrants exceeded 30,000, most of them of African origin. Additionally, 14 percent of them came from Middle Eastern countries including Egypt, Syria, Tunisia, and Iraq. Some migrants also came from Pakistan. Among the 30,000 illegal migrants, there were 1,683 women and 1,300 minors. Statistics did not exist detailing how many of these migrants faced conditions of trafficking before, during, or after entering the country.

In 2005 10 members of the Coast Guard received 4 days of training on smuggling and trafficking prevention.

Persons with Disabilities.—The law provides protection, including free medical care, for persons with disabilities, especially children; however, there was widespread social discrimination against persons with disabilities. Laws prohibit discrimination against persons with disabilities in employment, education, access to health care, or the provision of other state services. No government buildings were accessible to persons with disabilities. Public enterprises, in downsizing their work forces, generally ignored a requirement that they reserve 1 percent of jobs for persons with disabilities. Social security provided payments for orthopedic equipment, and some healthcare-oriented NGOs received limited government financial support. The Ministry of National Solidarity provided financial support to NGOs; however, for many NGOs this financial support represented only a very small portion of their

budgets—approximately 2 percent. The Ministry of National Solidarity maintained that there were 1.5 million persons with disabilities in the country. However, according to the Algerian Federation of Wheelchair Associations (AFWA), there were 3 million persons with disabilities living in the country.

Other Societal Abuses and Discrimination.—The law criminalizes public homosexual behavior and there is no specific legal protection of homosexuals in the country. There was also generally societal discrimination against homosexuals, but not violence or official discrimination. While some homosexuals lived openly, the vast majority did not.

AIDS is considered a shameful disease in Algeria. According to March statistics released by the Ministry of Health, 2,100 citizens were HIV-positive and 736 people suffered from AIDS. There were 54 centers offering free services to detect AIDS in Algeria. During the year according to a survey of 30,000 families in the 48 wilayas performed by UNICEF, only 15 percent were aware of means to protect themselves from contracting AIDS. During the year, the health ministry along with the NGO AIDS Algerie launched an AIDS prevention campaign, stressing the need to avoid discrimination, especially in the workplace, against those with HIV/AIDS.

Section 6. Workers Rights

a. The Right of Association.—The Constitution allows workers to form and join unions of their choice but requires workers to obtain government approval to form a union. The law on labor unions requires the Ministry of Labor (MOL) to approve or disapprove a union application within 30 days and allows for the creation of autonomous unions. However, the Government may invalidate a union's legal status if its objectives are determined to be contrary to the established institutional system, public order, good morals, or the laws or regulations in force. There were no legal restrictions on a worker's right to join a union. Approximately two-thirds of the labor force belonged to unions. The General Union of Algerian Workers (UGTA) was the only labor confederation. The UGTA included national unions that were specialized by sector.

The law prohibits discrimination by employers against union members and organizers and provides mechanisms for resolving trade union complaints of antiunion practices by employers. It also permits unions to recruit members at the workplace. Unions may form and join federations or confederations. In practice, attempts by new unions to form federations or confederations were obstructed by delaying administrative maneuvers. Since 1996, the Autonomous Unions Confederation, functioning without official status, has attempted unsuccessfully to organize the autonomous unions. The law permits unions to affiliate with international labor bodies and develop relations with foreign labor groups. For example, the UGTA was a member of the International Confederation of Free Trade Unions. However, the law prohibits unions from associating with political parties and also prohibits unions from receiving funds from foreign sources. The courts are empowered to dissolve unions engaged in illegal activities.

b. The Right to Organize and Bargain Collectively.—The law provides for the right to strike, and workers exercised this right in practice, subject to some conditions. The law provides for collective bargaining for all unions, and the Government permitted the exercise of this right in practice for authorized unions. Under the state of emergency decree, the Government can require public and private sector workers to remain at work in the event of an unauthorized or illegal strike. According to the law on industrial relations, workers may strike only after 14 days of mandatory conciliation or mediation. On occasion, the Government offered to mediate disputes. The law states that decisions reached in mediation are binding on both parties. If no agreement is reached in mediation, the workers may strike legally after they vote by secret ballot to do so. A minimum level of public services must be maintained during public-sector service strikes.

The law provides that all public demonstrations, protests, and strikes receive prior government authorization. During the year, strikes and labor meetings occurred in various sectors, including the construction, medical, port facility, and education sectors. A ban on marches and demonstrations in Algiers has remained in effect since 2001.

There were no export processing zones.

c. Prohibition of Forced or Compulsory Labor.—The Constitution prohibits all forms of forced or compulsory labor, including by children; however, there were reports from the labor ministry that such practices occurred.

d. Prohibition of Child Labor and Minimum Age for Employment.—The law prohibits participation by minors in dangerous, unhealthy, or harmful work, or in work that is considered inappropriate because of social and religious considerations. The

minimum legal age for employment is 16, except for apprentice positions. In order to be an apprentice, minors must have the permission of a legal guardian. In February 2006 the MOL stated that only 95 "young workers" were identified during site visits performed by labor inspectors at 5,847 companies. The MOL made some surprise inspections of public sector enterprises, but it did not consistently enforce relevant statutes in the agricultural or private sectors.

In 2005 the MOL reported a rate of child participation in the labor force of 0.56 percent. That figure was challenged, however, by the local NGO FOREM, a children's rights watchdog group financed by the European Union. According to FOREM, in the eight most populous provinces 6 percent of children age 10 and younger participated in the labor force, while 63 percent of children age 13 to 16 participated. The survey found children working a variety of hours in small workshops, on family farms, and especially in informal trades, where children from impoverished families are employed for economic reasons. In a November press conference, FOREM representatives said there were 1 million children working in the country, at least half of whom were under the age of 16.

e. Acceptable Conditions of Work.—The national minimum wage of $148 (10,000 dinars) per month did not provide a decent standard of living for a worker and family. MOL inspectors were responsible for ensuring compliance with the minimum wage regulation; however, enforcement was inconsistent.

The standard workweek was 37.5 hours, with one 10-minute break and 1 hour for lunch. Employees who worked beyond the standard workweek received premium pay on a sliding scale from time-and-a-half to double-time, depending on whether the overtime was worked on a normal workday, a weekend, or a holiday.

The law contains well-developed occupational, health, and safety standards, but MOL inspectors did not enforce these regulations effectively. There were no reports of workers being dismissed for removing themselves from hazardous working conditions. Because employment was usually based on detailed contracts, workers rarely were subjected to unexpected conditions in the workplace. If workers were subjected to such conditions, they first could attempt to renegotiate the employment contract or, failing that, resort to the courts; however, the high demand for employment in the country gave an advantage to employers seeking to exploit employees.

BAHRAIN

Bahrain is a monarchy with a population of approximately 725,000, approximately 430,000 of whom are citizens, according to official figures. King Hamad Bin Isa Al-Khalifa is the head of state and all branches of government. The king appoints a cabinet of ministers, half of whom are members of the Al-Khalifa royal family. The 2002 Constitution reinstated a legislative body with one elected chamber, the Council of Deputies, and one appointed chamber, the Shura Council. All political societies participated in the November and December 2006 parliamentary and municipal elections. Trained local observers did not report significant problems during the elections, although there were allegations that the Government manipulated general poll center vote counts in some cases and gerrymandered political districts. Civilian authorities generally maintained effective control of the security forces.

Citizens did not have the right to change their government. The Government restricted civil liberties, including freedoms of press, speech, assembly, association, and some religious practices. Although citizens were not able to form political parties, the law authorized registered political societies to run candidates and participate in other political activities. The judiciary lacked independence, and corruption was a problem. Domestic violence against women and children was common, as was discrimination on the basis of gender, religion, sect, and ethnicity. Trafficking in persons and restrictions on the rights of expatriate workers remained problems. The Shi'a majority population was routinely discriminated against.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life.—There were no reports that the Government or its agents committed politically motivated killings.

However, on December 17, a 31-year-old man, Ali Jasem, died after participating in a protest where Shi'a activists clashed with security forces. Although the official autopsy reported he died of "acute cardiovascular and respiratory collapse," local human rights observers alleged his death was linked to inhaling tear gas used to disperse demonstrators.

b. Disappearance.—There were no reports of politically motivated disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Constitution prohibits such practices; however, there were reports during the year that security forces employed them.

According to a June 1 Human Rights Watch (HRW) report, security forces severely beat Ali Saeed Al-Khabbaz and Hassan Yousif Hameed after arresting them on May 21 while breaking up a gathering near the house of political activist Hassan Mushaima. According to HRW, on May 29, Ministry of Interior (MOI) officials informed the two men's families that they were in a military hospital. The hospital declined to give the families any information about their injuries. On May 29, the Arabic daily Al-Wasat published photos of the men depicting swelling and bruising on their faces and heads. According to HRW, Hameed sustained a broken jaw. On June 7, both men were released following a meeting between the minister of the interior and Secretary General of Al-Wifaq Islamic Society Shaikh Ali Salman. There was no investigation into the alleged abuses.

Following protests that occurred on December 18 and 20, security forces arrested dozens of protestors and detained them in the Adliyeh detention center. According to HRW, some detainees were reportedly tortured and abused in prison by judicial interrogators that beat and electrocuted them. One detainee, Maytham Badr al-Shaykh, reported that interrogators sexually assuaulted and electrocuted him. Officials denied the allegations of abuse.

Human rights activists, including the dissolved Bahrain Center for Human Rights (BCHR), continued to demand government accountability for alleged acts of torture committed prior to 2001.

Prison and Detention Center Conditions.—Prison and detention center conditions generally met international standards. Unlike in previous years, the Government did not permit any visits by international human rights observers.

In August 2006 the quasi-governmental Supreme Council for Women (SCW) conducted a visit of the country's women's prison in Isa Town. There was no publicly released SCW report on the visit.

In 2005 a Bahrain Human Rights Society (BHRS) team made two visits to Jaw Prison, the country's men's prison. BHRS conducted interviews with staff and 56 inmates. There were reports from some inmates of mistreatment in the detention section where new inmates are first held before being assigned a permanent cell.

Although International Committee of the Red Cross (ICRC) officials visited the country during the year, they did not request prison visits. Bahrain Red Crescent Society officials reported that ICRC officials had not visited prisons since the release of all political prisoners in 2000.

d. Arbitrary Arrest or Detention.—The Constitution prohibits arbitrary arrest and detention, and the Government generally observed these prohibitions.

Role of the Police and Security Apparatus.—The MOI is responsible for public security. It controls the Public Security Force and the extensive security service, which are responsible for maintaining internal order. The Bahrain Defense Force is responsible for defending against external threats and also monitors internal security. The security forces were generally effective in maintaining internal order.

A widespread lack of transparency made corruption difficult to assess. The press reported that authorities jailed and/or fined law enforcement officials for misconduct, most often for accepting bribes.

During the year there were no known instances of police officers punished for committing human rights abuses. There is no mechanism in place for investigating security force abuses. In practice the MOI responded to allegations of abuse and public complaints by establishing ad hoc investigation committees. There is no evidence that these committees have ever issued public reports of their findings.

Arrest and Detention.—In order to apprehend felony suspects, the police must convince the judge based on evidence to issue an arrest warrant. Police and security forces must transfer suspects to the public prosecutor's office immediately, and generally respect that requirement in practice. Within 7 days of arrest, a detainee must appear before a judge in the public prosecutor's office. If the judge decides the suspect is a flight risk or a danger to society, a maximum additional 45 days detention is permitted while the investigation is carried out. This process may continue through subsequent reviews by different judges, but pretrial detention may not exceed 6 months. Judges may grant bail to a suspect and do so regularly.

The 2006 counterterrorism legislation allows the public prosecution to detain a terrorism suspect for a 5-day period. Upon request, the public prosecutor may extend this period based on the needs of the investigation for up to an additional 10 days. At the end of this period, the detainee must be transferred to the public prosecution and questioned within 3 days. The public prosecutor must then decide to

issue a detention order or to release the detainee. The detention order may not exceed 60 days.

Detainees were generally allowed prompt access to visiting family members. Detainee access to attorneys was often restricted in the early stages of detention; attorneys must seek a court order to confer with clients. The state provided counsel to indigent detainees. After conviction attorneys required the prison director's permission to visit a client in jail.

On May 18, the king ordered the public prosecution to drop all charges against Hassan Mushaima, head of the Haq Movement; Abdulhadi al-Khawaja, Director of the dissolved BCHR; and Shaker Abdulhussain, a Shi'a activist. Police arrested the men on February 2, and prosecutors charged them with inciting hatred, encouraging law-breaking, and publishing false news. The arrest sparked riots in several Shi'a villages.

On September 30, according to the BHRS, police arrested Khalid Nour and Hussain al-Ali for taking an illegal commission and held them for 48 hours before granting access to an attorney. At year's end, the authorities had not announced charges against either Nour or al-Ali, and they remained in detention.

On December 24, according to the Associated Press, Hafez Hafez, a lawyer for some of the detainees who were arrested by police following the December 20 clashes between Shi'a protestors and security forces, reported that the Government refused to allow the detainees access to legal counsel or family members.

Amnesty.—On February 25, a royal pardon released and dropped all charges against Mohamed al-Sahlawi and Hussein al-Habash. Authorities had charged them with promoting change of the system of the state through illegal means and possessing publications containing false information that "would cause disruption to public security and damage the public interest" in connection with plans to distribute leaflets calling for a boycott of the 2006 elections.

On August 1, the Government initiated an amnesty for illegal workers. On December 31, the amnesty was extended until Jan 31, 2008. Under the terms of the amnesty, any expatriate living or working illegally in the country may legalize his or her status without penalty or return to his or her home country without paying fines.

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary, but the Government did not respect judicial independence in practice. Courts were subject to government pressure regarding verdicts, sentencing, and appeals. There were allegations of corruption in the judicial system. The Constitution provides that the king appoint all judges by royal decree. The king also serves as chairman of the Supreme Judicial Council, the body responsible for supervising the work of the courts and the public prosecution.

The legal system is based on a mix of British civil law, common law, Shari'a (Islamic law), and traditional laws. The judiciary is organized into two separate branches: The civil law courts and the Shari'a courts.

The civil law courts, through their criminal and civil branches, adjudicate all civil and commercial cases, criminal cases, and personal status cases involving non-Muslims. The courts of minor cases (the lower courts and the Court of Execution) have one judge with jurisdiction over minor civil, commercial, and misdemeanor cases. The high civil courts have three judges with jurisdiction over larger civil and commercial cases, felonies, and personal status cases involving non-Muslims. The Civil High Court of Appeal has a panel of three judges and hears appeals. Both the civil and criminal court systems have a supreme court of appeal, and a court of cassation, the final appellate court.

The Shari'a courts have jurisdiction over personal status cases involving citizen and noncitizen Muslims. There are two levels: The Senior Shari'a Court and the High Shari'a Court of Appeal. At each level is a Sunni Maliki Shari'a court with jurisdiction over all personal status cases brought by Sunni Muslims and a Ja'afari Shari'a court with jurisdiction over cases brought by Shi'a Muslims. The High Shari'a Court of Appeal is composed of a minimum of two judges. In the event of a disagreement, the Ministry of Justice (MOJ) provides a third judge, and the decision is based on a majority vote. There are 11 judges in the Sunni Maliki Shari'a courts and 12 judges in the Shi'a Ja'afari Shari'a courts.

The Constitutional Court rules on the constitutionality of laws and statutes. The court's membership consists of a president and six members, all appointed by the king. These seven judges serve 9-year terms and cannot be removed before their terms expire. The court's determination is final and binding, according to the Constitution.

The Bahrain Defense Force maintains a separate court system that only tries military personnel accused of offenses under the Military Code of Justice. The MOI

has a similar system for trying police officials. There were no reports of either court considering cases involving civilian, common criminal, or security cases during the year.

Trial Procedures.—According to the Constitution, defendants are presumed innocent until proven guilty. Civil and criminal trial procedures provided for an open trial. Juries are not used. By law, defendants have the right to prompt consultation with an attorney of their choice. The state provided counsel to defendants who could not afford to hire an attorney. Defendants are present during trial proceedings, and they have the right to present witnesses and evidence on their behalf and question witnesses against them. No law governs defendants' access to government-held evidence, and the Government often reviewed evidence prior to defendants' access to it. Women's legal rights vary according to Shi'a or Sunni interpretations of Islamic law.

Political Prisoners and Detainees.—There were no reports of political prisoners or detainees.

Civil Judicial Procedures and Remedies.—Citizens may bring civil suits before the court seeking cessation of or damages for human rights violations; however, there was impunity for alleged torturers that the Government maintained was granted by the 2001 general amnesty.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The Constitution provides for personal freedom and freedom from arbitrary interference with privacy, home, and correspondence except under the provisions of the law and under judicial supervision; however, the Government continued to infringe on citizens' right to privacy. Telephone calls, e-mail, and personal correspondence remained subject to monitoring. Police informer networks were extensive and sophisticated.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for restricted freedom of speech and of the press, but the Government limited the exercise of these rights in practice. Both censorship and self-censorship took place.

The 2006 association law forbids any speech or discussion infringing on public order or morals. In private settings, individuals openly expressed critical opinions regarding domestic political and social issues. There was considerable freedom of expression on the Internet, in letters to the editor, and occasionally on state-run television call-in shows.

The Government enforced at its discretion the 2002 suspended press law, which provides for restricted freedom of speech and press. The law provides for prison sentences of at least 6 months for criticizing Islam or the king or inciting actions that undermine state security. The law allows fines up to $5,300 (2,000 dinars) for 14 other offenses, including publicizing statements issued by a foreign state or organization before obtaining the consent of the minister of information; publishing any news reports that may adversely affect the value of the national currency; reporting any offense against the head of a state that maintains diplomatic relations with the country; or publishing offensive remarks towards an accredited representative of a foreign country because of acts connected with the person's position.

There was no government-owned print media, but the Ministry of Information exercised considerable control over local privately-owned print media. The Government generally did not restrict press coverage of international issues and local issues focusing on opposition politics and economic and commercial issues. However, government censorship took place. Representatives from the Ministry of Information actively monitored and blocked local stories on sensitive matters, especially those related to sectarianism, national security, or criticism of the royal family, the Saudi royal family, and judges.

Journalists also practiced widespread self-censorship. According to some members of the press, government officials contacted editors directly and asked them to stop writing about certain subjects or asked them to not publish a press release or a story. In the runup to the November 2006 parliamentary elections, there were reports that the Government paid journalists to represent it favorably. In addition, the Press and Publications Directorate at the Ministry of Information was responsible for reviewing all books and publications that were ready to go to print and issuing printing licenses allowing the authors of these books to publish them.

In October Ghada Jamsheer, a women's rights activist and president of the Bahrain Women's Petition, reported that government officials effectively banned her from appearing in the media, due to her calls for the dissolution of the Supreme Council of Women in April. Media officials and editors-in-chief claim there is no ban on her in the media.

On March 18, the chairman of the Bahrain Journalists' Association and editor-in-chief of Al-Ayam newspaper, Isa al-Shaiji, filed a complaint at the public prosecutor's office against Member of Parliament (MP) Mohammed Khalid, alleging that Khalid insulted him and his family during a debate in the Council of Deputies on February 20. In May the Legislative Committee refused to withdraw Khalid's parliamentary immunity, effectively preventing the case from proceeding.

On April 19, authorities convicted in absentia Dr. Salah al-Bandar and sentenced him to 4 years in prison and a $265 (100 dinars) fine. In September 2006 authorities deported al-Bandar and accused him of seizing official government documents and stealing private checks, after he distributed a report claiming a group of high-level government officials attempted to manipulate the 2006 election process. At the time, al-Bandar, a British citizen, was an advisor to the president of the Central Informatics Organization, which originally had responsibility for conducting elections. In October 2006 the High Criminal Court issued an injunction against the publishing of any news, commentary, or other information related to the report or the legal case against al-Bandar, including on the Internet. The gag order remained in effect at year's end.

On August 29, a prosecutor summoned Isa al-Shaiji for questioning regarding a May 10 complaint filed by Egyptian Islamic Brotherhood preacher Wagdy Ghunaim, who alleged that al-Shaiji published articles critical of Ghunaim's views. The prosecutor released al-Shaiji on bond the same day. On November 14, the Government withdrew Ghunaim's residency permit. Ghunaim then hired a proxy to continue pursuit of the case in his absence. At year's end, the case was still pending.

The Government owned and operated all local radio and television stations and maintained control over the selection of the locally-based Al-Jazeera correspondent. Some public demonstrations were not covered on government-owned television.

Radio and television broadcasts in Arabic and Farsi from countries in the region, including by satellite, were received without interference. Satellite television systems provided unimpeded access to international broadcasts.

Internet Freedom.—The Government restricted use of the Internet. The Government is a major shareholder in the Bahrain Telecommunications Company (Batelco), the country's principal telecommunications company. Batelco prohibited user access to Internet sites considered to be antigovernment or anti-Islamic. E-mail use was reportedly monitored. The Government has invoked the press code to justify the questioning of some journalists and bloggers.

The Government attempted to block local access to numerous Web sites, including local Web logs and chat sites; human rights Web sites; sites containing information about Arab Christians; and the Wa'ad political society's Web site. Public discussion of blocked Web sites is widespread. Most residents have access to the Internet in the home, workplace, or Internet cafés. The number of Internet users increased by 32.7 per cent in 2006, and at year's end, there were approximately 61,000 Internet subscribers. Most low-wage laborers use Internet cafés. Many users were able to access blocked sites through alternate servers. The Government regularly monitored Web sites and blogs maintained by local activists.

In late 2006 the Government blocked some Web logs until their authors removed any references to the case of Dr. Salah al-Bandar.

After the November and December 2006 elections, a number of local bloggers were blocked on the Internet for commenting upon election irregularities.

Under the law, Web site administrators face the same libel laws that apply to print journalists, and Web masters are held jointly responsible for all of the content posted on their Web sites or chat rooms.

Academic Freedom and Cultural Events.—The Constitution provides for academic freedom, although the Government limited this freedom in practice. Academics avoided contentious political issues. There was a disproportionately high number of Sunni professors in universities. The university's hiring and admissions policies favored Sunnis and others who were assumed to support the government. The proportion of Shi'a students was estimated to be close to the approximately 70 percent of Shi'a in the general population, although there are proportionately fewer Shi'a professors.

On November 26, press reports indicated that the Government began granting licenses for publication of several books pertaining to Islamic history, modern Bahraini history, and democracy for which licenses were previously denied.

b. Freedom of Peaceful Assembly and Association.

Freedom of Assembly.—The Constitution provides for the right of free assembly, but the law restricts the exercise of this right.

The July 2006 amendments to the association law codified restrictions on where and when public gatherings or demonstrations can be held. According to the law,

organizers must submit requests for public gatherings or demonstrations to the MOI with at least 72 hours' advance notice. The request must be signed by three law-abiding citizens from the area in which the gathering is to take place. If there is no response to the request, the gathering may proceed. According to the law, the head of public security is required to notify the organizers of any public gathering about any changes to the request (such as location, time, or route) at least 48 hours prior to the event. Organizers of an unauthorized gathering may be held responsible for any damage to public or private property, in addition to prison sentences ranging from 3 to 6 months.

The law prohibits any public gatherings or demonstrations near hospitals, airports, commercial centers, or facilities designated to be security-related by the MOI. Public gatherings and demonstrations are not permitted after 11:00 p.m. or before 7:00 a.m. without written permission from the head of public security or his deputy. The law states that funeral processions may not be turned into political rallies and security officials may be present at any public gathering.

Government security forces intervened in some demonstrations during the year.

On May 19, police used tear gas and rubber bullets to break up a seminar in support of political activists Hassan Mushaima and Abdulhadi al-Khawaja. A number of MPs and Sunni and Shi'a clerics were in attendance. Chairman of the Wa'ad Society Ebrahim Sharif reportedly suffered minor injuries.

On May 21, police broke up a gathering near the house of political activist Hassan Mushaima and arrested Ali Saeed al-Khabbaz and Hassan Yousif Hameed. According to a June 1 HRW report, police beat Al-Khabbaz and Hameed while in custody. On June 7, both men were released.

On December 17, security forces used tear gas and rubber bullets to disperse Shi'a activists protesting alleged abuses by security forces during the 1980s and 1990s. Demonstrators threw rocks and Molotov cocktails at the security forces. Ali Jassem, 31-year-old Shi'a activist, died directly after the protests. While the official autopsy reported that the man died of "acute cardiovascular and respiratory collapse," local human rights observers alleged that he died as a result of inhaling the tear gas police used to disperse demonstrators.

On December 18 and 20, street clashes between Shi'a protestors and security forces also occurred. On December 20, according to press reports, approximately 500 protestors rallied over the December 17 death of Ali Jassem. The police reported that some attacked and severely beat a policeman and stole his service weapon. Protestors set a police vehicle on fire. Security forces responded with tear gas and rubber bullets. According to Reuters, during and following the clashes security forces arrested dozens of protestors, including opposition political activists. At year's end, 15 individuals faced charges of arson, attempted murder of a police officer, and theft of a weapon.

The MOI reportedly told the owners of some venues to close their premises to prevent meetings from occurring, primarily at mosques and "ma'tams," or Shi'a community centers. The number of times this happened was unknown.

The Government limited and controlled political gatherings. The law regulates election campaigns and prohibits "election meetings" at worship centers, universities, schools, government buildings, and public institutions. July 2006 amendments to this law lowered the voting age to 20 years of age and provided for a 10-year loss of the right to vote or stand as a candidate for any person sentenced to more than 6 months in prison for any crime. The electoral restriction was not enforced in the November and December 2006 elections, as the names of citizens sentenced for more than 6 months appeared on the voter registration lists.

Freedom of Association.—The Constitution provides for the right of freedom of association; however, the Government limited this right in practice. Although the Government does not allow the formation of political parties, it authorized registered political societies to run candidates and participate in other political activities.

Organized groups in the country are either civil society groups registered by the Ministry of Social Development, political societies registered by the MOJ, or labor unions registered with the Ministry of Labor (MOL). Each of these is subject to registration requirements. Based on the proposed by-laws a new group submits, the Government decides whether its proposed activities are social or political in nature. The law prohibits any activity by an unlicensed society and any political activity by a licensed civil society. The law provides the Ministry of Social Development the right to reject the registration of any society if its services are deemed unnecessary, are already provided by another society, are contrary to state security, or are aimed at reviving a previously dissolved society.

The law requires all political societies to have bylaws signed by the founders in order to register or maintain registration. The society's principles, goals, and programs must not run counter to either the principles of Shari'a law or the national

interest as interpreted by the judiciary. The law requires that societies must not be based on sectarian, geographic, or class identity and have no military or paramilitary wing. When submitting an application for registration, the political society must submit three copies of the bylaws signed by all members, a list of all members and copies of their residency cards, a financial statement identifying the society's sources of funding and bank information, and the name of who will act as the society's proxy. Upon receipt of an application, the MOJ has 45 days to request in writing any necessary clarifications and/or statements and a total of 60 days to approve or deny a political society's registration request. Approvals must be published in the official gazette; denials must be accompanied by written statements that detail reasons for the denial.

The law requires that any civil society organization submit two copies of the bylaw of the association signed by all founding members; two copies of the minutes of meetings of the founding committee stating names of founding members, their professions, their place of residence, and containing their signatures; and a registration fee. The law also requires that all members be 18 years of age or older. The applications are required to be examined by the Ministry of Social Development within 30 days. If after 60 days the ministry has not announced the registration of a society, the application is considered rejected. The society may file a complaint, which the ministry has 60 days to review. If after 30 days the ministry has not responded, the association may refer the application to the High Civil Court, which may annul the decision or refuse the complaint.

The Ministry of Social Development has not allowed the National Committee for the Unemployed to register as a civil society group because of the political nature of its activities.

The Bahrain Youth Human Rights Society (BYHRS) also remained unsuccessful in legally registering as a civil society organization. The society first applied for registration in 2005. According to supporters of the group, authorities told them that the society failed to meet one of the requirements of the 1989 associations act because some of its members were under 18 years of age. Members of the society also speculate that government officials are enforcing the 1989 law to the letter because of ties between BYHRS and the now-dissolved BCHR.

On November 27, the president of the BYHRS, Mohammed Al-Moskati, appeared before a lower criminal court judge to answer charges of "operating an unregistered association" under the terms of the 1989 associations act. Al-Moskati asserted that the act was inconsistent with Bahrain's international commitments as a state party to the International Covenant on Civil and Political Rights. The judge adjourned the trial until January 2008, and Al-Moskati was not taken into custody. The BYHRS remained active at year's end.

c. Freedom of Religion.—The Constitution states that Islam is the official religion and that Shari'a (Islamic law) is a principal source for legislation. The Constitution provides for freedom of conscience, the inviolability of worship, and the freedom to perform religious rites and hold religious parades and meetings, in accordance with the customs observed in the country; however, the Government placed some limitations on the exercise of this right. Members of other religious groups who practice their faith privately do so without interference from the government.

All other religious groups must obtain a permit from the Ministry of Justice and Islamic Affairs (MOJIA) to operate and hold religious meetings. Depending on a group's activities, it may also need approvals from the Ministry of Social Development, the Ministry of Information, and/or the Ministry of Education.

The Government continued to exert a level of control and to monitor both Sunni and Shi'a Muslims, and there continued to be government discrimination against Shi'a Muslims in certain fields. Historically there is evidence of discrimination against Shi'a Muslims in recruitment for the country's military and domestic security services. During the year the Ministry of Defense did not recruit Shi'a for military service. During the year the MOI made increasing efforts to recruit additional Shi'a into nonmilitary security agencies.

The Muslim population is approximately 70 percent Shi'a and 30 percent Sunni. Non-Muslims account for approximately 1 percent of the population. There are numerous Christian churches of different denominations, four Sikh temples, and several official and unofficial Hindu temples located in Manama and its suburbs. The only Jewish synagogue has been voluntarily closed since 1948.

The Government funds, monitors, and closely controls all official religious institutions, including Shi'a and Sunni mosques, Shi'a ma'tams (religious community centers), Shi'a and Sunni waqfs (religious endowments), and the religious courts.

During the year there were reports of clashes between the Government and elements of the Shi'a majority population, who were often critical of the Sunni-dominated government. Problems continued to exist during the year, stemming primarily

from the government's perceived unequal treatment of Shi'a in the country. Many of these incidents involved Shi'a protestors burning tires or throwing Molotov cocktails at security forces. There were reports that the security forces used rubber bullets and tear gas to break up some of these demonstrations, which Shi'a protestors and other local human rights observers alleged lead to the death of a 31-year-old man after a December 17 protest.

The Government may appropriate or withhold funding to reward or punish particular individuals or places of worship, although reports of this were not common. There were no reported closures of mosques or ma'tams during the year; however, in newer towns such as Hamad Town and Isa Town, which often have mixed Sunni and Shi'a populations, there tended to be a higher number of Sunni mosques. The Ministry of Islamic Affairs has not approved applications for the Shi'a community to establish ma'tams in Hamad Town. As an alternative, individuals in the Shi'a community have converted parts of their homes into ma'tams.

Sunni and Shi'a waqfs made funding decisions for new mosque construction. Although both Sunni and Shi'a waqfs were reportedly well-endowed and able to fund mosque construction, new mosques were dependent upon government approval of land allocation. The Government's approval of land allocation for mosques was not transparent and reportedly not proportionate to the Shi'a community's relative population in the country.

There were reports that at year's end the Government had not made a decision on a 2005 request by one Christian church to form a second parish and obtain a resident visa for the proposed permanent priest.

The Government rarely interfered with what it considered to be legitimate religious observances. During the year the Government permitted public religious events, most notably the large annual Shi'a holiday of Ashura, but police closely monitored and limited these gatherings. The MOI's policy of providing full media coverage of Ashura events continued this year. There were no restrictions on the number of citizens permitted to make pilgrimages to Shi'a shrines and to holy sites in Iran, Iraq, and Syria. The Government monitored travel to Iran and scrutinized carefully those who chose to pursue religious study there.

Christian congregations and churches were registered with the Government and operated freely. The majority of those who attended Christian churches were expatriates. Events at churches occurred frequently and were advertised regularly in the English press, including the hosting of guest speakers from many countries.

The law forbids election speeches in worship centers, but sermons often touched upon political themes. Proselytizing by non-Muslims is illegal and the Government prohibited anti-Islamic writings; however, Bibles and other Christian publications are displayed and sold openly in local bookstores that also sold Islamic and other religious literature. Churches also sold Christian materials, including books, music, and messages from Christian leaders, openly and without restriction. Religious tracts of all branches of Islam, cassettes of sermons delivered by Muslim preachers from other countries, and publications of other religions were readily available. Christian pastors were permitted to provide literature to Christian inmates and to prison libraries.

The MOJIA has repeatedly denied a Baha'i congregation a license to function, although the group has not sought official recognition in many years. The Baha'i community continued to gather and worship freely without government interference. While the MOJIA views Baha'ism as blasphemous and an inauthentic offshoot of Islam, some other government ministries included Baha'i as a religion choice in "drop-down" computer menus for citizens applying for certain government documents.

Societal Abuses and Discrimination.—Discrimination against the majority Shi'a population remained a problem. Sunnis received preference for employment in sensitive government positions and in the managerial ranks of the civil service. The royal family is Sunni, and the defense and internal security forces were predominantly Sunni. Although Shi'a citizens held posts in these forces, with few exceptions, positions were not high-ranking. In the private sector, Shi'a tended to be employed in lower paid, less skilled jobs. Educational, social, and municipal services in most Shi'a neighborhoods were inferior to those found in Sunni communities.

In private conversations and in Internet forums, Shi'a consistently complained of discrimination, especially in public sector jobs, positions at the university, and security-related positions. Although the percentage of Shi'a students was close to the approximately 70 percent of Shi'a population in the country, only about 40 percent of university faculty was Shi'a. Shi'a composed a high percentage of the country's unemployed.

The Jewish community had approximately 36 members. Travel to Israel is officially prohibited for all Bahraini citizens, although some are able to travel there.

One Jewish citizen served in the Shura Council. Some anti-Semitic political commentary and editorial cartoons appeared, usually linked to the Israeli-Palestinian conflict. These articles and depictions occurred without government response. Although the one synagogue is not open due to the small size of the Jewish community in the country, Jews practiced their faith privately without interference from the government.

The Government has not enacted specific laws to combat discrimination.

For a more detailed discussion, see the 2007 International Religious Freedom Report.

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons.—The Constitution provides for freedom of movement, except as modified by law and judicial decisions. Citizens were free to move within the country and change their place of residence or work.

The law provides that the Government may reject applications to obtain or renew passports for reasonable cause, but the applicant has the right to appeal such decisions before the High Civil Court. There is no definition in the statute of the phrase "reasonable cause." In practice authorities rely on determinations of national security when adjudicating passport applications.

The Constitution permits the Government to revoke citizenship only in the cases of treason and other such cases "according to the law." The Government has not revoked the citizenship of any person under the 2002 Constitution.

Opposition groups claimed that the naturalization process was politically driven to manipulate demographics for voting purposes and to keep Shi'a out of the police and defense forces, which are allegedly dominated by naturalized Sunnis. Although naturalization requirements are clearly defined in law, adjudication of naturalization applications was neither transparent nor impartial. The Government reportedly was more lenient with naturalization requests from expatriates in the security forces. Shi'a and non-Arab applicants reportedly experienced longer delays in the processing of their cases. The Government occasionally granted citizenship to Sunni residents from neighboring countries. The Government stated that some of the Saudis who had received citizenship were the grandchildren of Bahraini citizens who had immigrated to Saudi Arabia. According to the country's nationality law, these persons have a legal right to citizenship. No official statistics regarding naturalization cases were available.

The Constitution prohibits forced exile, and there were no reports of forced exile or return from exile during the year.

There is no official requirement for women and children to have their husband's/father's permission to travel abroad, and there were no reports of women or children facing restrictions on travel.

Protection of Refugees.—The law does not provide for the granting of asylum or refugee status to persons who meet the definition in the 1951 U.N. Convention relating to the Status of Refugees and its 1967 protocol, and the Government has not established a system for providing protection or status to refugees. In practice the Government provided protection against refoulement, the return of persons to a country where there is reason to believe that they feared persecution. The Government cooperated with the Office of the U.N. High Commissioner for Refugees and other humanitarian organizations in assisting refugees and asylum seekers.

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

Citizens do not have the right to change their government or their political system; however, the Constitution provides for a democratically elected Council of Deputies, the lower house of Parliament. The king appoints the prime minister, who then proposes cabinet ministers who are appointed by the king. Members of the royal family held all strategic cabinet ministry positions and approximately half of all ministerial slots.

The bicameral National Assembly consists of the 40-member popularly elected Council of Deputies and the 40-member appointed Shura (Consultative) Council. The Office of Legal Affairs drafts the text of laws, not the Council of Deputies or the Shura Council. This office had been part of the prime minister's cabinet until July 2006, when it was made a quasi-independent body linked to the MOJIA. The king may veto laws passed by the National Assembly, which in turn may override a veto by a two-thirds majority vote. If the legislature overrides a veto, the king must promulgate the law within 1 month. No veto has been exercised, and no law has been enacted that was proposed by a member of the legislature since the Constitution was adopted.

The king may dissolve the Council of Deputies at his discretion, and he retains the power to amend the Constitution and to propose, ratify, and promulgate laws.

Either council may question government ministers, and the Council of Deputies may pass a two-thirds majority vote of no confidence requiring a minister's resignation. The Council of Deputies may also introduce a resolution indicating it cannot cooperate with the prime minister. Both the elected and the appointed chambers of the National Assembly would then have the option to pass the resolution by a two-thirds majority that would require the king to either dismiss the prime minister or dissolve the Council of Deputies. The situation of a no-confidence vote has never arisen.

Elections and Political Participation.—Bahrain held parliamentary and municipal council elections in two rounds in November and December 2006. Voter participation in the first round was 73 percent of all registered voters. In second round runoff races, 69 percent of eligible voters cast ballots. Although a small group of eligible voters boycotted the elections, all political societies, including the four that boycotted the 2002 elections, participated in the elections.

Although no international observers participated, the Government permitted nine local civil society groups, including the BHRWS and the Bahrain Society for Public Freedoms, access to poll stations to observe voting. Bahrain Transparency Society and the BHRS joined efforts to form the Election Monitoring Joint Committee (EMJC) and trained over 200 local observers. The Government asked a foreign political party training and election observation organization to leave the country during the campaign process and elections.

In its final report issued on February 10, EMJC reported that there were no reports of widespread attempts to influence the outcome of the elections. Official polling station observers did not report significant problems during the voting process, although there were allegations that general poll center vote counts were manipulated in some cases against opposition candidates in close races.

In the first round of elections, officials in the 40 district polling stations announced results to observers and candidate representatives immediately following ballot counting. However, votes from the 10 general polling stations were taken to central facilities and folded in with those of other general stations before vote counts were made public. After the first round, EMJC presented this lapse in transparency to the High Commission for Elections. Election administrators corrected this problem in the runoff elections and announced all vote counts prior to moving ballot boxes.

EMJC reported other violations, the most serious being that candidates did not cease campaign activities 24 hours prior to the polls as required by law. Campaign volunteers continued to pass out fliers and lobby voters in the vicinity of polling stations on election day. In addition observers reported many campaign posters and billboards moved closer to polling stations than allowed by law just prior to the election. Most other violations were minor and procedural.

The Government drew the unified electoral districts for both the municipal council and the legislative elections to protect Sunni interests by creating several districts with small populations likely to elect a Sunni candidate. In contrast districts where a Shi'a candidate was likely to win were drawn to include large numbers of voters, a formula that diluted the voting strength of the Shi'a community. According to voter lists for the elections, divergence in the electoral population per district is significant—the number of eligible voters per elected representative can vary by as much as a factor of 13.

The election law prohibited speeches at most public locations and limited the areas where campaign material could be placed.

The Government did not allow the formation of political parties, but 15 political societies, which received some government funding and operated somewhat like political parties, chose candidates for parliamentary and municipal elections, campaigned for political office, developed political platforms, held internal elections, and hosted political gatherings.

The 2005 Political Societies Law provides political societies legal authority to exist and defines guidelines within which they can operate. Political societies were highly critical of provisions in the law requiring them to notify the MOJIA before contacting political groups abroad. The law also prohibits foreign funding or training, raised the minimum membership age from 18 to 21; and gives the MOJIA the authority to reject an application for registration. Since the Government began recognizing political societies in 2002, it has not refused or deferred an application.

Although the law prohibits civil society groups from engaging in political matters, the Government permitted such activity at its discretion.

Women have the right to vote and run for public office. On April 24, the Government appointed the first female member, Dr. Dhuha al-Zayani, to the Constitutional Court. In the legislative elections 18 women ran, and five ran in the municipal elections. One woman, Latifa al-Qa'oud, was unopposed in her district and became the

first female MP. None of the other women candidates were elected. The Government did not release percentages of voting by gender.

While Shi'a amounted to approximately 70 percent of resident citizens, and both Shi'a and Sunni citizens have equal rights before the law, Sunnis dominated political life.

In December 2006 the king appointed one Christian and one Jewish member to the new Shura Council. Eighteen Shura Council members were Shi'a Muslims and 17 were Sunni. Six of the 23 cabinet ministers were Shi'a, including a deputy prime minister.

Government Corruption and Transparency.—According to the World Bank's Worldwide Governance Indicators, government corruption was a problem. The Penal Code provides specific penalties for various forms of official corruption. Significant areas of government activity continued to lack transparency. However, new legislation increased transparency in central bank transactions and activities and increased disclosure responsibilities for the 39 companies listed on the local stock exchange. The annual National Audit Bureau report released on August 26 analyzed the accounts of state-owned entities and was made available to the public. The Council of Deputies called ministers to appear at public sessions to respond to questions from MPs.

On June 27, the Ministry of Industry and Commerce filed a complaint with the public prosecution accusing nine employees of embezzlement. A few days later authorities arrested the individuals. The case remained pending at year's end.

There was no law providing citizens with access to information held by the government. There was no law requiring financial disclosure on the part of government officials.

Section 4. Governmental Attitudes Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

Restrictions on freedom of association and expression hindered investigation or public criticism of the government's human rights policies. There were approximately 400 NGOs registered in the country, most of which were sports clubs and charitable organizations. NGOs must report to the Ministry of Social Development when their members participate in international NGO events. There were three major human rights NGOs that reported on issues of concern: Bahrain Human Rights Society (BHRS), Bahrain Human Rights Watch Society (BHRWS), and former members of the dissolved Bahrain Center for Human Rights (BCHR). BHRS was independent from the government. BHRWS considered itself independent, although members of its leadership were also members of the royally appointed Shura Council.

In recent years the Government has allowed increased interaction between local civil society groups and international human rights organizations. During the year citizen members of Amnesty International (AI), who have not registered as an NGO with the Ministry of Social Development, carried out several activities without interference by the government. AI members coordinated with the Bahrain Society for Public Freedoms to observe the elections and monitor media coverage during the 2006 election campaign.

On June 26, the High Court issued an order enjoining the National Democratic Gathering Society from holding meetings or conducting any other activities for 3 months. The order resulted from an internal conflict over the administration of the society involving the former secretary general, Abdullah Hashim, and the newly-elected secretary general, Fadhel Abbas. On August 27, the MOJIA approved the results of the society's general assembly meeting held on July 24, in which Fadhel Abbas was elected as the new secretary general. The society resumed its operations at that time.

In 2004 the Ministry of Social Development dissolved the BCHR, an umbrella human rights organization that had been active since 2002. Beginning in 2003 government ministries warned the center against conducting activities that were outside its bylaws such as criticizing the Government or specific government officials. The Government locked the center's rented office space and froze its bank accounts. The BCHR challenged its closure in court but lost the case and its subsequent appeals. Individual members continued to conduct activities and write reports about issues of concern in the name of the center.

The BHRWS, established in December 2004 and led by a member of the Shura Council, conducted a number of human rights activities.

Although foreign NGOs were prohibited from registering with the government, the Government generally did not interfere with their activities, so long as these activities were not perceived as interference in the political system. In previous years, the Government has provided written warning to foreign NGOs it believed

to be interfering with internal political matters. In at least one previous case, the Government declined to renew the residence permit of an NGO chief who had become the focus of controversy, with the result that the NGO's local operation had to close down.

On October 30, a foreign organization previously asked by immigration authorities in 2006 to leave the country returned to conduct activities. On July 12, the organization signed a memorandum of understanding with the Bahrain Institute of Political Development (BIPD), in which the two organizations agreed to work together.

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

The Constitution provides for equality; equal opportunity; and the right to medical care, welfare, education, property, capital, and work for all citizens. However, these rights were protected unevenly, depending on the individual's social status, sect, or gender.

Women.—No government policies or laws explicitly addressed violence against women. Spousal abuse of women was widespread, particularly in poorer communities. Since 2005 the Batelco Care Center for Family Violence has offered free medical, psychological, legal, and social assistance to victims of violence, primarily women and children. The center runs a hotline that abused persons can call for assistance. The center recorded 669 cases involving domestic abuse during the year: 407 from women, 178 from children, and the remainder from men.

Violence against women, especially by family members and spouses, is believed to be pervasive. Women rarely sought legal redress for violence, and there was little public attention towards or discussion of the problem. Incidents usually were not brought to the attention of authorities. Rape is illegal, and the press reported cases of men arrested for the crime. The law does not address spousal rape. There was no information on the number of rape and sexual assault cases brought to the public prosecutor or any resulting convictions.

Reports of foreign women working in domestic positions being beaten or sexually abused by their employers and recruiting agents were common. Numerous cases were reported to local Embassies, the press, and the police; however, most victims were too intimidated to sue their employers, although they had the right to do so. Courts reportedly allowed victims who registered complaints to sue for damages or return home. If the victim brings a suit against the employer, the plaintiff cannot leave the country for the duration of the case. Since its inception in 2002, the Migrant Worker Protection Society (MWPS) has supported several victims who have taken their cases to court, but compensation to victims was reportedly very low. During the year MWPS withdrew its court cases, including three rape cases, citing a complete lack of success in the courts.

There is no specific law that prohibits female genital mutilation (FGM). According to the Batelco Care Center for Family Violence Cases, there have never been any cases of FGM.

Prostitution is illegal; however, the press reported arrests of prostitutes and their managers. During the year cases of prostitution were referred to the public prosecution for investigation. Sentences for individuals who "encouraged the practice of prostitution" varied between 10 days and 2 years in prison. Sentences for those who "managed an establishment for the practice of prostitution" ranged from prison sentences of 3 months to 3 years.

Sexual harassment is prohibited but was a widespread problem for women, especially foreigners working as domestics and in other low-level service jobs. The press reported a number of cases of men arrested for sexually harassing women.

Women's legal rights vary according to Shi'a or Sunni interpretations of Islamic law. Shi'a and Sunni women have the right to initiate a divorce; however, religious courts may refuse the request. Women of either sect may own and inherit property and represent themselves in all public and legal matters. In the absence of a direct male heir, Shi'a women may inherit all property. Sunni women without a direct male heir inherit only a portion as governed by Shari'a; the balance is divided among the brothers or male relatives of the deceased. In practice, better-educated families used wills and other legal maneuvers to ameliorate the negative effects of these rules.

In divorce cases, the courts routinely grant mothers custody of daughters under age 9 and sons under age 7. Custody usually reverts to the father once the children reach those ages. Regardless of custody decisions, the father retains guardianship, or the right to make all legal decisions for the child, until the child reaches the legal age of 21. A noncitizen woman automatically loses custody of her children if she divorces their citizen father. A Muslim woman legally can marry a non-Muslim man if the man converts to Islam.

By law foreign women who marry citizens are eligible for citizenship after 5 years of marriage. Foreign men who marry citizens, however, are not entitled to citizenship, and neither are their children. During the year the Bahrain Women's Society (BWS) registered more than 800 families where children (infant to age 21) were born to citizen mothers but do not have citizenship. In September 2006 King Hamad issued a royal decree granting citizenship to at least 372 children of citizen mothers and noncitizen fathers. However, this action did not change the legislation, so any children born in the future under such circumstances would face citizenship difficulties.

Labor laws prohibit discrimination against women; however, discrimination against women is systemic in the country, especially in the workplace. The influence of religious traditionalists sometimes hampered women's rights. According to the Central Bank, women constituted 13 percent of the private sector workforce and 42 percent of the Government workforce. The Government was a leading employer of women. A 2005 law granted women working in the public sector 42 days maternity leave, not including weekends. Women in the private sector are entitled to 45 days maternity leave, including weekends.

Children.—The Government generally honored its commitment to children's welfare through enforcement of related civil and criminal laws and an extensive social welfare network. However, children born to citizen mothers and noncitizen fathers are not entitled to citizenship and are not eligible for certain social services.

According to the 2005 Education Act, education is free and compulsory for all children, including noncitizens, ages 6 to 15. In recent years, authorities did not enforce compulsory education rules. However, the act imposed fines on parents whose children failed to attend school and outlined other measures to encourage school attendance.

The state provided limited medical services for infant and preadolescent citizens. Noncitizen adults and children paid a fee for each visit for care at public health centers. Boys and girls enjoyed equal access to medical care.

According to the BWS, child abuse was common. There has been an increase in public discussion and in press reporting that covers child abuse. The BWS "Be Free" Campaign, which has posted a Web site for victims of child abuse since 2002, reported that during the year it received on average between 300 and 400 emails per month mostly from youth and adults, from inside and outside the country, reporting to have been victims of child abuse. Many calls have originated from older adults, reporting abuse they endured as children.

Child prostitution is illegal and there were no reported cases during the year.

Trafficking in Persons.—The law does not specifically prohibit trafficking in persons. Workers from Southeast Asia, South Asia, the Horn of Africa, and the former Soviet Union reported conditions that amounted to trafficking, such as withholding of passports, restrictions on movement, and physical or psychological intimidation to work. Some victims reported being forced into commercial sexual exploitation; however, the most common forms of trafficking in persons involved unskilled construction laborers and domestic workers. There were approximately 70,000 foreign housemaids working in the country, and labor laws did not fully cover domestic workers. According to government statistics, foreigners make up 59 percent of the workforce.

Up to half of low and unskilled expatriate workers were subjected to illegal contract substitution, whereby workers agreed to a contract in their home country but were required to agree to and sign a different contract upon arrival, nearly always for less pay and often for different work. Victims of trafficking experienced nonpayment of salaries; inadequate meals; physical, sexual, and psychological abuse; absence of rest days; and/or extremely long working hours.

The primary traffickers were employment agencies operating in the source countries. These agencies approached workers in their home countries and offered visas at prices in the range of $3,975 (1,500 dinars), payable after arrival. Upon arrival at the airport, the workers' passports were taken from them, ostensibly to facilitate customs; however, the passports frequently were not returned. Frequently, traffickers, including some from influential families, tricked new workers into paying for fraudulent visas and nonexistent jobs, leaving stranded workers vulnerable to trafficking due to their illegal immigration status in the country and high debt in their home country.

The MOL nearly doubled its number of labor inspectors to approximately 65 to investigate reports of visa abuse.

Prostitution is illegal, but during the year there was evidence that a number of foreign women, particularly Thai women, were forced into commercial sexual exploitation through deception or intimidation. Although many Thai women traveled to

the country voluntarily, traffickers reportedly used false job offers and physical force to traffic some of them into commercial sexual exploitation.

In cases of forced prostitution, the Government reportedly prosecuted the victim and often the victim's sponsor or employer but did not provide any specific information on cases of forced prostitution it pursued during the year.

The fear of deportation or employer retaliation prevented many foreign workers from making complaints to the authorities. Many foreign workers were unaware of their rights under the law, such as the right to change employers without the consent of the original employer after working 2 years in a position.

The Government can fine employers guilty of forced labor up to $2,650 (1,000 dinars) and/or sentence them for prison terms not to exceed 2 years. The rules require sponsors to put up a deposit of $265 (100 dinars) for each runaway worker. The Government published pamphlets on expatriate workers' rights in several languages, provided manuals on these rights to local diplomatic missions, and operated a telephone hotline for victims. The Government did not provide direct assistance to victims. During the year there were approximately 500 labor cases involving a total of over 650 expatriate workers sent from the MOL to the Public Prosecution for investigation and prosecution.

Under the sponsorship system, an expatriate worker could not seek employment while a case was in court. Because in past years MWPS has been unsuccessful at resolving cases against sponsors in the courts, MWPS recommended that individuals instead attempt to resolve cases through mediation between their foreign Embassies and the sponsors. Most of these mediations resulted in the payment of back payments followed by repatriation.

Workers also sought assistance from their Embassies. The Pakistani Embassy reported that it successfully resolved 200 cases through mediation between the sponsor and the worker, referred 135 to the MOL, and 40 to lawyers. The Pakistani Embassy repatriated over 750 workers.

On June 13, a Sri Lankan housemaid sought assistance from the MWPS after running away from her Bahraini sponsor's allegedly abusive family. The housemaid claimed her sponsor's wife and two elder children abused her on daily basis. She was allegedly made to work 7 days a week and paid a salary of approximately $132 (50 dinars) a month. The maid's sponsor denied the allegations but after police questioning agreed to end his legal sponsorship, and the housemaid was repatriated with the assistance of MWPS.

In July the Ministry of Labor began investigating a complaint lodged by the MWPS on behalf of a number of housemaids based on reports that a leading labor recruitment agency was complicit in the abuse of individuals it had recruited. The investigation was ongoing at year's end.

Between July 16 and July 21, working in concert with an international NGO, a government shelter focused on female victims of domestic abuse and trafficking assisted the return of two trafficking victims to their home countries.

In September the MWPS assisted an Indian housemaid who was severely beaten with a cricket bat by her sponsor and suffered a broken leg. She was in the hospital and out of work for more than 2 months. The Indian Embassy filed a complaint against her sponsor for the beating. At year's end the investigation was ongoing, and the housemaid was out of work.

Between January 7 and 18, the Government partnered with a foreign organization to train a special, multidisciplinary antitrafficking unit.

Several NGOs provided assistance in the form of housing, basic health care, education, and transportation to trafficking victims with the government's approval, including the MWPS, the Art of Living Foundation, the Indian Community Relief Fund, and the BHRWS.

Persons with Disabilities.—The law protects the rights of persons with disabilities and a variety of governmental, quasi-governmental, and religious institutions are mandated to support and protect persons with disabilities.

On June 4, the cabinet approved the formation of the High Committee for Disabled Affairs. The committee, chaired by the social development minister, consisted of representatives from the Government and civil sectors.

On May 8, an official at the Ministry of Social Development announced that 4,055 disabled persons each received financial support of $132.50 (50 dinars) from the ministry's disability funding.

There were no reports of discrimination against persons with disabilities in employment, education, or access to health care. Children with learning disabilities, physical handicaps, speech impediments, and Down syndrome were enrolled in specialized education programs in public schools.

Since 2005 new public buildings in the central municipality must include facilities for persons with disabilities. The law does not mandate access to nonresidential buildings for persons with disabilities.

The Government is required by law to provide vocational training for persons with disabilities who wish to work. The law requires any employer of more than 100 persons to hire at least 2 percent of its employees from the government's list of workers with disabilities. However, the Government does not monitor compliance. The Government placed persons with disabilities in some public sector jobs.

National/Racial/Ethnic Minorities.—The law grants citizenship to Arab applicants who have resided in the country for 15 years and non-Arab applicants who have resided in the country for 25 years. However, there was a lack of transparency in the naturalization process, and there were reports that the citizenship law was not applied uniformly. For example, there were allegations that the Government allowed expatriate Sunni Arabs who had served less than 15 years in the security services to apply for citizenship. There were also reports of Arab Shi'a who had resided in-country for more than 15 years and non-Arab expatriates who had resided more than 25 years who had not been granted citizenship. The MOI has acknowledged the naturalization of 5,000 people between 2003 and 2006. Some Shi'a activists have claimed that considerably more have been naturalized, but there is no evidence to support these claims.

In past years the Government offered citizenship to several thousand minority stateless "Bidoon" persons, mostly Shi'a of Persian origin. However, according to Freedom House, Bidoon and citizens who speak Farsi as their first language continued to encounter discrimination in the society and work force.

Other Societal Abuses and Discrimination.—The law does not criminalize homosexual relationships between consenting adults of at least 21 years of age. Reports of crimes in the media did not regularly specify if a victim of a crime was an alleged homosexual or had HIV/AIDS. While discrimination was not common or apparent, both attributes are socially taboo and not widely covered in the media.

Section 6. Worker Rights

a. The Right of Association.—The law grants workers, including non citizens, a limited right to form and join unions. Public sector workers may join private trade unions and professional societies, but public sector unions are illegal. Five public sector trade unions were recognized by the General Federation of Bahrain Trade Unions (GFBTU) but declared illegitimate organizations by the government's Civil Service Bureau. Union membership was 26 percent in the private-sector labor force. The law provides for the right to organize and bargain collectively. Unions can be formed at establishments of any size.

The 2002 trade union law established a union federation, the GFBTU, which all unions were required to join. New legislation in 2006 allowed for the establishment of additional federations. The law also provides protection to workers terminated for their union activities and requires extra compensation for workers who are not paid their salaries on time.

Members of the military are prohibited from joining unions. The law allows union membership for private sector, civil service, and maritime workers. Seven public sector unions have been formed and have registered with the federation, but they are still not recognized by the government. The law prohibits unions from engaging in political activities.

b. The Right to Organize and Bargain Collectively.—The law provides for the right to organize and bargain collectively. Employers and the Government are required to treat unions as independent judicial entities.

The law holds the right to strike is a legitimate means for workers to defend their rights and interests; however, this right was restricted. The law requires arbitration before a vote to strike and a 2-week notification that a union intends to strike. The law stipulates a simple majority vote of a union's members.

Although government sources report that the arbitration provision will not preempt the right to strike, the text of the law does not clearly specify that a union may proceed to a strike vote if it disagrees with the arbitrator's decision.

In November 2006 the prime minister issued an executive order with language expanding the 2002 Labor Union Law vital sector definition. Under the order, additional sectors in which strikes are not allowed include the oil, gas, and education sectors. Health centers, pharmacies, and bakeries are also specified under the new order.

On July 22, Batelco fired two trade union organizers, including the union's vice-president, for engaging in what it deemed to be a work stoppage that violated the Trade Union Law, which bans industrial action in the telecommunications sector,

even though the union did not call for nor attempt a strike. Approximately 500 Batelco employees engaged in a work slowdown to protest the firings and reiterate demands for a pay raise. On July 24, the minister of labor stated that the firings were unjustified and called on Batelco to reinstate the two workers. Batelco had not reinstated the two individuals at year's end.

There are no special laws or exemptions from regular labor laws in export processing zones.

c. Prohibition of Forced or Compulsory Labor.—The law prohibits forced or compulsory labor, but there were reports that such practices occurred, particularly in cases of domestic workers and those working illegally. There were no reports of forced or compulsory child labor.

Foreign workers, who made up 59 percent of the workforce (78 percent of the private sector workforce), in some cases arrived in the country under the sponsorship of an employer and then switched jobs while continuing to pay a fee to their original sponsor. This practice made it difficult to monitor and control the employment conditions of domestic and other workers.

In numerous instances employers withheld salaries from their foreign workers for months and even for years, and refused to grant them the necessary permission to leave the country. The Government and the courts generally worked to rectify abuses if they were brought to their attention, but they otherwise focused little attention on the problem. The fear of deportation or employer retaliation prevented many foreign workers from making complaints to the authorities.

Labor laws do not fully cover domestic workers. There were numerous credible reports that domestic workers, especially women, were forced to work 12 to 16 hour days, given little time off, were malnourished, and were subjected to verbal and physical abuse, including sexual molestation and rape. Between 30 to 40 percent of the attempted suicide cases handled by the government's psychiatric hospitals were foreign domestic workers.

According to foreign Embassies and NGOs, it was estimated that there were 70,000 foreign domestic workers in the country of predominantly Sri Lankan, Indonesian, Indian, and Filipino origins. During the year, there were several incidents of seriously abused domestic workers reported in the press.

Domestic workers who have no Embassy representation in the country were often subjected to the worst types of physical and sexual abuse. With no diplomatic mission to represent them, runaway domestic workers had few places to turn for support.

d. Prohibition of Child Labor and Minimum Age for Employment.—The law protects children from exploitation in the workplace and prohibits forced and compulsory child labor. The Government enforced this prohibition effectively.

The minimum age for employment is 16 years of age. Rare exceptions can be made for juveniles between the ages of 14 and 16 who have an urgent need to assist in providing financial support for their families. These exceptions are made on a case-by-case basis, and the minors must obtain official authorization from the MOL to work. Minors may not work in industries deemed hazardous or unhealthy by the Ministry of Health. When employed, minors may work no more than 6 hours a day and may be present on the employment premises no more than 7 hours a day. These regulations do not apply to family-operated businesses in which the only other employees are family members. MOL inspectors enforced child labor laws effectively in the industrial sector; child labor outside that sector was monitored less effectively, but it was not believed to be significant outside family-operated businesses. Even in such businesses, it was not widespread.

e. Acceptable Conditions of Work.—There is no national minimum wage. Unskilled foreign laborers in particular did not earn as much as the guidelines suggested. The law allows employers to consider benefits for foreign workers such as annual trips home, housing, and education bonuses as part of the salary.

The labor law is enforced by the MOL and mandates acceptable conditions of work for all adult workers, except domestic workers, including a maximum of 48 hours per week. Except for Muslims during Ramadan when work should not exceed 6 hours per day and 36 hours per week, workers are entitled to 1 day of rest after 6 consecutive days of work and to annual paid vacations of 21 days after 1 year of service. The labor law for the private sector permits 12 hours of overtime per week that is to be paid at a rate of 25 percent above the normal wage if conducted during the day and 50 percent if completed at night. Special MOL permission is required for anyone working more than 60 hours per week. The Labor Inspectorate conducts periodic, comprehensive inspections of private sector enterprises, including verification of employee hours and wages.

Work place safety standards are very low. The MOL set occupational safety and health standards and sporadically enforced them by performing workplace inspections. A team of 25 inspectors, in conjunction with ministry officials, had the authority to levy fines and close work sites if employers did not improve conditions by specified deadlines. During the year the press reported several workplace deaths owing to a combination of inadequate safety procedures, worker ignorance of those procedures, and inadequate safety standards for equipment but exact figures were not available. According to a press release, there were 30 workplace deaths at Aluminum Bahrain, the largest manufacturing facility in the country.

The MOL enforced the labor law through both planned and unannounced periodic inspections and routine fines for violators. In 2005, 10 safety and health inspectors covered approximately 34,000 active work places. During the year the ministry increased the number of safety and health inspectors to 25 and the number of active work places increased to approximately 35,000. Trained inspectors visited labor camps to verify if workers' accommodations met required safety and hygiene standards. During the year, inspectors visited 1,307 labor camps, of which 78 failed the inspection because of safety issues such as gas and electricity problems, overcrowding, poor hygiene, and the general state of disrepair. Inspectors cited poor hygiene in warnings issued to 100 camps, as well as part of their rationale for the closure of 21 camps. The inspectors were only authorized to inspect premises that had a commercial registration. Inspectors were not authorized to inspect private homes where most domestic workers reside and work.

When a worker lodges a complaint, the MOL opens an investigation and often takes remedial action. The MOL reportedly received 3,426 complaints during the year, including those from domestic workers. On average there were nine complaints from domestic workers per month. Ministry officials said that they were able to resolve more than half of these cases through mediation in the ministry. The remaining cases were taken up by the Public Prosecution for investigation. The Fourth High Civil Court consists of three labor courts and has jurisdiction over cases involving alleged violations of the labor law. Complaints brought before the MOL that cannot be settled through arbitration must be referred to the court within 15 days.

The law provides for fines and jail sentences for private sector employers who failed to pay wages as required by the law. The law applies equally to employers of citizens and of foreign workers.

Although the practice is illegal, many companies transported expatriate workers in open trucks on benches, and accidents, sometime fatal, resulted. In December 2006 MOL officials announced that a ban on the transport of workers in open trucks would be enforced. Enforcement of the ban has been erratic and many companies continue to transport expatriate laborers in open trucks. Press reports have called for stricter enforcement amidst continued fatalities.

The press reported the deaths of several workers at construction sites during the year. Numerous workers reportedly suffered injuries on the job. On June 24, the cabinet approved an MOL recommendation to ban outdoor work between the hours of noon and 4:00 pm during the months of July and August. According to the MOL, 283 companies employing approximately 8,000 registered workers faced fines of approximately $132 to 785 (50 to 300 dinars) per worker for allegedly violating the ban during the year. Despite the ban, health officials reported an increase in the number of heatstroke cases from 948 cases in 2006 to 1,087 because of the increase in construction and the above average temperatures during the summer.

EGYPT

The National Democratic Party (NDP) has governed the Arab Republic of Egypt, with a population of approximately 79 million, since the party's establishment in 1978. The NDP, which continued to dominate national politics by maintaining an overriding majority in the popularly elected People's Assembly and the partially elected Shura (Consultative) Council, derives its governing authority from the 1971 Constitution and subsequent amendments. Executive authority resides with the president and the cabinet. In 2005 President Hosni Mubarak won a fifth 6-year term with 88 percent of the vote in the country's first presidential election, a landmark event that was marred by low voter turnout and charges of fraud. The civilian authorities generally maintained effective control of the security forces, which committed numerous, serious abuses of human rights.

The Government's respect for human rights remained poor, and serious abuses continued in many areas. The Government limited citizens' right to change their government and continued a state of emergency, in place almost continuously since

1967. Security forces tortured and abused prisoners and detainees, in many cases with impunity. Prison and detention center conditions were poor. Security forces arbitrarily arrested and detained individuals and kept them in prolonged pretrial detention. The executive branch placed limits on and pressured the judiciary. Security forces held political prisoners and detainees. The Government's respect for freedoms of press, association, and religion declined during the year, and the Government continued to restrict other civil liberties, particularly freedom of speech, including Internet freedom, and freedom of assembly, including restrictions on nongovernmental organizations (NGOs). Corruption and lack of transparency persisted. Discrimination and violence against women, including female genital mutilation (FGM), continued.

During the year the Government and civil society took steps to combat FGM, including a Ministry of Health decree banning the practice.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary and Unlawful Deprivation of Life.—The Government did not commit any politically motivated killings; however, there were reports that the Government or its agents committed arbitrary or unlawful killings during the year.

On April 25, police in the Sinai killed one Bedouin after he refused to stop at checkpoint. Bedouin leaders protested the killing.

On July 22, security personnel shot and killed a woman from Darfur as she attempted to illegally cross into Israel with a group of 26 other African migrants.

On July 31, according to the Egyptian Organization for Human Rights (EOHR), police arrested and beat Nasr Ahmed Abdallah el-Saeedi in the Al-Mansoura governorate. Police officer Mohamed Moawad reportedly battered el-Saeedi with his pistol. Police officers took el-Saeedi to Al-Mansoura police station, where he died from his injuries shortly thereafter. The chief prosecutor in Al-Mansoura ordered the detention of the officers involved but later released Chief of Investigations Captain Mohamed Qandil, Corporal Saber al-Beltagy, and detective Ahmed Hussein. On August 28, the independent newspaper Al-Masry Al-Youm reported that two witnesses testified that police officer Mohamed Awad and three of his assistants, Yasser Mekawy, Ahmed Saad Azim, and Sherif Saad, tortured el-Saeedi and inflicted injuries leading to his death. All three of the officers were convicted; two were sentenced to 7 years in prison, and the third to 3 years.

In its August 8 report Torture in Egypt: Criminals Escaping Punishment, the EOHR reported three cases of death in custody due to torture during the first 7 months of the year.

On August 12, the family of 13-year-old Mohamed Mamdouh Abdel Aziz filed a complaint with the public prosecutor that their son died as a result of torture in police custody. In late July police arrested and detained Aziz after he was accused of stealing from a shop. On August 9, when his parents attempted to pick him up from the police station, they found him badly beaten. On August 11, Aziz died in the hospital, where he had been taken by his family. His brother later told the media that burns on the boy's body appeared to have been caused by electric shocks, but the authorities asserted that Aziz's government-produced coronary examination showed he died from a pulmonary infection. At the public prosecutor's request, a tripartite committee composed of government officials reported that Aziz died due to medical negligence and asserted that the police had committed no crime. At year's end the boy's family continued to charge that three police officers, Chief of Investigations Captain Mohamed Qandil, police officer Abou el-Ezz Fathy Mansour, and detective Yasser Mekawy, tortured their son. Following the tripartite committee's report, the public prosecutor froze the investigation. On October 23, Al-Masry Al-Youm and Al-Dustour reported that the family's lawyer submitted a petition to lift the freeze on the case. There were no further developments at year's end.

On August 12, the EOHR reported that it received a complaint from the family of Nasser Sediq Gadallah stating that police from Al-Omraneya police station raided Nasser's brother's home and beat family members while searching for Nasser. On August 7, Nasser had submitted a complaint accusing the police of extorting a bribe. When police found Nasser, they reportedly beat Nasser in front of his wife and children and then threw him from the fourth floor of the building. The government-controlled press later reported that Nasser died trying to escape from police. The public prosecution referred the case to the Cairo Court of Appeals to investigate officer Ahmed Al-Nawawi after other police officials testified against him.

In August the Association for Human Rights Legal Aid (AHRLA) filed a complaint with the public prosecutor requesting an investigation into the death of taxi driver Ahmed Shawky al-Deeb in Ain Shams police station. AHRLA also requested the re-

lease of a forensic report determining the cause of al-Deeb's death. In early August police had detained al-Deeb after stopping him at a check point in Ain Shams. Despite a court order for al-Deeb's release, he remained in custody. On August 6, the head of investigations at Ain Shams station and two detectives informed al-Deeb's uncle that al-Deeb died in custody. According to AHRLA, an initial medical report confirmed that al-Deeb suffered injuries on various parts of the body.

On September 17, border police opened fire against six Eritreans attempting to illegally cross into Israel after they refused to stop, killing one of them.

There were reports of violence during the June Shura Council elections. On June 11, the EOHR reported that Ahmed Abdel Salam Ghanem died after an exchange of gunfire between supporters of the NDP and independent candidates.

On September 3, the Cairo Criminal Court acquitted State Security Investigative Service (SSIS) Captain Ashraf Mostafa Hussein Safwat of torturing detainee Mohamed Abdel Kader al-Sayed to death in 2003. Several human rights organizations noted that this was the first attempted government prosecution of an SSIS officer in at least two decades.

Several reported cases from 2005 and 2006 of killings by security forces remained unresolved. There continued to be no investigation into January 2006 reports that 19 Islamist prisoners died in captivity of unspecified causes in 2005. There were no additional developments in the case of Yousef Khamis Ibrahim, an Alexandria man whose family alleged he was killed by police in March 2006.

b. Disappearance.—There were no reports of politically motivated disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—Article 42 of the Constitution prohibits the infliction of "physical or moral harm" upon persons who have been arrested or detained. Article 126 of the penal code penalizes civil servants or public employees who order or carry out acts of torture. However, police, security personnel, and prison guards routinely tortured and abused prisoners and detainees.

Torture and authorizing torture are felonies punishable by 3 to 10 years' imprisonment. If death results from torture, the crime is considered intentional murder and is punishable by a life sentence. Abuse of power to inflict cruelty against persons is punishable by imprisonment and fines. Victims may bring a criminal or civil action for compensation against the responsible government agency. There is no statute of limitations in such cases. The penal code fails to account for mental or psychological abuse; abuse against persons who have not been formally accused; or abuse occurring for reasons other than securing a confession.

There were numerous, credible reports that security forces tortured and mistreated prisoners and detainees. Domestic and international human rights groups reported that the SSIS, police, and other government entities continued to employ torture to extract information or force confessions. In numerous trials, defendants alleged that police tortured them during questioning. Although the Government investigated torture complaints in some criminal cases and punished some offending police officers, punishments generally did not conform to the seriousness of the offenses.

Principal methods of torture and abuse reportedly employed by the police and the SSIS included stripping and blindfolding victims; suspending victims by the wrists and ankles in contorted positions or from a ceiling or doorframe with feet just touching the floor; beating victims with fists, whips, metal rods, or other objects; using electric shocks; dousing victims with cold water; and sexual abuse, including sodomy. Victims reported being subjected to threats and being forced to sign blank papers for use against themselves or their families should they in the future lodge complaints about the torture. Some victims, including women and children, reported sexual assaults or threats of rape against themselves or family members. Human rights groups reported that the lack of written police records, as required by law, often effectively blocked investigations.

Torture occurred frequently in cases of detentions under the Emergency Law, applied almost continuously since 1967, which authorizes incommunicado detention for prolonged periods.

During the year human rights groups and the media documented numerous cases of torture. In its August 8 report on torture in the country, the EOHR stated that between 1993 and July 2007, it documented more than 567 cases of torture inside police stations, including 167 deaths that the EOHR concluded were caused by torture and mistreatment. According to the report, between January and August police officers tortured 26 individuals, resulting in three deaths.

Beginning in 2006 and continuing during the year, human rights activists called attention to more than a dozen amateur videos taken by observers with mobile

phone cameras and circulated on the Internet that documented abuse and torture of detainees by security officials.

According to January press reports, 100 detainees affiliated with Islamic Jihad filed complaints with the public prosecutor alleging that police officers tortured and abused them during unspecified periods of time. The detainees reported that authorities stripped them of their clothes, beat and verbally humiliated them, and confiscated their personal belongings. The public prosecutor had not responded by year's end.

On February 1, Al-Masry Al-Youm reported a police assault on Ihab Magdy Farouk, a Giza resident, which was documented in a widely circulated video clip. Ihab accused police officers Karim Abdallah Abdel Mohsen and Ahmed Abdel Fattah of assaulting him. In late February the Imbaba Misdemeanor Court ruled that officer Abdel Mohsen was not guilty but convicted officer Fattah of cruelty and sentenced him to 1 year in prison.

On February 27, according to the Nadim Center for the Rehabilitation of Victims of Torture, security forces detained Fawzi Hassan and his children for 17 days and subjected them to electric shocks and beatings. Police had accused one of Fawzi's sons of theft, but the court acquitted him prior to the arrests. The Nadim Center accused a number of officers, including Mohamed El-Banna, Mohamed Sarhan, Mohsen Nagib, Mohamed el-Ashmawy, Mesbah el-Kasabi, and Mohamed Shalabi, of involvement in the assault.

On March 19, Human Rights Watch (HRW) requested that the Ministry of Interior (MOI) investigate and prosecute the security official responsible for torturing and sexually assaulting blogger Mohamed Al Sharqawi, who was detained between May and July 2006. Police had arrested Sharqawi twice after he participated in demonstrations supporting judicial independence. Police charged Sharqawi with chanting slogans against the regime liable to disturb public order and social peace, insulting the president, insulting and assaulting officials in the course of performing their duties, "calling for an unlicensed assembly," and disrupting traffic. Sharqawi reported that police beat and sodomized him at Cairo's Qasr Al Nil police station. The police released Sharqawi in July 2006. By year's end, authorities had not investigated Sharqawi's complaints.

According to media reports, on July 9, Yehia Abdallah Atoum, whom Siwa police accused of petty theft, testified that police officer Alaa Mousa ordered a detective to hang, beat, and electrically shock him. Yehia alleged that on July 2, police officer Mohamed al-Khodargy poured alcohol on and ignited his body at Siwa police station. On a doctor's recommendation, police transferred him to a hospital between July 2 and 9, where he stayed for 9 days before officers forcibly put him on a truck bound for Libya. He subsequently returned to Egypt.

On July 17, local media reported that prosecutors inspecting the Al-Montaza police station in Alexandria where police illegally detained 40 individuals, found whips, clubs, and a barbed wire-studded stick. The prosecutor's office ordered the release of the detainees and the confiscation of the equipment but by year's end had not conducted any further investigation.

On August 27, lawyer Ahmed Abdel Aziz accused the assistant investigations officer at Cairo's Shubra police station, Ashraf Morgan, of assaulting, beating, and injuring him. MOI officials transferred the accused police officer to the Qalyubia security department and opened an investigation into the charges. By year's end, the investigation remained pending.

In press statements, government officials asserted that torture is not systematic in prisons and that any torture occurs only in isolated instances. On June 24, according to press reports, Minister of Interior Habib al-Adly stated that torture occurs rarely, and that accusations of abuse are immediately brought to the ministry's attention and transferred to the public prosecutor's office.

In 2004 the Government's Central Audit Agency directed the MOI to require any security or police officers found responsible for torture to be financially liable for any judgments levied against the ministry. During the year the press reported several incidents in which groups and individual victims of security force abuse received court-ordered financial compensation. Unlike in previous years, hundreds of other detainees were awarded compensation by the courts. According to press reports, in March a Cairo court ruled in favor of 456 detainees to receive compensation after the detainees had filed cases against the MOI alleging torture and abuse. However, by year's end, most of the detainees had not received their compensation and at least 300 other compensation cases remained pending at the State Council.

On February 6, press reports stated that the Alexandria Administrative Court ordered Minister of Interior Habib al-Adly to pay $5,263 (LE 30,000) to a citizen who was illegally detained for 5 months in 1999.

According to February 12 press reports, the Human Rights Center for the Assistance of Prisoners won six lawsuits in favor of political detainees who received financial compensation based on claims that they had been subjected to torture during their detention. The compensation amounts ranged from $1,228 to $4,385 (LE 7,000 to LE 25,000).

On May 8, in response to an administrative court order, the MOI began paying financial compensation to as many as 15,000 persons who had been illegally detained due to their affiliations with Islamic Jihad and Al-Jamaa'aa Al-Islamiya (Islamic Group). The compensation amounts ranged from $2,631 to $5,263 (LE 15,000 to 30,000) for each detainee.

During the year the Government continued efforts to hold some security personnel accountable for torturing prisoners in custody, but courts generally sentenced officers to much less than the maximum available penalty. Human rights organizations and the press reported that at least seven police officers in four separate cases faced criminal trials or civil suits during the year. Some of the cases involved incidents that took place in previous years.

On February 20, the Agouza Misdemeanors Court charged three police officers with misuse of authority and cruelty towards Ahmed Samir al-Malah. The court convicted the three officers and sentenced them each to 3 months in jail.

On May 8, the Cairo Criminal Court sentenced police officer Salah Saeed Awad to 5 years' imprisonment for causing permanent injuries in 2001 to brothers Haggag Mohamed Haggag, Magdy Mohamed Haggag, and to a third brother whom the court did not name. The court also ordered Awad to pay $351 (LE 2,001) as compensation.

On November 5, the Giza Criminal Court convicted police officers Islam Nabih and Reda Fathi of assaulting and sodomizing Imad al-Kabir, a Cairo minibus driver, in January 2006. Nabih and Fathi faced up to 15 years for the crime, but the court handed down the minimum 3-year sentence. Both officers, expected to appeal while remaining in detention, were removed from duty.

On May 9, the Giza Criminal Court sentenced Major Yasser Ibrahim al-Akkad, head of the criminal investigations unit in the Haram police station in Giza, to 6 months imprisonment for torturing actress Habiba while investigating the 1999 killing of her husband. The court ruled, however, that the sentence would not be imposed if Major Yasser avoided any misconduct for 3 years, and suspended Yasser from duty for 1 year, leaving open the possibility that Yasser could return to duty.

In 2006 the Egyptian Initiative for Personal Rights (EIPR), supported by approximately 12 other human rights NGOs, petitioned the African Commission on Human and People's Rights (ACHPR) to hear evidence concerning assaults on journalists and opposition demonstrators by government supporters during the 2005 referendum.

In November 2006 a state security court in Ismailiya convicted two defendants of involvement in the 2004 Taba bombings, sentencing them to death. At year's end they remained on death row.

The Government did not permit a visit during the year by the U.N. special rapporteur on torture, who had been seeking to make an official visit since 1996.

Prison and Detention Center Conditions.—Prison conditions remained poor. In September the ACHPR carried out the first public visit by an outside observer since 1981 to Cairo's Tora prison. At year's end the ACHPR had not yet released a report. During the year the Government did not permit visits by any other international human rights observers.

During the year the EOHR and the Human Rights Association for the Assistance of Prisoners (HRAAP) reported deteriorating conditions in prisons, particularly overcrowded cells, a lack of medical care, proper hygiene, food, clean water, and proper ventilation. Tuberculosis was widespread. Some prisons continued to be closed to the public.

On July 1, Al-Masry Al-Youm and Al-Akhbar reported that a prisoner in Al-Omraneya prison died in custody due to heat and overcrowding.

While separate prison facilities existed for men, women, and juveniles, adults were not always separated from juveniles, and abuse of minors was common. On July 31, the Arab Organization for Human Rights (AOHR) reported that sexual abuse and assault occurred in a number of prisons during the year, citing the housing of adults with juveniles as a contributing factor in these assaults. The report also attributed poor prison conditions to a lack of judicial oversight.

According to reports issued on March 16, the Human Rights Committee of the Peoples' Assembly criticized prison conditions, stating that the Government had not constructed a new prison in 25 years. The committee requested the Government to initiate contracts with doctors and experts to work inside prisons and strengthen respect for prisoners' rights. At year's end the Government had not responded.

In April 2006 the Parliament's Human Rights Committee requested that prisoners be permitted to meet with their wives as a means of preserving family ties and reducing HIV/AIDS among prisoners.

Failure to implement judicial rulings regarding the release of administrative detainees and limits on permitting prison visits remained a problem. Relatives and lawyers often were unable to obtain regular access to prisons for visits. Special restrictions were placed on the number of visits and visitors to prisoners incarcerated for political crimes or terrorism.

As required by law, the public prosecutor continued to inspect all regular prisons during the year. According to press reports, the office conducted unannounced visits to 17 prisons in seven governorates. Inspection delegations reportedly criticized a number of deficiencies including poor food, limited visits by inmates' families, weak administrative procedures, and significant overcrowding. Findings of these visits were not made public. SSIS detention centers were excluded from mandatory judicial inspection.

Lawyers were permitted to visit prisoners in their capacity as legal counsel; however, they often faced bureaucratic obstacles preventing them from meeting with their clients. The International Committee of the Red Cross and other international and domestic human rights monitors did not have access to prisons or to other places of detention, despite their repeated requests.

d. Arbitrary Arrest or Detention.—The Constitution prohibits arbitrary arrest and detention; however, during the year, police and security forces conducted large-scale arrests and detained hundreds of individuals without charge under the Emergency Law. Continuing a trend begun in 2005, the Government arrested and detained hundreds of activists affiliated with the banned-but-tolerated Muslim Brotherhood (MB), generally for periods lasting several weeks. The Government continued to use the Emergency Law under the official state of emergency to try non-security cases in the emergency courts and to restrict many other basic rights. Police also arbitrarily arrested and detained hundreds of persons involved with unlicensed demonstrations. The Government also arrested, detained, and abused several Internet bloggers.

The EOHR estimated that between 12,000 and 14,000 individuals remained in prison without charges or despite receiving release orders from the courts.

On February 22, the Muharram Bey Court sentenced university student and blogger Karim Amer to 4 years in prison, charging him with spreading information disruptive of public order and damaging to the country's reputation, incitement to hate Islam, and defaming the president. At year's end he remained in prison.

On April 15, police detained blogger, Ikhwanweb (Muslim Brotherhood Web site) reporter, and correspondent for the Cairo-based British Hewar channel Abdel Moneim Mahmoud at the Cairo airport. On May 31, authorities released him on the orders of the high state security prosecutor.

There were varied and conflicting estimates of the number of "extraordinary detainees," (citizens held by the Government, often without trial, for alleged political crimes). In 2006 credible domestic and international NGOs estimated that there were between 6,000 and 10,000 such detainees in addition to those prisoners in the ordinary criminal justice system. The Government did not release any official data on detainees. In April 2006, citing a senior MOI source, leading journalist Salama A. Salama reported that there were at least 4,000 detainees. The Government held a number of detainees, including many MB activists, for periods ranging from several weeks to several months. Detention periods of more than 10 years occurred in other cases, particularly in those involving Islamist extremists belonging to the Islamic Group or Islamic Jihad who were detained by the Government during the 1990s.

Role of the Police and Security Apparatus.—Local and national law enforcement agencies fall under the jurisdiction of the MOI. Local police operate in large cities and governorates. The ministry controls the SSIS, which conducts investigations, and the Central Security Force (CSF), which maintains public order. SSIS and CSF officers are responsible for law enforcement at the national level and for providing security for infrastructure and key officials, both domestic and foreign. Single-mission law enforcement agencies, such as the Tourist and Antiquities Police and the Antinarcotics General Administration, also work at the national level. The security forces operated under a central chain of command and were considered generally effective in their efforts to combat crime and terrorism and maintain public order. However, a culture of impunity militated against systematic prosecution of security personnel who committed human rights abuses.

There was widespread petty corruption in the police force, especially below senior levels. According to government statements, it investigated corruption and other in-

stances of police malfeasance using an internal affairs mechanism but did not publicize how this process worked. The Government prosecuted such cases in the judicial system. In addition to acceptance of bribes or simple theft, security forces committed assault and murder.

Impunity was a serious problem. The Government failed to investigate and punish many instances of credible allegations of mistreatment by police and security forces. However, there were at least four cases in which the Government investigated and prosecuted security officers of mistreatment and abuse during the year, resulting in convictions of seven officers. Human rights monitors believed most incidents of torture went unpunished.

Working with the U.N. Development Program (UNDP), the Government continued to provide human rights training for thousands of judicial and law enforcement officials.

By year's end the public prosecutor had not brought any action against security personnel for several unresolved incidents in 2005, including documented assaults on citizens during the parliamentary elections and violence against Sudanese asylum seekers.

Arrest and Detention.—The Emergency Law allows detention of an individual without charge for up to 30 days, only after which a detainee may demand a court hearing to challenge the legality of the detention order. Detainees may resubmit a motion for a hearing at 1-month intervals thereafter. There is no limit to the detention period if a judge continues to uphold the detention order or if the detainee fails to exercise his right to a hearing. Incommunicado detention is authorized for prolonged periods by internal prison regulations. Human rights groups and the U.N. Committee Against Torture expressed concern over the application of measures of solitary confinement.

In cases tried under the Emergency Law, the Government restricted or denied access to counsel prior to the transfer of the accused to a courtroom to begin legal proceedings. Many detainees under the Emergency Law remained incommunicado in state security detention facilities without access to lawyers. After these cases are transferred to trial, the court appoints a lawyer. Under the penal code, family members have access to detainees at the discretion of the court, but the degree of access varied from case to case and was difficult to characterize.

In recent years, authorities detained thousands of persons administratively under the Emergency Law on suspicion of terrorist or political activity. Authorities convicted and sentenced several thousand others on similar charges. During the year HRAAP and other NGOs estimated that the total number of persons in administrative detention was approximately 10,000. HRAAP estimated that authorities released an additional 10,000 persons in the past 3 years. Government officials disputed this figure but did not provide authoritative data on detainees.

The penal code also gives the Government broad detention powers. Prosecutors must bring charges within 48 hours following detention or release the suspect. However, authorities may hold a suspect for a maximum of 6 months while they investigate. Arrests under the penal code occurred openly and with warrants issued by a district prosecutor or judge. There was a functioning system of bail for persons detained under the penal code but none for persons detained under the Emergency Law. The Penal Code contains several provisions to combat extremist violence, which broadly defines terrorism to include the acts of "spreading panic" and "obstructing the work of authorities."

Notwithstanding the prevailing state of emergency and the Government's use of the Emergency Law provisions, the Government continued to rely on the Penal Code for the vast majority of criminal investigations and prosecutions. In criminal cases investigated and prosecuted under the penal code, defendants generally had access to counsel promptly after arrest.

On March 11, authorities released cleric Hassan Mustafa Osama Nasr ("Abu Omar") from detention, without trial. In 2003 authorities detained Omar under the Emergency Law and charged him with belonging to an illegal organization.

On May 29, police detained Mamdouh Ismail, a lawyer active in defending Islamist detainees, and accused him of belonging to Islamic Jihad and defaming the country's image. On July 14, he was released on court orders.

In July authorities began to release several groups of Bedouins who had been detained without charge following the October 2004 bombings in Taba. Press reports indicated that the Government released at least 73 Bedouins by year's end.

In 2006 security forces detained dozens of individuals in Sinai, in connection with ongoing investigations into the terror attacks there in 2004, 2005, and April 2006. At year's end there were no reliable estimates of the total number of suspects detained in the Sinai.

As in previous years, the Government arrested and detained hundreds of MB members and supporters without charge or trial. The precise number of MB activists in detention at year's end was unknown, but estimates ranged from 900 to more than 3,000. Detention periods for MB members ranged from hours to several months, pending investigative outcomes. The Government held many of the detainees for relatively brief periods, but others were held for months, such as political bureau member Essam el-Erian, who authorities arrested on August 17 and held until early October.

On February 6, a military tribunal convened to try Khairat al-Shatir and 39 senior MB associates on charges of funding a banned organization and working to overthrow the Government. At year's end the tribunal was ongoing; 33 individuals remained in custody, and seven others were tried in absentia.

In December 2006 several dozen Al-Azhar university students affiliated with the MB conducted a "militia-style" parade clad in black balaclavas and demonstrating martial arts exercises. Although MB leadership distanced itself from the demonstrators and reiterated its commitment to peaceful change, the Government arrested several hundred MB members and sympathizers in response to the demonstration, including the organization's third-ranking official, al-Shatir, and several other businessmen who were thought to be leading financiers of the MB.

Amnesty.—According to press reports in April, authorities released the last 40 detained members of Al-Jamaa'aa Al-Islamiya. This was part of the Government's effort to release detainees in return for their pledging to renounce violence.

In May the MOI released 300 members of the banned Al-Takfeer wa al-Hijra (Excommunicate and Immigrate) group after they agreed to renounce violence.

The Government continued to release Islamic Jihad members throughout the year. According to press reports, on June 2, authorities released 130 Islamic Jihad members from Al Fayoum prison after hundreds of Jihadists signed ideological revisions initially created by Sayed Imam, founder and leader of Islamic Jihad. The revisions primarily entailed the abandonment of violence. In July authorities released another group of 47 and in August another 300. On October 26, the press reported that 60 non-violent Salafists were released from detention. According to a November 4 press report, 400 members of the Al Takfir wa Al Hijra group were released from prison after they signed documents renouncing violence.

According to December 19 press reports, 919 prisoners were released as a result of the Eid al-Adha presidential pardon, of whom 161 were subject to some form of continued monitoring.

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary, but it is subject to executive influence. The president may invoke the Emergency Law to refer any criminal case to the emergency courts or military courts, in which the accused does not receive most of the constitutional protections of the civilian judicial system. The Constitution provides for the independence and immunity of judges and forbids interference by other authorities in the exercise of their judicial functions. The Government generally respected judicial independence in non-political cases in civilian courts. Emergency courts, however, were not independent.

The president appoints all judges upon recommendation of the Higher Judicial Council, a constitutional body composed of senior judges. Judges receive tenure, limited only by mandatory retirement at age 64. Only the Higher Judicial Council may dismiss judges for cause, such as corruption. Headed by the president of the Court of Cassation, the council regulates judicial promotions and transfers. The Government included lectures on human rights and other social issues in its training courses for prosecutors and judges.

In the civil court system, there are criminal courts, civil courts, administrative courts, and the Supreme Constitutional Court. There are three levels of regular criminal courts: Primary courts; appeals courts; and the Court of Cassation, which represents the final stage of criminal appeal. Civil courts hear civil cases and administrative courts hear cases contesting government actions or procedures; both systems have upper-level courts to hear appeals. The Supreme Constitutional Court hears challenges to the constitutionality of laws or verdicts in any of the courts.

According to a 1993 supreme constitutional court decision, the president may invoke the Emergency Law to refer any crime, including charges against civilians, to a military court. Military verdicts were subject to a review by other military judges and confirmation by the president, who in practice usually delegated the review function to a senior military officer. Defense attorneys claimed that they were not given sufficient time to prepare, and that military judges tended to rush cases involving a large number of defendants.

The February 6 commencement of the closed military tribunal against 40 MB defendants marked the first use of a military tribunal against civilians since those against the MB between 2001 and 2002. The tribunal commenced and continued despite four rulings by civil courts ordering the Government to release the defendants and try them before civilian courts. Press and observers from human rights organizations continued to be barred from the tribunal; on occasion, defense attorneys and family members were also barred.

Judges used guidelines for sentencing, defendants had the right to counsel, and statements of the charges against defendants were made public. Observers needed government permission to attend court sessions. Human rights activists are generally able to attend trials in civilian courts but are excluded from most military trials.

Trial Procedures.—The Government provides a lawyer at the state's expense if the defendant does not have counsel, and defendants may appeal if denied this right. The Bar Association maintains a roster of lawyers eligible to serve as public defenders. Although defendants enjoy a presumption of innocence, detainees in certain high-security prisons continued to allege that they were denied access to counsel or that such access was delayed until trial, thus denying time to prepare an adequate defense. The law provides defendants and their attorneys the right to access evidence against them and that a woman's testimony is equal to a man's in court. No juries are used.

The law provides that defendants question witnesses against them and present witnesses on their behalf.

The emergency courts share jurisdiction with military courts over crimes affecting national security. The president can appoint civilian judges to the emergency courts upon the recommendation of the minister of justice or military judges upon recommendation of the minister of defense. Sentences are subject to confirmation by the president. There is no right to appeal. The president may alter or annul a decision of an emergency court, including a decision to release a defendant.

The Government has asserted that referral to emergency courts usually has been limited to terrorism or national security cases, as well as major cases of drug trafficking; however, the Government also has occasionally used emergency courts to prosecute homosexuals, heterodox religious groups, and political dissidents. Government authorities ignored judicial orders in some cases. The Government used the Emergency Law to try cases outside the scope of combating terrorism and grave threats to national security.

Ossama Al-Nakhlawi, Younis Alyan, and Mohamed Gayez Sabah, all facing trial before the State Security Emergency Court for involvement in the 2004 Taba terror bombings, remained on death row at year's end. In November 2006 the High State Security Emergency Court in Ismailiya announced that the Mufti of the Republic, Ali Goma'a, approved the court's conviction and death sentences in these cases. The HRW issued statements after the verdict noting that the convicts' claims of incommunicado detention, denied access to counsel, and allegations of torture and forced confession raised serious questions about the verdict, and urged the Government to permit the men to be re-tried "in a trial that complies with basic standards of due process." The ACHPR, Amnesty International (AI), and other NGOs also called for a stay of execution. At year's end the three remained on death row.

On August 20, the Higher State Security Court in Cairo sentenced four persons involved in the 2005 al-Azhar and Abdul-Moneim Riyad terror bombings in Cairo to life in prison, sentenced four to between 1 and 10 years in prison, and ordered five released, including two female defendants. The EOHR demanded the retrial of the convicted individuals before normal courts due to the fact that State Security Courts do not allow the right to appeal.

Political Prisoners and Detainees.—There were political prisoners and detainees.

On July 31, the State Council's Court of Administrative Justice rejected Ayman Nour's request for parole on health and humanitarian grounds, following a separate May 31 New Cairo Felonies Court ruling against a similar request from Public Prosecutor Abdel Mequid Mahmoud. In May 2006 the Court of Cassation, the country's highest appeals court, upheld Nour's 5-year prison sentence handed down in 2005 by Adel Abdel-Salaam Gomaa of the New Cairo Felonies Court. The court convicted Nour, runner-up in the 2005 presidential election and leader of the opposition al-Ghad (Tomorrow) Party, of forging proxy signatures on his party's registration papers. In 2006 Nour also faced dozens of charges ranging from assault to insulting Islam. Human rights organizations and Nour's supporters charged that his detention and trial had been politically motivated and failed to meet basic international standards. His supporters reported that his health was deteriorating as a result of

imprisonment and insufficient medical care. Nour, a diabetic with heart disease, remained in prison at year's end.

Some observers regarded the large number of arrested, detained, and sometimes convicted members of the MB as political prisoners and detainees.

Approximately 20 members of the banned Hizb al-Tahrir al-Islami (Islamic Liberation Party) remained in prison at year's end. In 2004 the Supreme State Security Emergency Court convicted 26 men linked to Hizb al-Tahrir for belonging to a banned organization. Several of the defendants, including three Britons, alleged they had been tortured to compel them to sign confessions.

According to the EOHR, there were between 8,000 and 10,000 persons detained without charge on suspicion of illegal terrorist or political activity. In addition, several thousand prisoners were serving sentences after being convicted of similar charges.

The Government did not permit international humanitarian organizations access to political prisoners.

Civil Judicial Procedures and Remedies.—Human rights observers recommended that rules for pursuing judicial and administrative remedies, including standards for considering damages for victims, be established to obtain equitable redress and parity in compensation.

Property Restitution.—On April 19, the Egyptian Center for Housing Rights, in cooperation with the "Nubian Follow-up Committee" in Alexandria and the Nubian Heritage Association in Aswan, organized a conference for Nubian citizens calling on President Mubarak to grant them the right to return to lands that the Government had confiscated prior to the construction of the High Dam in Aswan. The Nubian activists charged that the houses built for the nearly 17,000 Nubian families who were evacuated following the construction of the High Dam in 1964 were about to collapse.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The Constitution provides for the privacy of the home, correspondence, telephone calls, and other means of communication; however, the Emergency Law suspends the constitutional provisions regarding the right to privacy, and the Government used the Emergency Law to limit these rights. On March 19, the Government amended Article 179 of the Constitution to allow authorities in terrorism cases to disregard constitutional protections of privacy of communications and personal residences.

Under the Constitution, police must obtain warrants before undertaking searches and wiretaps, and courts dismissed cases in which police obtained warrants without sufficient cause. Police officers who conducted searches without proper warrants were subject to criminal penalties, although penalties seldom were imposed. The Emergency Law empowers the Government to place wiretaps, intercept mail, and search persons or places without warrants. Security agencies frequently placed political activists, suspected subversives, journalists, foreigners, and writers under surveillance, screened their correspondence (especially international mail), searched them and their homes, and confiscated personal property.

On June 10, security forces raided the house of writer and blogger Mohamed Mossad Yaqout and seized his computer and a number of papers and books, apparently due to his support for MB candidates in the Shura Council elections, as well as his anti-government writings.

A telecommunications law allows telephone wiretaps and Internet monitoring only by court order. However, some human rights observers alleged that the Government routinely violated this law.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech and of the press; however, the Government partially restricted these rights in practice, particularly by using the Emergency Law. Nevertheless, citizens openly expressed their views on a wide range of political and social issues, including vigorous criticism of government officials and policies and direct criticism of the president. During the year there was continued public debate about political reform, human rights, corruption, press freedom, and related issues.

During the year a number of opposition political activists, journalists, and NGOs continued to advocate political reform and openly criticized the Government. A number of government actions, including wide-scale detentions of MB members, lawsuits against independent journalists, and government restrictions on civil society organizations, led many observers to charge that the Government sought to curtail criticism and activism.

On July 31, the Government released independent parliamentarian Talaat Sadat, nephew of former president Anwar Sadat, who was convicted in October 2006 of de-

faming the military and sentenced to 1 year of prison with hard labor and no possibility of appeal. In October 2006 police arrested Sadat after he publicly accused military commanders, including then-vice president Mubarak, of complicity in the 1981 assassination of his uncle, former president Anwar Sadat.

The penal code, Press Law, and Publications Law govern press issues. The Constitution restricts ownership of newspapers to public or private legal entities, corporate bodies, and political parties. There were numerous restrictions on legal entities seeking to establish newspapers, including a limit of 10 percent ownership by any individual; however, this limit appeared to have been enforced unevenly.

The Government owned stock in the three largest daily newspapers, which generally followed the Government line, and the president appointed their top editors. The Government also controlled the printing and distribution of newspapers, including those of the opposition parties. Opposition political parties published their own newspapers, which frequently criticized the Government. They also gave greater prominence to human rights abuses than did state-run newspapers. Most opposition newspapers were weeklies, with the exception of the dailies Al-Wafd, Al-Ahrar, and Al-Ghad, first published in 2005. The daily independent Al-Masry Al-Youm, which focuses on domestic politics, continued to offer significant, independent coverage of many controversial topics.

While in recent years opposition party newspapers have published articles critical of the president and foreign heads of state without being charged or harassed, the Government continued to charge journalists with libel under the portion of the press and publication law that forbids malicious and unsubstantiated reporting. Under the law, an editor-in-chief found to be negligent could be considered criminally responsible for libel contained in any portion of the newspaper.

July 2006 amendments to the penal code provide for fines of $909 to $3,636 (LE 5,000 to LE 20,000) and prison sentences for journalists who criticize foreign leaders or the president. The law specifically stipulates up to 5 years in prison for any journalist convicted of "vilifying" a foreign head of state and allows for detention of anyone who "affronts the president of the republic" and journalists whose work might "disturb public order."

During the year government officials and private citizens continued to bring several prominent libel cases against journalists.

In January lawyers affiliated with the ruling NDP filed suit based on Article 102 of the Criminal law alleging that on January 26, Al-Wafd newspaper published false news that damaged the reputation of the judiciary by printing an article about the justice minister's alleged public criticism of a number of judges in January.

In September the courts sentenced seven independent opposition editors on charges ranging from misquoting the justice minister to defaming the president and senior officials of the NDP. Private individuals affiliated with the ruling party sponsored the lawsuits that led to the editors' convictions. Under the law such lawsuits can result in criminal convictions. In December charges were dropped against three of the editors. At year's end the four other editors remained free on bail as they prepared to appeal the decisions against them. Ibrahim Eissa, editor of the daily independent Al-Dustur, was the target of at least eight such private lawsuits at year's end.

On September 11, a state security prosecutor charged Ibrahim Eissa with publishing reports "likely to disturb public security and damage the public interest," after Eissa published articles in August in Al-Dustur about President Mubarak's rumored health problems. Eissa faced up to 3 years in prison if convicted.

On September 13, in response to a lawsuit initiated by several members of the ruling party, a Cairo misdemeanor court sentenced Adel Hammouda, editor of the weekly Al-Fagr; Wael al-Ibrashy, of the weekly Sawt al-Umma; Abd al-Halim Qandil, former editor of the weekly Al-Karama; and Ibrahim Eissa to 1 year in prison and a $3,500 (LE 20,000) fine for violating Article 188 of the penal code, which punishes any person who makes statements "likely to disturb public order." The court also set bail at $1,750 (LE 10,000). At year's end the editors were free pending the appeal.

On September 25, Cairo's Al Warrak criminal court sentenced Anwar al-Hawari, the editor-in-chief of Al-Wafd newspaper, along with deputy chief editor Mahmoud Ghalab and politics editor Amir Salem to 2 years in prison, a $35 (LE 200) general fine and an additional $357 (LE 2,000) fine for publishing "untrue information which damaged the reputation of the justice system and the justice ministry." The three remained free on a $892 (LE 5,000) bail pending an appeal. In a similar case, an NDP-affiliated lawyer, Samir Al-Sheshtawy, filed a lawsuit against Mohamed al-Sayed Sa'eed, the editor-in-chief of the independent daily Al-Badeel, for "defamation" after Al-Badeel ran an editorial on September 5 describing al-Sheshtawi as "a

Mubarak-loving lawyer." On October 17, the first hearing in the case took place. The case was pending at year's end.

According to media reports, security personnel arrested or detained at least three journalists/reporters during the year.

On April 15, at Cairo airport, security officers arrested Abd al-Monim Mahmoud, a MB-affiliated television correspondent and blogger, as he tried to board a plane for Sudan to cover a story. Mahmoud was a vocal critic of the Government's use of torture and asserted that he was tortured by police during a 2003 detention. A prosecutor asserted that the Government was investigating Mahmoud on suspicion of membership in and administration of a banned organization and funding an armed group. On May 3, the Government released Mahmoud without filing formal charges.

On May 2, a Cairo criminal court sentenced Al-Jazeera journalist Huwaida Taha Mitwalli to 6 months in prison for a documentary she produced about torture in the country. The court convicted Mitwalli of "possessing and giving false pictures about the internal situation in Egypt that could undermine the dignity of the country." Mitwalli admitted to having staged reenactments of allegedly real torture events for the Al-Jazeera documentary. The court fined her $3,518 (LE 20,000). On January 8, security officers at Cairo airport had prevented Mitwalli from leaving the country and confiscated her videotapes and computer. On January 12, she received a summons to appear at the Supreme State Security Court where security officials held her overnight for questioning and then released her on bail. She remained free at year's end pending the appeal of her May 2 conviction.

On August 21, authorities detained Al-Badeel newspaper correspondent Mohamed Taher on charges related to his investigation of an alleged torture incident. On August 27, authorities released him without charge.

The Emergency Law authorizes censorship for public safety and national security. The Ministry of Information is empowered only to ban particular issues or editions in the interest of public order. The Ministry of Interior has the authority to stop specific issues of foreign newspapers from entering the country on the grounds of protecting public order. Under the law, the public prosecutor may issue a temporary ban on the publication of news related to national security, the length of which is based on the length of time required for the prosecution to prepare its case.

Only the cabinet can place a long-term ban on a foreign publication.

The law authorizes various ministries to ban or confiscate books, other publications, and works of art upon obtaining a court order. The cabinet may ban works that it deems offensive to public morals, detrimental to religion, or likely to cause a breach of the peace. The Government has increasingly ceded confiscatory authority to Al-Azhar University and acted on its recommendations.

During the Cairo International Book Fair, January 23 through February 4, authorities confiscated copies of a book by Egyptian feminist writer and activist Nawal al-Saadawi. The book, God Resigns in the Summit Meeting, portrayed God as a genderless spirit. In March al-Saadawi departed the country after Al-Azhar officials accused her of apostasy and a lack of respect for the principles of Islam.

On February 4, the Deutsche Presse Agentur (German Press Agency) reported that publisher Mahmoud Madbouli removed all copies of the book from circulation and destroyed them. Madbouli stated that he withdrew the book after he learned it offended readers' religious sensitivities. Although Madbouli claimed his decision to remove and shred the book was not political, he also told Deutsche Presse Agentur that police witnessed the destruction of the books.

The Ministry of Interior regularly confiscated publications by Islamists and other critics of the state.

The Government controlled and censored the state-owned broadcast media. The Ministry of Information owned and operated all ground-based domestic television and radio stations. Two private satellite stations, Al-Mihwar and Dream TV, operated without direct government control, although the Government has a financial stake in both. The Government did not block reception of foreign channels via satellite.

Internet Freedom.—Approximately 10 million persons had access to the Internet, which the Government actively promoted through low cost access. The Government blocked access to some Web sites and monitored the Internet.

During the year the Government occasionally blocked Islamist and secular opposition Web sites. While there is no specific legislation regarding blocking of Web sites, the authorities have forced Internet service providers to block sites on public safety or national security grounds. Private use of Internet encryption devices is prohibited by the Telecommunications Act.

During the year, police detained several active bloggers. The detentions usually lasted for several days. In most cases the bloggers' arrests appeared to be linked primarily to participation in street protests or other activism.

On March 12, the Alexandria Court of Appeals upheld the conviction of student blogger Abdel Karim Nabil Suleiman. On February 22, the Alexandria Criminal Court convicted him of "denigrating" Islam and insulting President Mubarak through his blog entries and sentenced him to 4 years in prison (three for denigrating Islam and one for insulting the president). In November 2006 Alexandria security forces arrested Nabil, whose blog entries contained strongly-worded critiques of Islam and Al-Azhar's Sunni Muslim orthodoxy. In 2005 authorities detained Nabil for 18 days on account of his writings. Al-Azhar University previously expelled Nabil and reported him to the authorities for criticizing Islamic authority. At year's end Nabil remained in jail awaiting his appeal.

On May 29, authorities detained blogger Amr Gharbia for 2 hours in connection with allegations that he defamed Judge Abdel Fattah Mourad. Authorities released him after he paid a bail of $35 (LE 200). Gharbia stated that anonymous contributors posted the comments to which Mourad objected.

On June 20, the state's Lawsuits Commission dismissed a lawsuit by Judge Mourad, chief judge of the Alexandria Appeals Court, to close 21 human rights-related Web sites. Judge Mourad sought to block the Web sites and blogs on the grounds that they "abused the state's dignity and threatened its interests."

Academic Freedom and Cultural Events.—The Government did not explicitly restrict academic freedom in universities; however, the Government selected deans rather than permitting the faculty to elect them. The Government justified the measure as a means to combat Islamist influence on campus.

In September the Government refused to grant the MB permission to hold its annual Ramadan "iftar" dinner, an event normally attended by hundreds of guests.

The Ministry of Culture must approve all scripts and final productions of plays and films. The ministry censored foreign films to be shown in theaters but was more lenient regarding the same films in videocassette or DVD format. Government censors ensured that foreign films made in the country portrayed the country in a favorable light.

b. Freedom of Peaceful Assembly and Association.

Freedom of Assembly.—The Constitution provides for freedom of assembly; however, the Government restricted the exercise of this right. Citizens must obtain approval from the MOI before holding public meetings, rallies, and protest marches. The MOI refused to grant permits for some political events, and the Government tightly controlled public demonstrations.

In numerous incidents, authorities showed little tolerance for peaceful demonstrations by opposition groups and activists protesting government policies.

On March 17, security forces detained 21 protestors who gathered outside of the Tagammu Party headquarters. All were released within a day or two without charge.

On March 25, security forces arrested 17 individuals protesting the constitutional referendum; all were released soon after their detention.

On July 22, security forces broke up a demonstration held by Bedouin and other residents of Rafah, the town bordering Hamas-controlled Gaza, to protest a reported government plan to clear all buildings within 150 meters of the Gaza Strip border to foil smuggling. On July 30, another Bedouin protest called upon the Government to register Bedouin land ownership and release Bedouin tribal members who were detained without charge. In an effort to disperse the protestors, police fired teargas and rubber bullets at the demonstrators resulting in the injury of 15 protesters.

Police generally responded to political demonstrations during the year with high numbers of riot police deployed by the MOI to contain both the size and effectiveness of the demonstrations. A pattern of arresting demonstrators, detaining them for at least 15 days "pending further investigation" continued, particularly in cases of unauthorized rallies. In a number of unauthorized demonstrations, police detained suspected organizers, some of whom alleged mistreatment while in detention.

The MOI selectively obstructed some meetings scheduled to be held on private property and university campuses. For example, during student elections held in October, police prevented students from meeting on campuses.

Freedom of Association.—The Constitution provides for freedom of association; however, the Government significantly restricted the exercise of this right. The minister of insurance and social affairs has the authority to dissolve NGOs by decree. The law also requires NGOs to obtain permission from the Government before accepting foreign funds. According to officials, donations from foreign governments with established development programs in the country were excluded from this requirement.

On March 29, the Chairman of the City of Naga Hamadi, General al-Sherbeery Hasheesh, ordered the closure of the city's branch of the Center for Trade Union

and Workers Services (CTUWS). On April 10, the governor of El-Gharbiya issued a similar decision to shut down the CTUWS branch in Mahalla. In both instances, government officials alleged CTUWS was responsible for inciting labor strikes.

On July 9, in response to the closure of the CTUWS, 39 domestic NGOs launched a campaign calling for freedom of association. On August 15, the EOHR issued a statement condemning the Ministry of Social Solidarity's refusal to register CTUWS. Unable to obtain NGO registration from the Government, it had registered in 1990 as a civil company under the commercial code.

On September 8, the Government ordered the closure of the Association for Human Rights Legal Aid (AHRLA), a leading local human rights NGO, for accepting funds from foreign donors without government approval. AHRLA played a role in exposing several cases of torture by security personnel, specifically in a lawsuit against a state security officer who allegedly tortured Mohamed Abdel Kader al-Sayed to death in 2003. Several local and international NGOs, including the Cairo-based Observatory for the Protection of Human Rights Defenders, the National Council for Human Rights (NCHR), and the HRW, expressed concern over the closing and urged the Government to reverse the decision and allow AHRLA to resume activities.

c. Freedom of Religion.—The Constitution provides for freedom of belief and the practice of religious rites; however, the Government restricted the exercise of these rights. According to the Constitution, Islam is the official state religion and Shari'a (Islamic law) the primary source of legislation. Religious practices that conflict with the Government's interpretation of Shari'a are prohibited. Members of non-Muslim religious minorities officially recognized by the Government generally worshiped without harassment and maintained links with coreligionists in other countries. Members of religions that are not recognized by the Government, particularly the Baha'i Faith, experienced personal and collective hardship.

Approximately 90 percent of citizens are Sunni Muslims; less than 1 percent are Shi'a Muslims. Estimates of the percentage of Christians ranged from 8 to 12 percent, or between 6 and 10 million, the majority of whom belonged to the Coptic Orthodox Church. There are small numbers of Mormons and Jehovah's Witnesses, but the Government does not recognize either group. The non-Muslim, non-Coptic Orthodox communities ranged in size from several thousand to hundreds of thousands. The number of Baha'is is estimated at 2,000 persons.

The law bans Baha'i institutions and community activities and stripped Baha'is of legal recognition. The Government continued to deny civil documents, including ID cards, birth certificates, and marriage licenses, to members of the Baha'i community. The MOI requires identity card applicants to self-identify as Jew, Christian, or Muslim. As a result, Baha'is face great difficulties in conducting civil transactions, including registering births, marriages and deaths, obtaining passports, enrolling children in school, opening bank accounts, and obtaining driver's licenses. During the year, Baha'is and members of other religious groups were compelled either to misrepresent themselves as Muslim, Christian or Jewish, or go without valid identity documents. Many Baha'is chose the latter course.

By September 30, all citizens had to obtain new computer identification cards or risk detention; however, the Government did not enforce this requirement. In December 2006 the Supreme Administrative Court overturned a lower court ruling, deciding that Baha'is may not list their religion in the mandatory religion field on obligatory government identity cards. In May 2006 the MOI successfully appealed an administrative court ruling issued in April 2006, which supported the right of Baha'i citizens to receive ID cards and birth certificates with the Baha'i religion noted on the documents. The Government issued passports, which do not indicate the holder's religion, for Baha'i citizens.

In February the EIPR filed a lawsuit on behalf of Hosni Hussein Abdel-Massih, who was suspended from the Suez Canal University's Higher Institute of Social Work due to his inability to obtain an identity card because he is a Baha'i. Students must produce a military draft postponement to complete their university education without interruption; however, one cannot obtain a military draft number without being issued a national ID number and a national ID card. The case was pending at year's end.

On September 10, the NCHR organized a workshop to discuss the issue of religious identity on ID cards. General Aly Abdel Mawla, Head of General Administration for Legal Affairs in the MOI, opposed the suggestion that the Government allow the religion field to be left blank, asserting that the policy of requiring the indication of religious affiliation aims to protect freedom of religion.

In October Raouf Hindi Halim, a Baha'i convert, filed suit against the Government to issue birth certificates for his twin daughters with the religion field left blank or to write (Baha'i) in the field. The case was postponed several times since

it was first brought before the administrative court in 2004. Halim obtained birth certificates for the children when they were born in 1993 which recognized their Baha'i religious affiliation, but new certificates were mandatory, and the children were unable to enroll in public schools without them. The case remained pending at year's end.

During the year security forces arrested those affiliated with the Koranist movement, a small group of Muslims who rely on the Koran as the sole source for Islam, excluding the prophetic traditions ("hadith") and other sources of Islamic view. On May 29, SSIS agents arrested three Koranist men. On May 31 and June 17, the SSIS arrested two more Koranists. According to a lawyer with the EIPR, who attended some of the police interrogations of the Koranists, the interrogation of the detainees was focused on their religious views. One detainee told the EIPR and the investigating prosecutor that an SSIS investigator previously beat and threatened him with rape. On October 5, authorities released the five men.

According to a 2005 presidential decree, churches are permitted to proceed with rebuilding and repair simply by notifying the governorate administration in writing. Permits for construction of new churches remained subject to presidential decree. Despite these decrees, some local security and government officials continued to prevent churches from being renovated, often requiring an exhaustive list of documents to be submitted multiple times between administrative and security departments of governorates, in repeated attempts to preclude final authorization. As a result, congregations experienced lengthy delays—lasting for years in many cases—waiting for new church building permits to be issued. Authorities refused to issue decrees for restoration, renovation, and expansion of churches, or failed to enforce decrees that had already been approved. Local authorities closed unlicensed buildings used as places of worship.

Government officials previously asserted that the Government approves a much larger number of projects for church construction and expansion through informal arrangements between church authorities and local security and administrative officials.

On January 18, the NCHR released its third annual report. The report called for the removal of obstacles that hinder political participation, primarily by Christians and women. The NCHR reported that it had received replies from government ministries and other bodies regarding 36 of the 57 formal complaints regarding religious freedom that it had received between March and December 2006 and sent forward to relevant authorities for action.

In addition to complaints by Christian citizens to the NCHR, there were also 14 complaints from Baha'is, one of which was signed by 51 complainants who sought the right to have their religion listed on official papers.

State-run television refused to comply with a 2005 judicial ruling banning veiled anchorwomen on television programs. In March the court told anchorwomen Hala al-Malki and Ghada al-Tawil that it could do nothing to enforce its ruling. In April al-Malki and al-Tawil appealed the 2005 ruling. On June 21, before any decision on the appeal was made, Hala al-Malki anchored a program on national state television while wearing a hijab. The status of the women's formal appeal was pending at year's end.

According to March media reports, officials at the Al-Ayat Government Industrial Secondary School in Giza governorate attempted to require all female students, including Christians, to wear hijabs. The Ministry of Education quickly denied this allegation, noting that it bans wearing the hijab in primary schools and allows it only in preparatory and secondary schools upon written request from a girl's parent.

Neither the Constitution nor the civil and penal codes prohibits proselytizing, but those accused of proselytizing have been harassed by police or arrested on charges of violating Article 98(F) of the penal code, which prohibits citizens from ridiculing or insulting "heavenly religions" or inciting sectarian strife.

While there are no legal restrictions on the conversion of non-Muslims to Islam, the conversion of Muslims to any other religion is prohibited by Shari'a. Converts to Christianity sometimes faced harassment. On April 28, authorities released Bahaa Al-Accad, a Christian convert, after he had spent almost 2 years in prison without being formally charged with any crime.

On April 24, the Court of Administrative Justice ruled that the MOI was not obligated to recognize reconversion back to Christianity by Christian-born converts to Islam. The court ruled that such recognition would violate the prohibition against apostasy under Islamic Shari'a and constitute a "manipulation of Islam and Muslims." This ruling was inconsistent with other court rulings in the last 3 years ordering the MOI to issue amended identification cards to 32 citizens who sought to reconvert to Christianity.

On August 8, police detained Adel Fawzi Faltas Hanna, a retired doctor and president of the Middle East Christian Association's (MECA) Egyptian branch, and Peter Ezzat Hanna, a photographer for MECA and the Copts United Web site. The authorities investigated the two men's activities, based on accusations that they had insulted Islam. The police also raided the Cairo homes of Hanna and Ezzat and confiscated several copies of a MECA publication ("the Persecuted"), which MECA had printed abroad and then distributed in the country. On November 4, authorities released Faltas and Ezzat following 3 months in detention. On November 5, authorities arrested three other MECA affiliates/activists—Wagih Yaob, Victor George, and Mamdouh Azmeh—whom authorities also investigated for denigrating Islam. On December 26, authorities released the three men without charge.

In the absence of a legal means to register their change in religious status, some converts have resorted to soliciting illicit identity papers, often by submitting fraudulent supporting documents or bribing the Government clerks who process the documents. In such cases, authorities periodically charged converts with violating laws prohibiting the falsification of documents.

In August Mohamed Ahmed Hegazi and his wife, Zeinab, publicly announced that they had converted to Christianity and wished to be legally recognized as such to ensure they could raise their children as Christians. However, the Civil Registrar refused to issue Hegazi a new National ID card stating his new religion. On August 2, Hegazi sued the minister of interior. The case remained pending at year's end.

Rulings concerning marriage, divorce, alimony, child custody, and burial are based on an individual's religion. In the practice of family law, the Government recognizes only the three "heavenly religions:" Islam, Christianity, and Judaism. Muslim families are subject to Shari'a, Christian families to Canon law, and Jewish families to Jewish law. In cases of family law disputes involving a marriage between a Christian woman and a Muslim man, the courts apply Shari'a.

The Government does not recognize the marriages of citizens adhering to faiths other than Christianity, Judaism, or Islam. Coptic males are prevented from marrying Muslim women by both civil and religious laws. A civil marriage abroad is an option if a Christian male and a Muslim female citizen decide to marry; however, their marriage would not be legally recognized in the country. A female Muslim citizen in such a situation could be arrested and charged with apostasy, and any children from such a marriage could be taken and assigned to the physical custody of a male Muslim guardian, as determined by the Government's interpretation of Shari'a. The Coptic Orthodox Church permits divorce only in specific circumstances, such as adultery or conversion of one spouse to another religion.

On September 3, the Alexandria Administrative Court ruled that the father of Mario Medhat Ramses, 11, and Andrew Medhat Ramses, 13, could convert his sons to Islam, despite their Christian mother's objections. The estranged father had previously converted from Christianity to Islam. The children's mother appealed to the Cairo Supreme Administrative Court, and the case remained pending at year's end.

There were no reports of forced religious conversion carried out by the Government; however, there continued to be unsubstantiated reports of forced conversions of Coptic women and girls to Islam by Muslim men. Reports of such cases were disputed and often included allegations and denials of organized seduction, kidnapping and rape. Observers, including human rights groups, found it extremely difficult to determine whether compulsion was used, as most cases involved a Coptic female who converted to Islam when she married a Muslim man. Reports of such cases almost never appear in the local media.

On February 9, Muslim citizens set fire to Christian owned shops in the village of Armant, Qena governorate, after reports surfaced of a love affair between a Muslim woman and a Coptic Christian man. Security forces deployed in the town closed shops under a security decree and detained eight Muslims and one Copt. Some were released on February 15, and the rest were released shortly thereafter. Member of Parliament (MP) Mohamed al-Nubi and village leaders initiated a national conference on inter-religious dialogue to address the sectarian divide and reportedly brought together some 2,000 Muslims and Christians from across the country.

On September 21, rumors of a love affair between a Muslim woman and a Coptic Christian man again sparked sectarian clashes in Alexandria. Reportedly dozens of Muslims and Christians fought and hurled bricks at each following Friday evening prayers. Nine people were injured and about nine cars were destroyed in the clashes before security forces were deployed to the area and detained 25 people. The prosecution office ordered their detention for 4 days pending investigations. All were released without charges.

While there is no legal requirement for a Christian girl or woman to convert to Islam to marry a Muslim man, conversion to Islam has been used to circumvent the legal prohibition on marriage under the age of 16 or marriage between the ages of

16 and 21 without the approval and presence of the girl's male guardian (usually her father). The law only recognizes the willing conversion to Islam of any person over age 16. However, there are credible reports of local government authorities failing to uphold the law. Local authorities sometimes allow custody of a minor Christian female who "converts" to Islam to be transferred to a Muslim custodian, who is likely to grant approval for an underage marriage. Some Coptic activists maintain that government officials do not respond effectively to instances of alleged kidnapping. In cases of marriage between an underage Christian girl and a Muslim man, there have been credible reports that government authorities have failed to sufficiently cooperate with Christian families seeking to regain custody of their daughters.

During the year, according to Watani newspaper editor and publisher Youssef Sidhom and Christian lawyer Naguib Gabriel, the MOI ceased to require "advice and guidance sessions" in cases of Christian-born converts to Islam without any prior notice or discussion. According to Sidhom, the advice and guidance sessions repeatedly proved to be instrumental in resolving disputed conversion cases, returning many Christian girls to their original faith and families. Gabriel filed a lawsuit before the administrative court to restore these sessions, but the court had not issued any judgment by year's end.

The Constitution requires elementary and secondary public schools to offer religious instruction. Public and private schools provided religious instruction according to the faith of the student.

The Government occasionally prosecuted members of religious groups whose practices deviated from mainstream Islamic beliefs and whose activities were believed to jeopardize communal harmony.

In May 2006 public prosecutor Maher Abdul Wahid ordered two Azharites, Abdul Sabur al-Kashef and Mohammed Radwan, to be tried by a low-level criminal court on charges of blaspheming Islam. Kashef was prosecuted for claiming to have seen God while Radwan was prosecuted for denying the existence of heaven and hell. Al-Kashef was sentenced to 11 years' imprisonment while Radwan received 3 years. In mid-January El-Gamaleya Misdemeanor Court of Appeals reduced Kashef's sentence to 6 years' imprisonment and upheld the earlier ruling of 3 years for Radwan.

While Jehovah's Witnesses remained without legal status, the small community in the country reported that hostile treatment from security services diminished significantly. In 2006 a delegation of Jehovah's Witnesses from Europe and the United States made several visits to meet with government officials in order to explore the prospects for the formal establishment of the faith in the country and to advocate for the human rights and religious freedom of Jehovah's Witnesses in the country.

Societal Abuses and Discrimination.—Societal religious discrimination and sectarian tension continued during the year. Tradition and some aspects of the law discriminated against religious minorities, including Christians and particularly Baha'is.

The Constitution provides for equal public rights and duties without discrimination based on religion or creed, and in general the Government upheld these protections; however, government discrimination against non-Muslims existed.

On March 27, voters approved 34 constitutional amendments with unclear implications for religious freedom. The amended Article 1 of the Constitution states that the country's political system is based on the principle of citizenship. Government supporters argued that these changes would separate religion from politics. However, some critics argued that the amendments are incompatible with Article 2, which continues to state that Shari'a is the basis for legislation.

The Government continued to discriminate against Christians in public sector employment, in staff appointments to public universities, by payment of Muslim imams through public funds (Christian clergy are paid by private church funds), and by refusal to admit Christians to Al-Azhar University (a publicly-funded institution). In general, public university training programs for Arabic language teachers refuse to admit non-Muslims because the curriculum involves the study of the Koran. There have been no reports of Christian graduates since 2001.

Courts have normally not prosecuted officials suspected of causing personal injuries or damages due to sectarian-based violence. However, the Government took positive steps in response to an April 2006 sectarian attack in Alexandria that led to mob violence resulting in personal injury to Copts and the burning and looting of Christian-owned shops. A parliamentary inquiry investigated the incidents, and on January 22, a police military tribunal in Cairo convicted five of the 10 accused police officers on charges of dereliction of duty for failing to appear at their respective duty stations. The court had not handed down final rulings against the remaining five officers by year's end.

On May 11, a group of Muslim citizens attacked Christians in the village of Bamha. In the ensuing violence, Muslims reportedly set fire to or looted 27 Christian shops and homes and injured 11 Christians. The police responded quickly to contain the incident and arrested approximately 60 persons whom they released soon after.

On July 15, in Fayoum, a group of young Muslims attacked the wall that surrounded the land of an Evangelical Church and destroyed and stole the brick and cement supplies that were stored on site. On July 18, a reconciliation meeting took place at which Reverend Ghattas met with Fayoum Governor Magdi Qubeissi, who promised to have the culprits punished, the wall re-built, and the church indemnified for damages. Security officials promised to compensate the church, but the church had not received any compensation by year's end.

The country's Jewish community numbered approximately 100; most were senior citizens. Anti-Semitic sentiments appeared in both the progovernment and opposition press. Anti-Semitism in the media was common but less prevalent than in recent years, but anti-Semitic editorial cartoons and articles depicting demonic images of Jews and Israeli leaders, stereotypical images of Jews along with Jewish symbols, and comparisons of Israeli leaders to Hitler and the Nazis were published throughout the year. These expressions occurred primarily in the government-sponsored daily newspaper, Al-Gumhuriyya, Akhbar Al-Yawm, and Al-Ahram, and occurred without government response.

The Government advised journalists and cartoonists to avoid anti-Semitism. Government officials insisted that anti-Semitic statements in the media were a reaction to Israeli Government actions against Palestinians and did not constitute anti-Semitism.

On July 22, Watani newspaper, a newspaper published by the Coptic Church, reported on a book titled "The Evidence of the Greatness of Mohamed's Message and Prophesies of it in the books of the People of the Book," written by Mohamed al-Sadat and published by the state-owned publishing house, the General Egyptian Book Organization (GEBO). The book stated fundamental tenants of Islam but also attacked Christianity and Judaism and derided the concept of the Trinity. Nasser al-Ansari, the chairman of the board of GEBO, later halted its circulation.

For a more detailed discussion, see the 2007 International Religious Freedom Report.

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons.—The law provides for these rights, and the Government generally respected them in practice; however, there were some notable exceptions. Citizens and foreigners were free to travel within the country, except in certain areas designated as military zones. Males who have not completed compulsory military service may not travel abroad or emigrate, although this restriction may be deferred or bypassed under special circumstances. Unmarried women under the age of 21 must have permission from their fathers to obtain passports and travel. Married women no longer legally require the same permission from their husbands; however, in practice police reportedly still required such permission in most cases. Citizens who left the country had the right to return.

On April 27, the Government prevented former MB parliamentarian Gamal Heshmat from traveling to Bahrain to participate in the National Arab Conference. The authorities provided no explanation for Heshmat's travel ban.

In a similar case, on August 17, the local press reported that the Government prevented MB member Essam al-Erian from traveling to Turkey. An official in the MOI's media office refused to comment on the incident when questioned by Reuters. On two previous occasions the Government prevented Erian from traveling abroad.

The Constitution prohibits forced exile, and the Government did not use it during the year.

Protection of Refugees.—The Constitution includes provisions for the granting of refugee status or asylum to persons who meet the definition in the 1951 U.N. Convention relating to the Status of Refugees and its 1967 protocol. Apart from a 1954 agreement with the U.N. High Commissioner for Regugees (UNHCR) and two "technical decrees" from the MOI relating to residence and travel, the country has no national legislative framework on asylum. The Government generally did not issue work permits to refugees. The Government admitted refugees on the understanding that their presence in the country was temporary.

Because the country lacked national legislation or a legal framework governing the granting of asylum, the UNHCR assumed full responsibility for the determination of refugee status on behalf of the Government; however, the 2004 peace accord in the Sudan led the UNHCR to halt new refugee status determinations in 2005. This led to protests by some Sudanese who sought refugee status and resettlement.

The UNHCR provided recognized refugees with a refugee identification card that was considered a residence permit and bore the stamp of the national authorities. Refugees generally may not obtain citizenship.

According to the UNHCR, during the year there were approximately 43,610 recognized refugees and asylum seekers residing in the country. Approximately 24,551 of these individuals were Sudanese nationals. In addition, between 40,000 and 70,000 Palestinian refugees were reported to be in the country, although fewer than 200 were registered with the UNHCR. The number of Iraqi asylum seekers approaching the UNHCR increased, with more than 8,500 registered during the year. Conflicting press reports, some citing the UNHCR, gave widely varying estimates of the number of Iraqis seeking protection in the country at year's end, ranging from 20,000 to 150,000. Press reports also noted that some schools expelled Iraqi children. Iraqis protested MOI delays in the issuance of residence permits, and the authorities in Sixth of October City rejected a request by Iraqi asylum seekers to open a Shi'a mosque.

In 2005 the UNHCR halted refugee determinations for South Sudanese after the Sudanese peace accords and ceased consideration of applications by South Sudanese for resettlement abroad. Sudanese refugees, as well as those Sudanese who unsuccessfully sought refugee status, were part of a much larger community of Sudanese residents, many of whom were in the country illegally. Estimates of the total number of resident Sudanese ranged from 2–4 million. Many Sudanese legally enter with short-term visas and then decide to remain. According to a study produced by the American University in Cairo's Center for Forced Migration and Refugee Studies in July 2006, migrants from Sudan, regardless of their official status, faced unemployment, poor housing, limited access to health and education, and racial discrimination.

In at least one instance, there were reports that the Government did not provide protection against refoulement, the return of persons to a country where there is reason to believe they feared persecution. On August 18, the Government accepted the deportation of 48 Africans from Israel, 23 of whom the Government stated were registered with the UNHCR as refugees or asylum seekers. Government forces arrested the deportees and refused the UNHCR access to this population. Press reports indicated that on October 28, the Government forcibly returned five of the group to Sudan, where they reportedly may face persecution for having been in Israel. The Government denied that it deported the five and stated that all 48 were released from custody in December.

The year witnessed a growing trend of Sudanese and other African asylum seekers who attempted to migrate illegally to Israel. Some of these migrants were registered with the UNHCR as refugees or asylum-seekers.

On July 22, security personnel shot and killed a woman from Darfur as she attempted to illegally cross into Israel with a group of 26 other African migrants.

A similar incident occurred on July 23, when police shot and wounded a Sudanese man as he attempted to illegally cross into Israel from the Sinai Peninsula. The police ordered him to stop but he refused and the police opened fire, injuring the man.

According to media reports, on October 15, police shot and wounded two Turkish teenagers attempting to cross into Israel to work, according to Al-Dustour. On October 18, Reuters reported that police shot and critically wounded a Turkish man as he tried to cross a barbed wire fence into Israel with six other individuals believed to be his family.

At year's end the Government had not investigated the case of the 27 Sudanese asylum seekers who died while police sought to clear a squatters' settlement of several thousand Sudanese in a Cairo park outside U.N. offices in December 2005. On May 2, after the Associated Press reported the findings of a U.N. human rights panel that called on the Government to reinvestigate the deaths of the 27 Sudanese, the Ministry of Foreign Affairs rejected the request, stating the U.N. committee did not have jurisdiction to ask for reinvestigations.

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

The Constitution provides that citizens shall elect the president every 6 years. The Constitution also provides that two-thirds of the 264-member Shura Council, the upper house of Parliament, are elected and one-third are appointed by the president. Shura council terms are for 6 years, with half of the Shura's elected seats being contested every 3 years. However, during the year there were limitations on citizens' right to change their government peacefully due to consistent election irregularities, including technical problems and fraud. The NDP continued to dominate the 454-seat People's Assembly, as a result of the 2005 parliamentary elections, which were marred by fraud, police interference, and violence. It also dominated

local governments, the mass media, labor, and the large public sector, and controlled the licensing of new political parties, newspapers, and private organizations.

Elections and Political Participation.—On March 26, the country held a popular referendum on a set of 34 amendments aimed at reforming elements of the Constitution. The referendum was moved up from its originally scheduled date in April. The amendments included changes to articles regarding individual legal protection, a ban (under Article 5) on the establishment of any political party with a religious basis, and revisions to Article 88 replacing supervision of elections by the judiciary with a new Supreme Electoral Commission.

International and local civil society advocates and human rights groups criticized the abbreviated timetable for the referendum as well as the substance of the amendments as falling short of meaningful reform. The Carnegie Endowment for International Peace characterized revisions to Article 88 as a step backwards, noting that judicial oversight had previously resulted in a more transparent electoral process. AI described the amendments as the "greatest erosion of human rights in 26 years" and called on Parliament to reject the proposed constitutional amendments, stating they would continue a long-standing system of abuse under the Emergency Law. The EIPR criticized the proposed amendment to Article 179, arguing that it would "do away with whatever legal protection is left for personal rights and freedoms" as well as diminish guarantees of due process.

The NCHR fielded monitors for the referendum. They reported that they witnessed inaccurate electoral lists, group voting, lack of judicial supervision in some polling stations, prevention of NGOs representatives from practicing their work, closure of ballot boxes before official time, lack of prescribed ink in some polling stations, and a lack of information for voters outside the polling stations.

While the Government reported voter turnout at 27.1 percent, press reports and independent monitors estimated the figure to be between 2 and 5 percent. The Government reported that 75.9 percent of voters voted in favor and 24.1 percent against the package of amendments; 9.7 million voted out of 35.8 million registered; and 9.4 million valid votes and 252,695 invalid votes were counted. Civil society monitors and other observers who conducted election monitoring asserted that turnout was less than 5 percent of eligible voters.

On June 11, the Government organized Shura Council elections for 88 open seats. The ruling NDP won 84 of the 88 contested seats. Three NDP members ran as independents (having failed to secure the nomination of their party) and won three additional seats, while the opposition leftist Tagammu Party won one seat. Independent candidates affiliated with the banned MB failed to win any of the seats. Other significant opposition parties such as the Wafd and Nasserists, boycotted the Shura elections.

Immediately after the announcement of the results of the Shura elections, President Mubarak exercised his presidential prerogative to appoint an additional 44 members including nine women and three Copts. The Government reported that turnout for the Shura elections was 31 percent, but independent monitors reported turnout of 5 percent. In the run-up to the election, government security forces arrested and detained hundreds of MB members and campaign workers.

On June 24, the NCHR issued a report pointing to discrepancies in turnout as announced by the Government and as estimated by NGO monitors. The NCHR noted that it had received complaints on a wide range of violations during the elections, including violations in campaigning, security service threats to voters, arrests of political activists, denial of access to polling stations, bribery, unauthorized invalidations of electoral applications, and late openings of some polling stations. In an effort to promote the transparency of the Shura Council elections, the NCHR worked with the Government to provide a total of 5,827 monitoring licenses for 18 NGOs who conducted monitoring of the elections.

In the aftermath of the Shura elections, the NCHR recommended that the Government work to improve voter participation levels; to better integrate the disabled in monitoring or participation; to permit monitoring by regional or international organizations; to evaluate the monitoring process to determine flaws; and to increase political parties' involvement in monitoring. The NCHR also recommended doubling the number of judges in the Supreme Election Commission in order to provide better supervision of peripheral stations and called for the Government to allow voters to use their national ID for voting instead of a separate voting card to simplify the voting process.

Independent MPs linked to the MB continued to participate actively in Parliament.

In September 2005 voters elected President Hosni Mubarak to a fifth 6-year term, defeating nine other candidates representing political opposition parties, in the first competitive presidential election. The Government announced that Mubarak re-

ceived 88 percent of the vote and that Ayman Nour of the Al-Ghad party had placed second with 7 percent. Domestic election monitors said that voter turnout was lower than the 23 percent turnout reported by the Government.

Press reports, voters, opposition groups, and civil society monitors reported technical flaws and fraud during the presidential election. NDP representatives reportedly controlled many polling stations and pressured voters to support Mubarak; NDP parliamentarians reportedly paid small bribes and used other illegal inducements to win votes for Mubarak; voter lists were outdated; nonresident or unregistered voters were allowed to vote for Mubarak; the NDP had exclusive control over voter lists in some areas and refused to make the lists available to all competing parties; some polling places were located in police stations; the "indelible" ink used to mark voters' fingers was applied inconsistently and easily rubbed off; there was confusion over voter registration, including who was registered and where persons were supposed to vote; and voters were not allowed to register to vote after January 2005. The Government did not invite international election observers to observe the election, and the operations of the Presidential Election Commission, a nine-member quasi-judicial body tasked with approving candidates, were marred by a lack of transparency.

According to the Constitution, licensed and operating political parties can nominate candidates for the presidency, provided they have been in legal status as recognized parties for 5 continuous years and secured at least 5 percent of the elected seats in each of the PA and the Shura Council in the most recent parliamentary elections. Fourteen of the country's 18 licensed opposition political parties met the licensing and operating requirements for the 2005 race but only due to a one-time exemption clause for 2005, which eliminated this requirement.

The Constitution provides that candidates unaffiliated with political parties may run for president if they secure endorsements from at least 250 elected officials, to include at least 65 of the 444 elected members of the PA, at least 25 of the 176 elected members of the Shura Council, and at least 10 elected members of local councils in each of at least 14 of 26 governorates. No independent candidates competed in the 2005 presidential election.

The most recent elections for the 444 open seats of the PA took place in November–December 2005. The first round in the greater Cairo area occurred peacefully, but there were multiple confirmed reports of vote buying and charges of vote rigging. Presidential runner-up Ayman Nour lost his parliamentary seat in a race against a recently-retired state security officer. Nour's camp alleged government fraud. The second round of the parliamentary elections, which included Alexandria, witnessed violence by government supporters against opposition voters, resulting in at least three deaths and sporadic police cordons intended to limit access to polling stations. The third round of the parliamentary elections was marred by widespread police cordons at polling stations aimed at limiting opposition voters, as well as multiple clashes between police and opposition voters which left at least eight persons dead. The NDP retained its overriding majority in the new Parliament but was joined by 88 independent deputies allied with the MB and a handful of other opposition deputies.

In a series of October 2006 rulings, the Court of Cassation ruled that approximately 100 parliamentary contests spanning at least five constituencies—Nasr City and Khalifa in Cairo, Qellin in Kafr El-Sheikh, and Nabarawa and Dekerness in Daqahliyya—should be invalidated due to evidence of vote rigging during the 2005 parliamentary elections. However, the Constitution provides Parliament the right to decide which judicial rulings against it must be enforced. Historically, the NDP-controlled Parliament has used this provision to ratify only those court judgments that go against select opposition and independent candidates. The NCHR recommended an amendment to make court rulings against Parliament binding and non-reviewable. By year's end the Parliament had not taken any action in response to the Court of Cassation rulings.

On May 10, President Mubarak issued a presidential decree establishing a High Elections Commission to oversee all elections matters. The commission consisted of 11 members and was headed by Counselor Adel Zaki Andraws, president of the Cairo Court of Appeals.

On May 25, the Shura Council's Committee for Political Parties Affairs approved the establishment of the Democratic Front party headed by Dr. Yehia el-Gamal, a former cabinet minister. At year's end, at least 12 aspirant political parties awaited decisions on their legal status, including the Karama ("Dignity," Arab nationalist) and Wasat ("Center," moderate Islamist) parties.

The PA debated government proposals, and members exercised their authority to call cabinet ministers to explain policy. The executive initiated almost all legislation. The PA exercised limited influence in the areas of security and foreign policy and

retained little oversight of the MOI's use of Emergency Law powers. Ministerial decrees were used to carry out many executive branch initiatives and policies without legislative oversight. Individual voting records were not published, and citizens had no independent method of checking a member's voting record.

The Political Parties Law prohibits political parties based on religion, and the MB remained an illegal organization; however, MB members openly and publicly expressed their views. They remained subject to government pressure. Independent MPs linked to the MB continued to participate actively in Parliament. A total of 88 candidates affiliated with the MB were elected to the PA in 2005 as independents.

There were six women elected to the 454-seat PA, as well as five women appointed. Two women served among the 32 ministers in the cabinet.

There were six Christians (five appointed, one elected) in the 454-seat PA; six Christians (all appointed) in the 264-seat Shura Council; and two Christians in the 32-member cabinet. Christians, who represent between 8 and 12 percent of the population, held less than 2 percent of the seats in the PA and Shura Council. In 2006, for the first time in more than 30 years, the Government appointed a Copt as one of the country's 26 governors, in Qena. There were no Christians in the upper ranks of the security services and armed forces.

Government Corruption and Transparency.—The law provides criminal penalties for official corruption, and the Government implemented these laws effectively in some cases. The Worldwide Governance Indicators of the World Bank reflect that corruption was a serious problem.

In May a court convicted NDP parliamentarian Emad al-Gelda of official corruption and sentenced him to 3 years in prison.

On June 4, airport officials stopped parliamentarian Hosam Abdul-Mohsen Makawy on arrival from Dubai carrying 1,000 cell phones and 800 memory cards. Makawy agreed to pay a fine and taxes to avoid prosecution.

The local press routinely reported on confirmed cases of low-level corruption, including tampering with official documents, embezzlement, and acceptances of bribes by officials in various government departments. Assistant Minister of Justice Ahmed al-Shalaqany ordered the provisional detention of Ayman Abdel Moneim, Director of the Ministry of Culture's Office for Monuments after Moneim was accused of receiving bribes. On November 25, the public prosecutor transferred Moneim and eight other suspects to Criminal Court with charges of receiving bribes and manipulating the ministry's tenders, which accounted for $170,000 (LE 930,000).

The February 2006 sinking of the Al-Salaam Bocaccio 98 ferry in the Red Sea killed more than 1,000 people, many of them Egyptian migrant workers returning from jobs in the Gulf. A parliamentary inquiry in April 2006 ruled that the ship was overloaded, possessed inadequate safety equipment, and had not been properly maintained. The relationship of ferry owner Mamdouh Ismail, a Shura Council member, with presidential chief of staff Zakaria Azmi, sparked public debate about corruption. Although he was stripped of his parliamentary immunity shortly after the accident, Ismail fled the country. His role as a board member of the Red Sea Ports Authority led to media claims that he had used his regulatory role to boost his business interests. At the time of the Salaam sinking, his ferry company possessed a virtual monopoly on Red Sea ferry traffic. A fact finding committee under the chairmanship of Hamdi Al Tahan, head of the transportation and communications parliamentarian committee, indicted Ismail as well as the Ministry of Transportation, the Marine Safety and Search and Rescue Authority, and government officials from different government bodies who were tasked with responding to the crisis. The case remained pending at year's end.

In 2005 prosecutors indicted two key figures in the country's media sector on corruption charges. Abdel Rahman Hafez, director of the state-owned Media Production City, and Ehab Talaat, a private sector advertising executive, were indicted by the public prosecutor after a case against them was brought by the Administrative Control Authority (a government anticorruption body). According to the indictment, Hafez conspired with Talaat to grant the latter's ad agency advertising time on the state-owned Nile Satellite Channel for a tenth of its actual value.

There are no legal provisions for public access to government information. There were no financial disclosure laws for public officials.

Section 4. Governmental Attitudes Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

Government restrictions on NGO activities, including limits on organizations' ability to accept foreign funding, continued to limit reporting on human rights abuses. Government officials were selectively cooperative and responsive to some NGOs' views.

The law governing the regulation and operation of all NGOs grants the minister of social solidarity the authority to dissolve an NGO by decree, rather than requiring a court order. There were no reports that the minister used this measure during the year.

The leading independent human rights NGOs included the Egyptian Organization for Human Rights (EOHR), the Human Rights Association for the Assistance of Prisoners (HRAAP), the Association for Human Rights Legal Aid (AHRLA), the Cairo Institute for Human Rights Studies (CIHRS), the Egyptian Initiative for Personal Rights, the Ibn Khaldun Center (IKC), the Arab Center for the Independence of the Judiciary and the Legal Profession (AIJL), the Arab Network for Human Rights Information, and the Egyptian Center for Women's Rights (ECWR). The Arab Organization for Human Rights generally took a softer line towards the Government. Informal coalitions of Internet activists and bloggers played an increasingly significant role during the year in publicizing information about human rights abuses. The Government did not demonstrate a consistent approach towards cooperating with human rights NGOs and detained and abused some Internet bloggers.

The NCHR continued to monitor government abuses of human rights by formally submitting citizen complaints to the Government and issuing reports critical of the Government. In January the NCHR began its second 3-year term. In 2006 two members of the original 27-member board resigned. One member, human rights activist Bahey El-Din Hassan, publicly said that he chose to resign to protest what he alleged was a lack of progress by the NCHR in addressing human rights challenges. Hassan questioned the effectiveness of the NCHR since the organization possessed no legal authority to compel the Government to address the concerns it raised.

On January 18, the NCHR issued its third annual report, covering March 1 to December 31, 2006. The NCHR reported that it received a total of 5,826 complaints, marking a 25 percent increase from the previous period. Economic and social rights complaints comprised 38.5 percent of the total, while civil and political rights complaints accounted for 30.2 percent of total complaints submitted to the council. The report called on the Government to take more effective action in response to human rights violations and complaints, combat corruption, and amend the NGO law to eliminate restrictions on civil associations.

In February the NCHR announced the establishment of a new Complaints Office with two regional offices, one in Upper Egypt and the other in northern Egypt, to facilitate the processing of citizen complaints. The offices were not up and running by year's end.

Several leading human rights groups and civil society organizations continued to press legal challenges against government decisions prohibiting them from registering under the NGO law. Although these organizations were generally allowed to conduct operations, albeit on a limited basis, they did so in technical violation of the NGO law with the omnipresent specter of government interference and/or closure looming over them.

The EOHR, HRAAP, and other groups obtained limited cooperation of government officials in visiting some prisons in their capacity as legal counsel, but not as human rights observers.

A number of civil society organizations received direct funding from foreign governmental and nongovernmental donors to support their work in a variety of areas, including human rights advocacy and election monitoring. During the year the Government permitted various human rights organizations, including the CIHRS, HRAAP, EOHR, IKC, and AIJL, to hold and participate in international conferences.

The Government generally allows international human rights NGOs to establish informal operations. Organizations such as the HRW made periodic visits as part of their regional research program and were able to work with domestic human rights groups. In 2005 the National Democratic Institute, International Republican Institute, and IFES, which provide technical assistance in support of expanded political and civil rights, established informal operations in the country. In June 2006, however, the Ministry of Foreign Affairs ordered all three groups to "freeze" their operations pending formal approval of their registrations. By year's end the three organizations remained unregistered and unable to pursue full operations.

In August, an official delegation from the African Commission on Human and People's Rights visited the country for the first time since the establishment of the commission in 1981. The delegation met with officials from various ministries including the Ministry of Foreign Affairs, MOI, and Ministry of Justice. The delegation also met with the public prosecutor, the NCHR, National Council for Childhood and Motherhood, and a number of civil society organizations. The delegation also visited Tora prison.

On September 13, press reports noted that the Government refused the application by the U.N. Office of the High Commissioner for Human Rights to establish its regional office in Cairo.

The Government did not respond to standing requests from at least five U.N. special rapporteurs, including those on torture, the situation of human rights defenders, freedom of religion, independence of judges and lawyers, human rights and counterterrorism, to visit.

The PA has a "Human Rights Committee," which human rights activists did not judge effective. The committee recommended that the Government decrease the numbers of prisoners per cell and provide "appropriate medication." The committee also recommended that the Government not reply to an AI report on human rights during the year.

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

The Constitution provides for equality of the sexes and equal treatment of non-Muslims; however, aspects of the law and many traditional practices discriminated against women and religious minorities.

Women.—The law prohibits rape, and punishment under the penal code ranges from 15 to 25 years; however, spousal rape is not illegal. Although reliable statistics regarding rape were not available, activists believed that it was not uncommon, despite strong social disapproval. A rapist, if also convicted of abducting his victim, can be subject to execution. There was no data available on the rate of prosecution of rape cases.

According to a study presented in May by the National Council for Criminal and Social Studies, there are 20,000 cases of rape annually, and 60 percent of females are subjected to harassment. According to the ECWR, of the 2,500 woman who reported cases of sexual harassment to ECWR, only 12 percent went to the police with their complaint.

In 2005, after hearing confessions from two defendants that they had raped and beaten to death Hoda al-Zaher, Judge Abdo Attia handed down sentences of only 3 years for one defendant and 3 months for another. In November 2006 the public prosecutor appealed the court's decision. At year's end the case was under appeal.

Although the law does not prohibit spousal abuse, provisions of law relating to assault in general may be applied. Domestic violence continued to be a problem, but reliable national level statistics were unavailable. According to the "Listening and Guidance Program" of the Nadeem Center for Rehabilitation of Victims of Violence, beatings, sexual harassment and spousal rape remained significant problems in society. According to a 2003 survey by the Center for Egyptian Women's Legal Affairs, an estimated 67 percent of women in urban areas and 30 percent in rural areas had been involved in some form of domestic violence at least once between 2002 and 2003. Among victims, fewer than half sought help. The 2005 Egypt Demographic and Health Survey indicated that 47.4 percent of women above age 14 had experienced domestic violence. Abuse within the family rarely was discussed publicly. Spousal abuse is grounds for a divorce. The law requires the victim of spousal abuse to produce multiple eyewitnesses, a difficult condition to meet. Several NGOs offered counseling, legal aid, and other services to women who were victims of domestic violence.

The law does not specifically address "honor" crimes of violent assaults by a male against a female, usually a family member, because of perceived lack of chastity. In practice, the courts sentenced perpetrators of such crimes to lesser punishments than those convicted in other cases of murder. There were no reliable statistics regarding the extent of "honor" killings.

Female genital mutilation (FGM) remained a serious, widespread problem, despite government and NGO attempts to combat it. Tradition and family pressure continued to play a leading role in the persistence of FGM. While it is difficult to obtain reliable statistics on the practice, UNICEF reported a reduction in "intention" levels among the families of at-risk girls.

In June, 12-year-old Badour Shaker died following an FGM operation. A forensic investigation reported that the girl died due to an anesthesia overdose during the procedure. Authorities arrested the doctor who performed the operation.

On June 23, Ali Gomaa, Grand Mufti of Egypt, issued a formal fatwa banning FGM. On June 28, Minister of Health Al-Gabaly issued a decree banning FGM. While the decree does not include criminal penalties, it can be enforced through regulatory action such as license suspension and referral to professional syndicate disciplinary boards. On July 3, Dar al-Iftaa issued a formal statement declaring FGM to be "religiously forbidden."

The Government supported efforts to educate the public about FGM. During the year the Government opened an FGM hot-line to provide FGM information; how-

ever, illiteracy impeded some women from distinguishing between the deep-rooted tradition of FGM and religious practices. Moreover, many citizens believed that FGM was an important part of maintaining female chastity. FGM was equally prevalent among Muslims and Christians. Religious leaders joined the Government in publicly refuting that FGM has religious sanction.

During the year the government-established National Council for Childhood and Motherhood, under the direction of Ambassador Moushira Khattab, launched a campaign titled "The Beginning of the End" that conducted awareness sessions, public debates, and media campaigns highlighting the dangers of FGM. During the year the governorates of Aswan, Sohag, Minya, and Beni Sweif publicly announced their rejection of FGM and signed documents making their rejection official.

On September 2, a government health official stated that four doctors and a midwife would be prosecuted for conducting FGM procedures. Consequently, the Government closed the private clinics of the four doctors in Menya. The case was pending at year's end.

On September 15, UNICEF issued a statement commending the June ministerial decree banning FGM.

Prostitution and sex tourism are illegal but continued to occur, particularly in Cairo and Alexandria.

Sexual harassment is not prohibited specifically by law. According to an April study by the National Center for Women's Rights, police authorities receive complaints in only 2 percent of harassment cases. According to the Government's National Centre for Social and Criminal Research, sexual crimes were on the rise, but no official figures were available.

At year's end, there was no government investigation of reports that in October 2006, during the Muslim Eid al-Fitr holiday marking the end of Ramadan, groups of young men sexually harassed female pedestrians in downtown Cairo. Some critics of the Government charged that security forces had failed to intervene to stop the harassment. Government officials and certain progovernment newspapers stated that the reports of harassment were fabricated. The episode sparked considerable public debate and led to calls by women's rights NGOs and the independent media for action by the Government and society to combat sexual harassment.

The law provides for equality of the sexes; however, aspects of the law and many traditional practices discriminated against women. By law, unmarried women under the age of 21 must have permission from their fathers to obtain passports and to travel. Married women do not require such permission, but police did not apply the law consistently. A woman's testimony is equal to that of a man in court. Under the penal code, a married man is adulterous only if the sexual act is committed in the marital home while a woman is adulterous wherever the act is committed.

The law does not prohibit women from serving as judges. On March 14, the Supreme Judicial Council approved the appointment of 31 female judges and chief judges. The Government assigned all 31 judges to family courts. Judge Tahani Al Gebali, who was appointed to the Supreme Constitutional Court by a presidential decree in 2003, is the only female judge in a higher court.

On March 15, press reports stated that the minister of awqaf (religious endowments) cancelled the 2006 appointments of approximately 50 female preachers (murshidaat) to work in different governorates, fearing the women's choice to wear the "niqab" would influence many others to wear it. In an earlier statement, the minister stated that the niqab is a custom and not dictated by Islam, and ultimately he transferred all female preachers wearing the niqab to administrative positions in the ministry.

At year's end the Supreme Judicial Council had not ruled on the 2006 cases of two female attorneys, Fatma Lashin and Amany Talaat, who had challenged the Government's refusal to appoint them as public prosecutors.

Laws affecting marriage and personal status generally corresponded to an individual's religion. Khul' divorce allows a Muslim woman to obtain a divorce without her husband's consent, provided that she is willing to forego all of her financial rights, including alimony, dowry, and other benefits. However, in practice some judges have not applied the law accurately or fairly, causing lengthy bureaucratic delays for the thousands of women who have filed for khul' divorce. Many women have also complained that after being granted khul' divorce, their ex-husbands have been able to avoid paying required child support. The Coptic Orthodox Church permits divorce only in specific circumstances, such as adultery or conversion of one spouse to another religion.

Muslim female heirs receive half the amount of a male heir's inheritance, while Christian widows of Muslims have no inheritance rights. A sole female heir receives half her parents' estate; the balance goes to designated male relatives. A sole male heir inherits all of his parents' property. Male Muslim heirs face strong social pres-

sure to provide for all family members who require assistance; however, in practice this assistance was not always provided. Labor laws provide for equal rates of pay for equal work for men and women in the public sector. According to government figures from 2003, women constituted 17 percent of private business owners and occupied 25 percent of the managerial positions in the four major national banks. Educated women had employment opportunities, but social pressure against women pursuing a career was strong. Women's rights advocates claimed that Islamist influence inhibited further gains. Women's rights advocates also pointed to other discriminatory traditional or cultural attitudes and practices, such as FGM and the traditional male relative's role in enforcing chastity.

On May 27, press reports stated that the Government granted citizenship to 236 individuals in accordance with the Law 54 of 2004, which grants citizenship to children of citizen mothers and noncitizen fathers.

The Ministry of Social Solidarity operated more than 150 family counseling bureaus nationwide, which provided legal and medical services. The National Council for Women proposed and advocated policies that promoted women's empowerment and also designed development programs that benefited women. The Office of the National Ombudsman for Women provided assistance to women facing discrimination in employment and housing, domestic violence, sexual assault, and child custody disputes. A number of active women's rights groups worked to reform family law, educate women on their legal rights, promote literacy, and combat FGM.

Children.—The Government remained committed to the protection of children's welfare; in practice, the Government made progress in eliminating FGM and in affording rights to children with foreign fathers. However, the Government made little progress in addressing the plight of street children, which remained a significant problem.

The Government provided public education, which is compulsory for the first 9 academic years (typically until the age of 15). The Government treated boys and girls equally at all levels of education. The minister of education asserted that 98 percent of citizen children were enrolled in compulsory education through 9th grade. By contrast, UNICEF reported that in the period between 2000 and 2005, 83 percent of citizen children of primary school age attended school. Approximately 30 percent of citizen students pursued studies at the postsecondary level.

The Government was publicly committed to provide medical care for all children, but strained health facilities and budgetary pressures sometimes limited the provision of care.

The Child Law provides for privileges, protection, and care for children in general. Six of the law's 144 articles set rules protective of working children.

FGM remained a serious problem and was widely performed, despite some signs of a modest downward trend. In an attempt to curb this practice, the Government initiated a public awareness campaign in 120 villages in the country. Throughout the year, numerous senior government officials spoke out publicly against the practice.

Child labor continued to be a significant problem, although the Government took steps during the year to increase awareness of child labor-related issues and enforcement.

The late November arrests of Ramadan Mansour and several associates in connection with a series of murders of street children focused public attention on the plight of the country's approximately 500,000 street children.

Although reliable data is lacking, several NGOs (including the Hope Village Society, the Egyptian Center for Women's Rights, and the Alliance for Arab Women) reported that child marriages, including temporary marriages intended to mask prostitution, were a significant problem.

On June 25, the National Council for Childhood and Motherhood (NCCM) hosted a regional conference focused on combating violence against children with an emphasis on limiting trafficking and sexual exploitation of children.

According to the director of NCCM's Child Rescue Hotline, between July 2005 and June 2007 the hotline received 22,158 complaints. The hotline organized a FGM awareness campaign between July and September increasing the number of complaints about FGM from 16 to 1,520. Other complaints included requests for psychological services, legal consultancy, and sheltering.

Trafficking in Persons.—The law does not specifically prohibit trafficking in persons; however, other portions of the criminal code may be used to prosecute traffickers. It is unclear how many prosecutions for trafficking offenses occurred during the year. There were occasional press reports of persons trafficked from Eastern Europe and Asia through the country to Israel for commercial sexual exploitation and forced labor. Because the country lacks a systematic victim identification mecha-

nism, it was difficult to determine how many of the aliens illegally transiting the country were trafficked and how many were voluntary economic migrants. The Government aggressively patrolled its borders to prevent alien smuggling, but geography and finances limited the efforts. Government officials participated in international conferences on combating trafficking in persons. Some anti-trafficking activists suggested that some children may be trafficked from rural areas within the country for work as domestic servants or laborers in the agriculture industry, but there was no data available to support or refute this assertion. Antitrafficking activists and government officials say that some children are vulnerable to commercial sexual exploitation, but no data was available to quantify the extent of the potential problem.

On July 10, the prime minister issued a decree establishing a National Coordinating Committee to Combat and Prevent Trafficking in Persons.

Persons with Disabilities.—There are no laws prohibiting discrimination against persons with physical or mental disabilities in education, access to health care, or the provision of other state services. There remained widespread societal discrimination against persons with disabilities, particularly mental disabilities, resulting in a lack of acceptance into mainstream society. Government-run treatment centers for persons with disabilities, especially children, were poor.

The law provides that all businesses must designate 5 percent of their jobs for persons with disabilities who are exempt from normal literacy requirements. Statistics regarding the practical implementation of this policy were unavailable. Similarly, there were no reliable statistics regarding the total number of citizens with disabilities, but NGOs estimated that at least 8 percent of the population has some sort of disability, and that 1 to 2 percent of the population is severely disabled.

Public schools reportedly did not discriminate against children with disabilities.

There is no specific legislation providing rights to persons with disabilities, including access to buildings, transportation and other public accommodations, health care, and voting; however, persons with disabilities rode government-owned mass transit buses free of charge, were expeditiously approved for installation of new telephone landlines, and received reductions on customs duties for specially equipped private vehicles to accommodate disabled drivers.

The Government worked closely with U.N. agencies and other international aid donors to design job-training programs for persons with disabilities.

Other Societal Abuses and Discrimination.—Although the law does not explicitly criminalize homosexual acts, police have in the past targeted homosexuals using Internet-based "sting" operations leading to arrests on charges of "debauchery." There were no reports of such Internet entrapment cases during the year.

There were no reports during the year of societal violence against persons with HIV/AIDS.

There have also been reports of abuse of foreign workers employed as domestic servants.

Section 6. Worker Rights

a. The Right of Association.—There are no legal obstacles to establishing private sector labor unions, although such unions were uncommon. Workers may join trade unions, but were not required to do so. Workers are able to form a local union or workers' committee if at least 50 employees express a desire to organize. Local unions can only operate if they affiliate with one of the 23 existing trade unions which operate with government authorization. The Government requires all 23 trade unions to belong to the Egyptian Trade Union Federation (ETUF), the sole legally recognized labor federation. ETUF controlled the nomination and election procedures for trade union officers and permitted public authorities to intervene in union financial activities. State-owned enterprises employed most union members, who made up approximately one-quarter of the labor force.

Unionization has decreased in the past several years as a result of early retirement plans in public sector enterprises, which have aimed at rightsizing workforces. Privatization of public sector enterprises has also led to some job losses, although unions have continued to operate in privatized companies.

Some unions within the ETUF were affiliated with international trade union organizations. Others were in the process of becoming affiliated. The law does not permit antiunion discrimination. There were no reports of attempted discrimination, nor were there reports of attempts to enforce this protection.

b. The Right to Organize and Bargain Collectively.—The 2003 Labor Law provides for collective bargaining, allowing for tripartite negotiations to improve labor terms and conditions and resolve disputes between workers and employers. Collective negotiation may be set in motion by any of the concerned parties without the consent

of other parties involved, with the assistance of the concerned administrative authority.

The law also established a national labor consultative council, including representatives from the Government, employers, and workers associations; however, the council did not meet in 2006 or during the year.

The 2003 Labor Law also established special pentagonal committees composed of two judges and representatives from the Ministry of Manpower and Migration (MOMM), the ETUF, and employers. The law provides these committees with judicial powers to adjudicate labor disputes arising from its application. Decisions by these committees, which are intended to serve in place of the courts of first instance, may be appealed through the regular judicial appeals process. Statistics regarding the number of complaints lodged and verdicts issued were not available at year's end; however, observers noted that the pentagonal committees often failed to establish quorums, thus limiting their responsiveness. A group of workers pursued a case against the Ministry of Justice, arguing that the formation of pentagonal committees violated the Constitution, but the case had not been heard by year's end.

The MOMM has a unit for collective negotiations and monitoring the implementation of collective agreements. The Government sets wages, benefits, and job classifications for public sector and government employees, and the private sector sets compensation for its employees in accordance with the Government's laws regarding minimum wages.

The labor law permits peaceful strikes, but only after an extended negotiation process and provided they are announced in advance and organized by the trade union to defend vocational, economic, and social interests. In practice strikes are rarely, if ever, approved. To call a strike, the trade union must notify the employer and concerned administrative authority at least 10 days in advance of the strike date, giving the reason for the strike and the date it would commence. Prior to this formal notification, the strike action must be approved by a two-thirds majority of the ETUF board of directors. Strikes are prohibited by law during the validity of collective bargaining agreements and during the mediation and arbitration process. The law also prohibits strikes in strategic or vital entities in which the interruption of work could result in a disturbance of national security or basic services. There were no formal, authorized strikes during the year. Wildcat strikes are prohibited, but numerous strikes nonetheless took place.

The labor law also regulates litigation related to collective bargaining and allows collective bargaining in what are identified as strategic and vital establishments. The Sons of the Land Center for Human Rights, a workers advocacy NGO, reported that during the year there were 323 labor related actions, including protests, demonstrations, strikes, and sit-ins. The group also reported that businesses terminated the employment of 124,139 workers during this period.

On February 6, according to the official news agency, the Shura Council's National Security Committee cautioned against the danger of workers' strikes on the country's national security. The committee stressed the importance of keeping the channels of dialogue constantly open between trade unions and the Government to settle problems facing workers. The committee asked the Government to do more to improve workers' living conditions and protect their rights.

Strikes, however, continued throughout the year, with complaints encompassing fears over privatization and job losses, demands for payment of promised incentives and bonuses, and issues related to health insurance and medical treatment. Strikes were largely peaceful despite the heavy government security presence at the larger strikes that occurred in the industrial heartland. Following December 2006 strikes in which an estimated 20,000 textile workers at the Ghazl Al-Mahalla factory engaged in a work stoppage to protest non-payment of bonuses, the country witnessed a wave of industrial strikes in textile, cement, oil and soap factories, and by Cairo's subway workers, garbage collectors, bakers, food processing workers, and others. Many of the strikers were public sector employees. The disputes leading to the strikes ranged from outstanding financial claims, low wages, administrative injustice, privatization, forced retirement, conflicts over pensions, and vocational health and safety issues.

The majority of the high-profile strikes occurred in the public-sector textile industry.

Beginning on April 21, 250 mostly female workers in Mansoura's Spanish Garment Factory staged a sit-in on the plant's shop floor after a dispute with management over missed pay and to protest the sale of the factory. Workers complained that low salaries failed to meet many of their basic needs, and charged that the company had failed to pay them their last 17 bonuses since 1999.

In the last week of September, 24,000 workers at the Misr Spinning and Weaving Company in Mahalla al-Kubra went on strike, citing failures by management to ful-

fill promises following the December 2006 strike. At that time, workers agreed to accept annual bonuses equal to 45 days' pay rather than the 2 months' pay they had been promised the previous March. Minister of Investment Mahmoud Mohieldin agreed that if the firm earned more than $10.7 million (LE 60 million) in profit in the fiscal year that ended in June, 10 percent of that profit would be distributed among the employees. During the September strike, the workers occupied the factory floor of this public sector textile mill and rebuffed the initial mediation efforts of the ruling NDP. Workers established a security force to protect the factory premises and threatened to occupy the company's administrative headquarters as well. Mediation by ETUF, the MOMM, and the MOI ended the action, but at year's end workers claimed that all agreements had not yet been honored.

On September 24, security forces detained five of the prominent strike leaders (Faysel La'oush, Mohamed Al Attar, Wael Habib, Magdy Sheif and Mohamed Abo El Esaad) pending investigations but released them the next day. The factory's board filed a police complaint accusing the labor leaders of organizing an unlawful gathering, inciting a strike, and causing the company losses in the excess of $900,000 (LE 5 million) per day, according to news reports. On September 29, management and labor reached an agreement calling for partial payment of the bonuses demanded by the workers and enabled the resumption of work at the factory.

The state-owned press largely downplayed any political aspects of the wave of labor unrest; however, several state-owned newspaper editorials, as well as some elected members of Parliament, questioned whether or not certain opposition groups, including the outlawed MB, were responsible for inciting the unrest.

Other than large companies in the private sector, firms generally did not adhere to government-mandated standards. Although they were required to observe some government practices, such as the minimum wage (the minimum wage has not yet been formally set, but departments follow an informal floor), social security insurance, and official holidays, firms often did not adhere to government practice in nonbinding matters, including award of the annual Labor Day bonus.

Labor law and practice were the same in the six existing export-processing zones (EPZs) as in the rest of the country.

c. Prohibition of Forced or Compulsory Labor.—The Constitution prohibits forced or compulsory labor. The 2003 Labor Law and the Child Law do not specifically prohibit forced and compulsory labor by children. Such practices, including by children, were reportedly rare, but did occur in some carpet/rug factories.

d. Prohibition of Child Labor and Minimum Age for Employment.—The 1996 Child Law and its executive regulations protect children from exploitation in the workplace. While MOMM, working with the NCCM and the MOI, generally enforced these regulations in state-owned enterprises, enforcement in the private sector, especially in the informal sector, was lax. Employers continued to abuse, overwork, and generally endanger many working children.

The law limits the type and conditions of work that children under the age of 18 may perform legally. In nonagricultural work, the minimum age for employment is 14 if the child has completed basic education, which is offered until 15 years of age. Provincial governors, with the approval of the minister of education, may authorize seasonal work for children between the ages of 12 and 14, provided that duties are not hazardous and do not interfere with schooling.

Preemployment training for children under the age of 12 is prohibited. Children are prohibited from working for more than 6 hours per day, and one or more breaks totaling at least 1 hour must be included. Several other restrictions apply to children: They may not work overtime, during their weekly day(s) off, between 7 p.m. and 7 a.m., or on official holidays. Children are also prohibited from working for more than 4 hours continuously.

Statistical information regarding the number of working children was difficult to obtain and often outdated. NGOs estimated that up to 2.7 million children worked. Government studies indicated that the concentration of working children was higher in rural than in urban areas. Approximately 78 percent of working children were in the agricultural sector. However, children also worked in light industry, on construction sites, and in service businesses such as auto repair shops. Press reports continued to focus attention on the estimated 2,000–3,000 children working in the stone quarries in Minya.

Previous changes in the Child Labor Law have not significantly improved conditions due to lax enforcement by the Government. Enforcement remained spotty, and in cases where offenders have been prosecuted, the fines imposed were often as small as $3.25 (LE 20) and thus had questionable deterrent effect. Regulations proposed in 2003 under the revised labor law, however, sharply increased the minimum

fines in child labor cases to $81 (LE 500). The increased penalties did not appear to have any impact during the year.

The Government made progress toward eliminating the worst forms of child labor, pursuant to the U.N. Convention on the Rights of the Child (CRC); however, many challenges remain. The NCCM also worked with the MOMM, ETUF, ILO, World Food Program, UNICEF, and various government ministries to formulate a national strategy to combat child labor and eliminate the worst forms of child labor; trained police officers on children's rights and working with juveniles coordinated with the Ministry of Education to incorporate study of the CRC into curricula; and set up social and economic projects in several governorates to transfer working children into non-hazardous activities. NCCM also worked during the year to provide working children with social security safeguards and reduce school dropout rates by providing their families with alternative sources of income.

The MOMM increased child labor inspections in governorates with high dropout rates. On September 13, MOMM spokesman Sameh Mohamed stated that the ministry's 2,000 labor inspectors across the country have cited 72,000 violations during 2006 and 2007 related to the application of the child labor law, although the MOMM did not specify the nature of the violations.

The government's campaign to increase public awareness of child labor issues was highlighted by workshops and conferences throughout the year. Many of these efforts were characterized by high-level government involvement. For example, from October 29 to November 2, First Lady Suzanne Mubarak hosted at least 43 African Union ministers responsible for children's issues in Cairo to discuss, among other issues, elimination of the worst forms of child labor.

e. Acceptable Conditions of Work.—The working hours for government and public sector employees was determined by the National Council of Wages and differed among sectors. The law stipulates that 48 hours is the maximum number of hours that may be worked in 1 week. Overtime for hours worked beyond 36 per week is payable at the rate of 35 percent extra for daylight hours and 70 percent extra for work performed at night. The premium for work on rest days is 100 percent while workers should receive 200 percent for work on national holidays. The Government did not set a formal private sector minimum wage, although general public sector compensation practices were followed. The nationwide minimum wage generally was enforced effectively for larger private companies; however, smaller firms did not always pay the minimum wage. The minimum wage frequently did not provide a decent standard of living for a worker and family; however, base pay commonly was supplemented by a complex system of fringe benefits and bonuses that may double or triple a worker's take-home pay.

The Ministry of Labor sets worker health and safety standards, which also apply in the EPZs; however, enforcement and inspections were uneven.

The 2003 labor law prohibits employers from maintaining hazardous working conditions, and workers have the right to remove themselves from hazardous conditions without risking loss of employment.

There were occasional reports of employer abuse of undocumented workers, especially domestic workers. A few employers were prosecuted during the year for abuse of domestic workers, but many claims of abuse were unsubstantiated because undocumented workers were reluctant to make their identities public.

IRAN

The Islamic Republic of Iran,[1] with a population of approximately 70 million, is a constitutional, theocratic republic in which Shi'a Muslim clergy dominate the key power structures. Government legitimacy is based on the twin pillars of popular sovereignty—albeit restricted—and the rule of the Supreme Leader of the Islamic Revolution. The current supreme leader, Ayatollah Ali Khamenei, was not directly elected but chosen by a directly-elected body of religious leaders, the Assembly of Experts, in 1989. Khamenei dominated the legislative, executive, and judicial branches of government. He directly controlled the armed forces and indirectly controlled the internal security forces, the judiciary, and other key institutions. The legislative branch is the popularly elected 290-seat Islamic Consultative Assembly, or Majles. An unelected 12-member Guardian Council reviewed all legislation passed by the Majles for adherence to Islamic and constitutional principles and also screened presidential and Majles candidates for eligibility. In 2005 hardline conservative

[1] The United States does not have an Embassy in Iran. This report draws heavily on non-U.S. Government sources.

Mahmoud Ahmadi-Nejad won the presidency in an election widely viewed by the international community as neither free nor fair. The civilian authorities did not maintain fully effective control of the security forces.

The government's poor human rights record worsened, and it continued to commit numerous, serious abuses. The Government severely limited citizens' right to change their government peacefully through free and fair elections. There were reports of unjust executions after unfair trials. Security forces committed acts of politically motivated abductions; torture and severe officially-sanctioned punishments, including death by stoning; amputation; flogging; and excessive use of force against and imprisonment of demonstrators. Vigilante groups with ties to the Government committed acts of violence. Prison conditions remained poor. Security forces arbitrarily arrested and detained individuals and held political prisoners and women's rights activists. There was a lack of judicial independence and of fair public trials. The Government severely restricted civil liberties, including freedoms of speech, press, assembly, association, movement, and privacy. The Government placed severe restrictions on freedom of religion. Official corruption and a lack of government transparency persisted. Violence and legal and societal discrimination against women, ethnic and religious minorities, and homosexuals; trafficking in persons; and incitement to anti-Semitism remained problems. The Government severely restricted workers' rights, including freedom of association and the right to organize and bargain collectively, and child labor remained a serious problem. On December 18, for the fifth consecutive year, the U.N. General Assembly adopted a resolution expressing "deep concern at ongoing systematic violations of human rights."

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life.—There were reports that the Government and its agents committed arbitrary or unlawful killings.

Baluchi groups in the southeastern province of Sistan va Baluchestan alleged numerous executions during the year after reportedly unfair trials for attacks against government officials. A September Amnesty International (AI) report estimated that authorities executed at least 50 Baluchis since the beginning of the year, almost all following the February 14 bombing in Zahedan of a bus carrying members of the Islamic Revolutionary Guard Corps (IRGC), which killed 11 IRGC members. On February 15, the militant opposition group Jundallah claimed responsibility for the attack. Many of those executed following the bombing made televised "confessions" of responsibility, which Baluchi groups alleged were extracted under torture. According to AI, Baluchi groups alleged that authorities sought to dispel the appearance of ethnic targeting by taking Baluchis to other provinces to execute them after human rights groups drew attention to the rise in executions of Baluchis.

On June 13, according to AI, Vahid Mir Baluchzahi was found dead in Zahedan, Sistan va Baluchestan province, after going missing on February 14, the same day the bus bombing killed 11 IRGC members in the same province. At year's end the Government had not initiated an investigation.

During the year the Government executed at least 11 Ahvazi Arabs in Khuzestan province in connection with bombings in that province in 2005 and 2006. NGOs and human rights groups outside the country condemned the executions, stating that the accused did not receive fair trials. On January 10, three U.N. independent experts released a joint statement condemning the executions. Philip Alston, the U.N. Special Rapporteur (UNSR) on extrajudicial, summary, or arbitrary executions; Leandro Despouy, the UNSR on the independence of judges and lawyers; and Manfred Nowak, the UNSR on torture, jointly called on the Government to halt the imminent executions of seven Ahvazi Arabs and grant them fair and public hearings. The UNSRs alleged that authorities used torture to extract the confessions of the accused, and that defense lawyers were not allowed access to the accused during trial and were themselves threatened with charges of "acting against national security." It was not known if all seven were executed at year's end.

During the year there were reports of other killings by government forces. For example, on May 16, members of the Law Enforcement Forces (LEF) reportedly shot and killed 11-year-old Roya Sarani, according to eyewitness reports cited by AI. LEF forces reportedly stopped her father's car as he was driving her and her brother home from school and opened fire for unknown reasons. LEF forces also reportedly wounded Roya's brother, Elyas, in the incident.

On October 13, Zahra Bani-Ameri (also known as Zahra Bani-Yaghoub), a 27-year-old female physician, died while in custody in the town of Hamedan. Security forces arrested her and her fiancé in a public park in the city of Hamedan on

charges of having an "illegal relationship." The next day, officals informed her family that she committed suicide while in detention.

NGOs and international newspapers estimate that authorities executed approximately 298 individuals during the year following unfair trials. Exiles and human rights monitors alleged that many of those supposedly executed for criminal offenses, such as narcotics trafficking, were political dissidents. The law criminalized dissent and applied the death penalty to offenses such as apostasy, "attempts against the security of the state," "outrage against high-ranking officials," and "insults against the memory of Imam Khomeini and against the Supreme Leader of the Islamic Republic."

The number of public executions increased during the year, including the August 2 public executions of Majid Kavousifar and Hossein Kavousifar, who were convicted of killing a revolutionary court judge in 2005. Many public executions were also broadcast on state television.

The Government continued to execute minors and juvenile offenders. On September 17, U.N. Commissioner for Human Rights Louise Arbour called on the Government to end the practice of juvenile executions. According to AI, there were more than 71 juvenile offenders on death row in the country at year's end, and more than 15 have been executed since 2004.

For example, on April 22, authorities executed 20-year-old Syed Mohammad Reza Mousavi in Shiraz for a murder he allegedly committed when he was 16. His family was not notified of the execution and did not see him before it took place. According to Human Rights Watch (HRW), Mousavi was wrongly tried in an adult court instead of the special juvenile court.

On May 22, authorities executed 17-year-old Sa'id Qanbar Zahi in Zahedan, following his televised "confession" of involvement in bombings, carjacking, and murder. HRW reported that his arrest, confession, trial, sentencing, and execution all took place within a few weeks.

On October 17, authorities hanged 18-year-old Hoseyn Gharabagloo for allegedly killing a 20-year-old man in a scuffle when he was 15. Security forces arrested and detained Gharabagloo in 2004, but he escaped detention prior to his April 2005 trial. In November 2006 security forces recaptured Gharabagloo and sentenced him to death. He appealed, but the Supreme Court confirmed his sentence in December 2006.

On December 4, authorities executed Iranian Kurdish juvenile offender Makwan Moloudzadeh, age 20, after what AI reported as a "grossly flawed trial" for allegedly raping three individuals when he was 13. AI noted that the alleged victims withdrew their accusations before Moloudzadeh was convicted and sentenced.

There was a reported case of execution by stoning during the year, despite a judiciary moratorium on the practice. Stoning remained a legal form of punishment. On July 5, officials in the Qazvin province carried out a death sentence by stoning against Jafar Kiani, defying a 2002 moratorium on the practice put in place by Judiciary Chief Ayatollah Shahrudi. According to AI reports, in 1996 authorities convicted Kiani and his partner, Mokarrameh Ebrahimi, of adultery and sentenced them to death by stoning. On June 20, according to HRW, Judiciary Chief Shahrudi issued a written stay of their execution, scheduled for June 21. Despite the stay, authorities carried out the sentence against Kiani. Shahrudi ordered an investigation of the judge who ordered the sentence, but the results of that investigation remained unknown at year's end. U.N. Human Rights Commissioner Arbour condemned the execution and called on the Government to halt the impending execution of Mokarrameh Ebrahimi. Authorities reportedly suspended Ebrahimi's sentence. On September 30, Secretary of the Human Rights Committee Mohammad Javad Larijani, appointed by Supreme Leader Khamenei, called the stoning a "judicial mistake," but stated his view that the practice of stoning is neither torture nor disproportionate punishment.

On April 18, the Supreme Court overturned the murder convictions of six members of the Basij, a paramilitary volunteer force formally connected with the IRGC, for five killings in 2002 on the grounds that the Basij members stated they believed Islam permitted the killings because the individuals were engaged in "morally corrupt" behavior. In 2002 the Basij members reportedly killed the five individuals by stoning, drowning, and burying one person alive. The lower court previously found all six men guilty of murder.

On December 11, according to domestic press reports, the Supreme Court annulled the original verdict of the primary court in the case of the 2003 death of Zahra Kazemi, a dual Iranian-Canadian citizen, and determined it would be reinvestigated. Kazemi, a photojournalist arrested for taking pictures outside Evin Prison during a student-led protest, died in custody in 2003 after security forces tortured her. Authorities admitted that she died as a result of a blow to the head but claimed

the death was "unintentional" and acquitted an intelligence officer in 2004. Tehran General Prosecutor, Saeed Mortazavi, was reportedly involved in her death. In June 2006 the Kazemi family filed a civil case against the Iranian Government in Canadian courts.

Ayatollah Khomeini's 1989 religious decree calling for the killing of author Salman Rushdie for allegedly blaspheming the Prophet Mohammad in his book "Satanic Verses" remained in effect.

The Government took no known steps to resolve the 2004 killing of labor strikers, the killings and disappearances reported in 2001 by the Special Representative for Iran of the Commission on Human Rights, or the killings of members of religious minorities following the revolution.

b. Disappearance.—Little reliable information was available regarding the number of disappearances during the year.

The Iranian-American Jewish Federation reported that 11 Jewish men who disappeared in 1994 and 1997 were still missing, but some were reportedly alive, as witnesses claimed they saw some of the men in Evin Prison. The authorities did not provide information on whether the individuals were in custody.

There were reports of politically motivated abductions during the year. Plainclothes officers or security officials reportedly often seized journalists and activists without warning and held them incommunicado in detention centers for several days before permitting them to contact family members.

There was no further information about the 2005 disappearance of a number of evangelical Christians.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Constitution prohibits torture for the purposes of extracting a confession or acquiring information. Despite 2004 legislation banning torture, there were numerous credible reports that security forces and prison personnel tortured detainees and prisoners.

Common methods of abuse in prisons included prolonged solitary confinement with sensory deprivation, beatings, long confinement in contorted positions, kicking detainees with military boots, hanging detainees by the arms and legs, threats of execution if individuals refused to confess, burning with cigarettes, sleep deprivation, and severe and repeated beatings with cables or other instruments on the back and on the soles of the feet. Prisoners also reported beatings on the ears, inducing partial or complete deafness; punching the area around the eyes, leading to partial or complete blindness; and the use of poison to induce illness. HRW reported that security forces physically tortured student activists more than dissident critics from within the system.

There were multiple cases of torture reported during the year.

On January 11, former political prisoner Kianush Sanjari alleged that he was subjected to "white torture," a form of sensory deprivation, while detained at Evin Prison in late 2006. According to a 2004 HRW report, political prisoners in the country used the term to describe prolonged incommunicado solitary confinement.

On June 6, intelligence agents directly supervised by the prison head reportedly attacked and beat political prisoners held in Orumieh prison in the northwest of the country.

On July 24, the families of three student activists arrested in May and June sent an open letter to Judiciary Chief Shahrudi alleging that security forces tortured their sons in section 209 of Evin Prison. According to HRW, the families alleged that security forces subjected the students to beatings with cables and fists, 24-hour interrogation sessions, sleep deprivation, and forced them to remain standing for long periods of time. The families also alleged that the students were detained in cells with convicted criminals and received threats against themselves and their families. Although Judiciary Chief Shahrudi reportedly ordered an investigation into the allegations, the results remained unknown at year's end. According to domestic press reports, on August 20, Tehran general prosecutor Saeed Mortazavi met with the families of the three student activists and warned them not to speak to the press or any officials or political figures. Mortazavi reportedly denied that security forces had tortured the students and transferred them to solitary cells, where they remained in detention at year's end.

The penal code provides for amputation following multiple theft offenses. On February 27, officials in Kermanshah publicly amputated four fingers of F. Hosseini as punishment for multiple theft convictions. On May 13, there were reports of another amputation.

There were no reports during the year of activities by the "special units" (yegan ha-ye vizhe), which have been used in previous years to complement the existing morality police, "Propagation of Virtue and Prohibition of Vice" (Amr be Ma'ruf va

Nahi az Monkar), to combat "un-Islamic behavior" and social corruption among the young. In previous years these auxiliaries assisted in enforcing the Islamic Republic's strict rules of moral behavior by chasing and beating persons in the streets for offenses such as listening to music or, in the case of women, wearing makeup or clothing regarded as insufficiently modest or being accompanied by unrelated men.

In December 2006, according to AI, authorities subjected a woman identified as "Parisa" to 99 lashes, a reduction of the original death sentence by stoning, for adultery.

During the year the Government did not initiate any investigations into reports of torture or punish those believed to be responsible.

Prison and Detention Center Conditions.—Prison conditions were poor. Many prisoners were held in solitary confinement or denied adequate food or medical care to force confessions.

Overcrowding was a significant problem. In March the UK-based International Center for Prison Studies reported that 150,321 prisoners occupied facilities constructed to hold a maximum of 65,000 persons. Of the prisoners currently held in state detention centers, reportedly nearly one quarter were pretrial detainees. In October Prison Organization head Ali Akbar Yasaghi put the number of prisoners at 158,351. There were 130 prisons in the country, with 41 more under construction during the year. There were reports during the year that Judiciary Chief Shahrudi encouraged judges to implement alternative sentencing for lesser crimes, reportedly due in part to prison overcrowding. At year's end, there were no reports on the extent to which this was implemented.

Some prison facilities, including Tehran's Evin Prison, were notorious for cruel and prolonged torture of political opponents of the Government. After its 2003 visit, the U.N. Working Group on Arbitrary Detentions described section 209 of Evin Prison as a "prison within a prison," designed for the "systematic, large-scale use of absolute solitary confinement, frequently for long periods." Authorities also maintained "unofficial" secret prisons and detention centers outside the national prison system, where abuse reportedly occurred.

Human rights activists and domestic press reported cases of political prisoners confined in the same wing as violent felons. There were allegations that the authorities deliberately incarcerated nonviolent offenders with violent offenders, anticipating they would be killed. There were also reports of juvenile offenders being detained with adult offenders.

The Government generally granted prison access only to the International Committee of the Red Cross (ICRC), but the ICRC continued to not have access to detainees. On September 11, the Government granted foreign journalists a tour of Evin Prison for the second time in 2 years. According to Agence France Presse, during the visit, the director of Tehran prisons, Sohrab Soleimani, denied that there were political prisoners in Evin Prison but told the journalists that there were 15 prisoners in Evin on "security" charges. In June 2006 the Government also allowed a group of foreign and local journalists to tour Evin Prison. Some prisoners who spoke to reporters in 2006 complained that their cases had not come to trial or that they had been awaiting a verdict for months. According to reports from journalists following the two visits, the number of prisoners in Evin Prison is estimated to be between approximately 2,500 and 3,000.

d. Arbitrary Arrest or Detention.—The Constitution prohibits arbitrary arrest and detention; however, these practices remained common.

Role of the Police and Security Apparatus.—Several agencies share responsibility for law enforcement and maintaining order, including the Ministry of Intelligence and Security (MOIS), the Law Enforcement Forces under the interior ministry, and the IRGC. The Basij and various informal groups known as the "Ansar-e Hizballah" (Helpers of the Party of God) were aligned with extreme conservative members of the leadership and acted as vigilantes. The size of the Basij remained disputed; officials cited anywhere from 11 to 20 million, while a 2005 study by a foreign organization claimed there were 90,000 active members and up to 300,000 reservists.

Corruption was a problem in the police forces and revolutionary courts and to a lesser extent in the criminal and civil courts. Civilian authorities did not fully maintain effective control of the security forces. The regular and paramilitary security forces both committed numerous, serious human rights abuses. According to numerous press, NGO, and anecdotal reports throughout the year, the Government used plainclothes security agents to intimidate political critics. They were increasingly armed, violent, and well equipped, and they engaged in assault, theft, and illegal seizures and detentions.

Arrest and Detention.—The Constitution and penal code require warrants or subpoenas for arrests and state that arrested persons must be informed of charges

within 24 hours; however, these safeguards rarely occurred in practice. Detainees often went weeks or months without charges or trial, frequently were denied prompt contact with family, and often were denied access to legal representation for prolonged periods. Bail was often set at prohibitively high levels, even for lesser crimes. Detainees and their families were often compelled to submit property deeds in order to post bail. In the period immediately following detention or arrest, many detainees were held incommunicado and denied access to lawyers and family members. In practice there was neither a legal time limit for incommunicado detention nor any judicial means to determine the legality of the detention.

Security forces often did not inform family members of a prisoner's welfare and location. Authorities often denied visits by family members and legal counsel. Prisoners released on bail did not always know how long their property would be retained or when their trials would be held. Families of executed prisoners did not always receive notification of their deaths. Unlike previous years, there were no reports of the Government forcing family members to pay to retrieve the body of their relative.

There were numerous reports of arbitrary and false arrests during the year.

For example, on February 21, plainclothes security forces arrested Somaye Bayanat, the wife of political prisoner Ahmed Batebi, without a warrant and detained her at Gorgan women's prison. According to HRW, Bayanat told her family that security forces arrested her in connection with a group of doctors with whom authorities alleged she worked, and she faced criminal charges of forging medical documents and performing illegal abortions. According to HRW, her family did not believe the allegations, as they were not aware of any such group, and Bayanat was a dentist. At year's end, Bayanat remained in detention.

On May 8, security officials arrested an Iranian-American peace activist, detained him at Evin Prison, and accused him of espionage. On September 25, officials released him and did not file formal charges. On October 8, he left the country.

Also on May 8, an Iranian-American scholar was arrested in Tehran and detained in Evin Prison following months of hours-long daily interrogations by officials from the Ministry of Intelligence. Authorities charged her with "acting against national security," "propaganda against the system," and espionage. In December 2006 unknown assailants took her passport from her at knifepoint on her way to the airport. After she applied for a new passport, intelligence officials interrogated her for several weeks concerning her work with a foreign think tank. On August 21, security forces released her, and on September 4, she left the country.

On May 11, security forces arrested another Iranian-American scholar at his home in Tehran and detained him in Evin Prison. He also faced charges of "acting against national security," reportedly in connection with his work for a foreign NGO. In July the Government aired televised footage of the supposed confessions of him and the other Iranian-American scholar, splicing in footage of the "color revolutions" of former Soviet countries. On September 19, he was released on bail.

In September 2006, according to AI, at least nine Azeri Iranians were arrested following demonstrations calling for a school boycott in the northwest. Azeri Iranians were protesting for their constitutional right to use the Azeri language in schools. At year's end, it was not clear whether they had been released.

Adherents of the Baha'i faith continued to face arbitrary arrest and detention.

In recent years the Government used house arrest to restrict the movements and ability to communicate of senior Shi'a religious leaders whose views regarding political and governance issues were at variance with the ruling orthodoxy; however, there were no new instances of this practice publicly reported during the year.

Amnesty.—According to domestic press, the Government pardoned or commuted the sentences of more than 5,600 prisoners during the year to mark Muslim and national holidays.

e. Denial of Fair Public Trial.—The Constitution provides that the judiciary is "an independent power"; however, in practice the court system was subject to government and religious influence. After the 1979 revolution, the judicial system was revised to conform to an Islamic canon based on the Koran, "Sunna" (the traditions of the Prophet), and other Islamic sources. The Constitution provides that the head of the judiciary shall be a cleric chosen by the supreme leader. The head of the Supreme Court and prosecutor-general also must be clerics. Women were barred from serving as certain types of judges.

There are several court systems. The two most active are the traditional courts, which adjudicate civil and criminal offenses, and the Islamic revolutionary courts. The latter try offenses viewed as potentially threatening to the Islamic Republic, including threats to internal or external security, narcotics and economic crimes, and official corruption. A special clerical court examines alleged transgressions within

the clerical establishment, and a military court investigates crimes connected with military or security duties. A press court hears complaints against publishers, editors, and writers. The Supreme Court has review authority over some cases, including appeals of death sentences.

Human rights groups reported that the judiciary suppressed political dissent and in practice violated due process rights at every level, including having the right to be promptly charged; having access to legal counsel; being tried before a competent, independent, and impartial court in a public hearing; and having the right of appeal. Detainees were often not informed of their legal status. Numerous observers considered Tehran Public Prosecutor Saeed Mortazavi the most notorious persecutor of political dissidents and critics.

According to the civil code, persons under 18 years of age may be prosecuted for crimes as adults, without special procedures, and may be imprisoned with adults. The age of criminal responsibility is set at 15 years for males and 9 years for females. As a party to the International Covenant on Civil and Political Rights and the Convention on the Rights of the Child, the country is obligated not to execute persons for crimes committed when they were younger than 18. However, during the year the Government reportedly tried and executed at least five persons who committed crimes while under the age of 18.

Sina Paymard was to be executed for crimes he committed before the age of 18. He was released permanently in mid-December.

According to a June 26 AI report, during the year 71 juveniles were on death row. According to the law, persons under 18 should be tried in a special juvenile court, but there were reports during the year of juveniles being tried in adult courts.

The Government also continued to sentence individuals to execution after reportedly unfair trials. During the year six Ahvazi Arabs were scheduled for execution after trials not considered fair, one of whom was granted refugee status by U.N. High Commissioner for Refugees (UNHCR).

The U.N. Committee on the Rights of the Child urged the country in January 2005 to suspend execution of juvenile offenders.

Trial Procedures.—Many aspects of the prerevolutionary judicial system survive in the civil and criminal courts. For example, in theory defendants have the right to a public trial, a lawyer of their choice, and right of appeal. However, these rights were not respected in practice. Panels of judges adjudicate trials. There is no jury system in the civil and criminal courts. In the press court, a council of 11 persons specifically selected by the court adjudicates the case. If postrevolutionary statutes do not address a situation, the Government advises judges to give precedence to their knowledge and interpretation of Islamic law.

According to the law, defendants are entitled to a presumption of innocence, but this often does not occur in practice. Trials are supposed to be open to the public; however, frequently they are closed and defendants often were not given access to a lawyer. The right to appeal is often denied. In practice, defendants are often denied access to legal representation until initial investigations are completed and charges are brought; the period of initial investigation often lasted weeks or months. "Confessions" were often reportedly coerced during investigations. There were also reports during the year that people who were not detained but summoned for interrogation by security or judiciary officials were threatened with repercussions—inferring either detention or charges—if they sought legal representation.

U.N. representatives, including UNSRs, the U.N. Working Group on Arbitrary Detention, and independent human rights organizations noted the absence of procedural safeguards in criminal trials.

Numerous human rights groups condemned trials in the revolutionary courts for their disregard of international standards of fairness. Revolutionary court judges were chosen in part due to their ideological commitment to the system. Pretrial detention often was prolonged, and defendants lacked access to attorneys. Authorities often charged individuals with relatively undefined crimes, such as "anti-revolutionary behavior," "moral corruption," and "siding with global arrogance." Defendants did not have the right to confront their accusers. Secret or summary trials of only 5 minutes' duration occurred frequently. Other trials were deliberately designed to publicize a coerced confession, and there were allegations of corruption.

The legitimacy of the special clerical court system continued to be subject to debate. The clerical courts, which investigate offenses and crimes committed by clerics and which are overseen directly by the supreme leader, are not provided for in the Constitution and operated outside the domain of the judiciary. According to an AI report during the year, defendants could only be represented by clerics nominated by the court, who are not required to be legally qualified. AI reported that in some cases the defendant was unable to find a person among the nominated clerics willing to act as defense counsel and was tried without legal representation. In par-

ticular, critics alleged clerical courts were used to prosecute clerics for expressing controversial ideas and participating in activities outside the sphere of religion, such as journalism or reformist political activities.

Political Prisoners and Detainees.—No accurate estimates were available regarding the number of citizens imprisoned for their political beliefs. In 2003 the U.N. Special Representative for the Promotion and Protection of the Right to Freedom of Expression and Opinion estimated the number to be in the hundreds. Although there were few details, the Government reportedly arrested, convicted, and executed persons on questionable criminal charges, including drug trafficking, when their actual "offenses" were political. The Government charged members of religious minorities with crimes such as "confronting the regime" and apostasy and conducted trials in these cases in the same manner as threats to national security.

Political prisoners occasionally were given suspended sentences or released for short or extended furloughs prior to completion of their sentences but could be ordered back to prison at any time. These suspended sentences were often used to silence and intimidate individuals. The Government also controlled political activists by holding a file in the courts that could be opened at any time and and attempted to intimidate them by calling them in repeatedly for questioning.

Political prisoners were routinely held in solitary confinement for extended periods of time, and denied due process and access to legal representation. Political prisoners were also at greater risk of torture and abuse while in detention. The Government did not permit access by international humanitarian organizations.

There were reports that the Government held some persons in prison for years charged with sympathizing with outlawed groups, such as the terrorist organization, the Mujahedin-e-Khalq (MEK).

On August 18, security forces again detained Azeri human rights lawyer Saleh Kamrani and did not inform his family of his whereabouts until August 21. At year's end, there was no information about any charges brought against him, and he remained detained in Evin Prison. Authorities previously arrested Kamrani in June 2006 and sentenced him to 1 year's imprisonment for "propaganda against the system." The sentence was suspended for 5 years, and he was released in September 2006.

On September 9, security forces arrested political activist Abbas Khorsandi at his home in Firuzkuh, Tehran province and detained him in Evin Prison. He was previously imprisoned in 2005. No known charges have been filed.

Also on September 9, one female and four male activists were arrested. No known charges have been filed and it was unknown where they were being held.

On September 12, officials from the Special Court for the Clergy reportedly arrested Hadi Qabel, a reformist cleric and member of the reformist political group Islamic Iran Participation Front (IIPF), at his home. According to a September AI report, the location of his detention remained unknown. More than 580 activists and academics reportedly released a statement calling for Qabel's release, which according to press descriptions, called Qabel's and other arrests an attempt by the Government to create a "suffocating environment" in advance of the 2008 Majles elections. On October 29, authorities released Qabel on bail.

On October 14, security forces arrested human rights lawyer Emadoldin Baghi, head of the Society for the Defense of Prisoner's Rights. Baghi's wife and daughter were also reportedly sentenced on similar charges to 3 years in prison, suspended for 5 years. Previously on July 31, authorities sentenced Baghi to 3 years in prison, according to his lawyer. Authorities charged him with "propaganda against the system" and "assembly and collusion with the aim of committing offenses against the country's national security," his lawyer stated, adding that the charges were based on media interviews Baghi gave about executions in Ahvaz. At year's end, Baghi's health deteriorated after suffering a heart attack. Authorities temporarily treated him at a hospital before returning him to prison.

On November 8, security forces detained Ali Nikunesbati, spokesman for the student group Office for Consolidating Unity. The Government did not inform his family of the charges. In July authorities previously arrested and released him on bail for his role in student protests. At year's end he remained detained.

In July 2006 authorities rearrested student activist Ahmad Batebi, who had been released from prison for medical treatment in 2005. Batebi was involved in the 1999 Tehran student protest, and his photo was published in several international news outlets. Subsequently, authorities sentenced Batebi to death in 1999, a sentence that was commuted to 15 years in prison. Batebi reportedly was severely beaten and harshly interrogated while in prison and consequently suffered from health problems. At year's end, Batebi remained imprisoned in Evin Prison.

In October 2006 police arrested dissident cleric Ayatollah Mohammad Kazemeini Boroujerdi at his home, reportedly after he had come under increased pressure from

the Government to separate religion and politics. According to press reports, more than 70 of his supporters were arrested in September and October 2006. Boroujerdi has reportedly been arrested and imprisoned several times since 1992 and has claimed that he was tortured and threatened with execution. According to AI, all but two of his arrested followers have been released from prison. At year's end Boroujerdi remained in Evin Prison, where he is reportedly in ill health and may not have access to medical care.

In June 2006 security officials arrested Azeri activist Abbas Lisani following a protest demonstration and charged him with "holding rallies against the state system." According to AI, in September 2006 Lisani was sentenced to 16 months in prison and 50 lashes. According to a press report quoting Lisani's wife, he was transferred from Ardabil prison to a prison in Tabriz to serve the remainder of his sentence. At year's end, he remained in prison.

Civil Judicial Procedures and Remedies.—The judiciary was nominally independent from the executive and legislative branches but remained under the influence of executive and religious government authorities. The head of the judiciary was appointed by the supreme leader, who in turn appointed the head of the Supreme Court and the chief public prosecutor. According to the Constitution, under the supervision of the head of the judiciary, the Court of Administrative Justice investigates the grievances of citizens with regard to government officials, organs, and statutes. In practice, however, citizens' ability to sue the Government was limited. It appeared that citizens were not able to bring lawsuits against the Government for civil or human rights violations. Dispute resolution councils are available to settle minor civil and criminal cases through mediation before referral to courts.

Property Restitution.—The Constitution allows the Government to confiscate property acquired either illicitly or in a manner not in conformance with Islamic law. The UNSR on Adequate Housing noted religious minorities, including members of the Baha'i faith, were particularly affected. The UNSR's June 2006 report noted the "abusive use of [the law] is seen as an instrument for confiscating property of individuals as a form of retribution for their political and/or religious beliefs." The report noted documentation of approximately 640 Baha'i properties confiscated since 1980, instances of numerous undocumented cases, and court verdicts declaring confiscation of property from the "evil sect of the Baha'i" legally and religiously justifiable. Rights of members of the Baha'i faith were not recognized under the Constitution, and they had no avenue to seek restitution of or compensation for confiscated property.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The Constitution states that "reputation, life, property, (and) dwelling(s)" are protected from trespass except as "provided by law;" however, the Government routinely infringed on these rights. Security forces monitored the social activities of citizens, entered homes and offices, monitored telephone conversations and Internet communications, and opened mail without court authorization. There were widespread reports that the homes and offices of reformist journalists were entered, searched, or ransacked by government agents in an attempt to intimidate them.

Vigilante violence included attacking young persons considered too "un-Islamic" in their dress or activities, invading private homes, abusing unmarried couples, and disrupting concerts. During the year, the Government intensified its crackdown on "un-Islamic dress" or "bad hijab." In June, according to deputy police chief Hossein Zolfaghri, the Government brought a total of 2,265 cases, against men and women, to the judiciary for trial on the charge of noncompliance with the Islamic dress code. According to a domestic press report, during the year the Government warned more than 527,000 persons and arrested more than 20,000 persons, who were then released conditionally. Police denied the use of force in these instances, but there were reports that force was used, including one widely-circulated image of a girl's face covered in blood after being beaten by police for un-Islamic dress. According to press reports, the Tehran police chief said that the girl had "instigated the incident herself."

There were also reports during the year that the Ministry of Intelligence pressured families of political prisoners, banning them from speaking to foreign press and blocking their telephone conversations.

Authorities entered homes to remove television satellite dishes, although the vast majority of satellite dishes in individual homes reportedly continued to operate. In late 2006 there were press reports that the Government increased its confiscation of satellite dishes.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of expression and of the press, except when it is deemed "detrimental to the fundamental principles of Islam or the rights of the public. . . ." In practice the Government severely restricted freedom of speech and of the press. Basic legal safeguards for freedom of expression did not exist, and the independent press was subjected to arbitrary enforcement measures by the Government, notably the judiciary. Censorship, particularly self-censorship, limited dissemination of information during the year. According to the Tehran-based Association for Advocating Freedom of Press, state pressure on journalists continued to increase after President Ahmadi-Nejad assumed office in 2005. Journalists were frequently threatened and sometimes killed as a consequence of their work.

The penal code states that "anyone who undertakes any form of propaganda against the state" can be imprisoned up to a year; the law does not define "propaganda." The press law forbids censorship but also forbids disseminating information that may damage the Islamic Republic or offend its leaders and religious authorities. It also subjects writers to prosecution for instigating crimes against the state or "insulting" Islam; the latter offense is punishable by death.

On September 30, according to news reports, deputy interior minister and head of Commission 10 on political parties Ali Reza Afshar announced that "publications and other media outlets are forbidden from writing about parties or political groups that have not obtained a license from Commission 10 on political parties." This action follows other reports of government efforts to limit political debate and the spread of information in advance of the 2008 Majles elections. There were similar reports in 2006 that the Supreme National Security Council warned editors-in-chief not to publish political analysis that differed from the country's official policy.

The 1985 press law established the Press Supervisory Board, which was responsible for issuing press licenses and examining complaints filed against publications or individual journalists, editors, or publishers. In certain cases the board referred complaints to the press court for further action, including closure. Its hearings were conducted in public with a jury composed of appointed clerics, government officials, and editors of government-controlled newspapers. The press law also allows government entities to act as complainants against newspapers, and often public officials lodged criminal complaints against reformist newspapers that led to their closures. Offending writers were subjected to lawsuits and fines. Some human rights groups asserted that the increasingly conservative press court assumed responsibility for cases before press supervisory board consideration, often resulting in harsher judgments. Efforts to amend the press laws have not succeeded, although in 2003 Parliament passed a law limiting the duration of "temporary" press bans to stop the practice of extending them indefinitely.

On July 7, Minister of Culture and Islamic Guidance Saffar-Harandi warned of a "creeping coup" from the press to overthrow the system. Two days later, the head of the president's public relations office announced the creation within that office of a special team to confront publications critical of the Government.

During the year, numerous publishers, editors, and journalists (including those working on Internet sites) were detained, jailed, tortured, and fined, or they were prohibited from publishing their work. The Government imposed significant restrictions on press outlets and banned or blocked some publications that were critical of the Government.

In its May report, Freedom House called the press climate in the country "not free," noting several newspaper closures and the arrests and intimidation of journalists. The head of the Iranian Journalists Guild Association said that during the Iranian year 1385 (March 2006–2007) the Press Supervisory Board banned more than 20 publications. He called the year a "bad period for the press" and characterized the press environment as "negative and oppressive." Since Mahmoud Ahmadi-Nejad became president in 2005, approximately 42 publications were suspended and 25 printing licenses revoked. In a September open letter, Reporters Without Borders (RSF) accused President Ahmadi-Nejad of an "appalling record of press freedom violations." According to the Committee to Protect Journalists (CPJ), there were at least 12 journalists imprisoned in the country during the year. RSF reported on September 26 that since September 2006, 73 journalists were arrested and at least 20 media outlets were censored.

According to Radio Free Europe/Radio Liberty, on February 27, authorities arrested French-Iranian filmmaker Mehrnoushe Solouki for "intent to commit propaganda against the regime" after she discovered a mass grave outside Tehran in the course of her research on the burial rites of some religious minorities. After 1 month in Evin Prison, she was released on bail but at year's end was not allowed to leave the country.

On March 26, authorities sentenced economic journalist Ali Farahbakhsh, who wrote for the daily Sarmayeh and the banned reformist dailies Yas-e-now and Shargh, to 3 years and 3 months in prison, reportedly on charges of espionage and "stealing from foreigners." The sentence was later reduced to 11 months. In November 2006 security officials arrested Farahbakhsh upon his return from a civil society conference in Thailand. The charges against him are reportedly related to his acceptance of $2,300 for participating in the conference, which was intended to cover his travel expenses. Farahbakhsh remained in Evin Prison for several months despite a letter from Judiciary Chief Shahrudi ordering his release on bail. On October 9, authorities reportedly conditionally released him, pending an appeal hearing. According to AI, the Association of Iranian Journalists issued an open letter signed by 247 of its members calling attention to flaws in the administration of justice in Farahbakhsh's case.

In late March the Press Supervisory Board revoked the license of bilingual Kurdish and Persian weekly Payam-e-Kurdistan. It was not clear why the license was revoked.

On April 12, Tehran University law professor and former Majles deputy from Shiraz Ghassem Sholeh Sadi told an international press outlet in an interview that he had been sentenced to 18 months in prison. The sentence is reportedly in connection with an open letter Sholeh Sadi wrote to the supreme leader in 2002, criticizing some of the actions and policies of the Government and its leaders. It was not clear whether he was detained.

On May 28, security forces arrested journalist Said Matinpour of Azeri-language weekly Yarpagh and detained him in Evin Prison. According to RSF, there have been no charges filed against him, and he has not been permitted contact with his family or lawyer.

On July 1, Kurdish journalist Mohammad Sadiq Kabudvand was reportedly arrested by plainclothes security forces. It was not clear where he was being detained or whether he was permitted contact with his family or legal counsel. Kabudvand, who was also secretary of the Kurdistan Organization for the Defense of Human Rights, wrote for the now-defunct weekly Payam Mardom Kordestan. In September 2006 authorities sentenced him to 1 year in prison on charges of "inciting the population to rebel against the central state" but according to AI, his current detention was reportedly unconnected to this prison sentence.

On July 3, the general prosecutor ordered the daily Ham-Mihan closed. On May 13, authorities permitted the publication to reopen after being closed since 2000; it published for only 42 days before being closed again.

On July 11, the Government closed the wire service Iranian Labor News Agency, reportedly as a result of its reporting on labor strikes in parts of the country.

On July 16, a revolutionary court in the northwestern city of Marivan sentenced Kurdish journalists Adnan Hassanpour and Abdolvahed "Hiva" Boutimar to death on charges of espionage and "acting against national security." According to RSF, the trials were not public and their lawyers were not permitted to attend. Hassanpour's interviews with foreign media were reportedly cited by the prosecution. According to December domestic press reports, the Supreme Court upheld the death sentence for Hassanpour but overturned the verdict for Boutimar.

On July 31, security forces arrested journalist Farshad Ghorbanpour and detained him in Evin Prison. He was reportedly charged with "spreading lies against the system" and "giving news to Web sites outside the country." He was released on bail on August 27. Authorities reportedly also arrested journalist Masoud Bastani and released him 1 day later. Bastani was reportedly in Evin Prison for several months in 2005 and 2006.

On August 4, security forces arrested journalist Soheil Asefi and detained him in Evin Prison where he was held in solitary confinement. He was reportedly charged with "publishing false news likely to disturb public opinion." On October 6, authorities released Asefi on bail of $107,000 (1 billion rials).

On August 6, the general prosecutor ordered to close the last major reformist daily Shargh. The ban placed on Shargh in September 2006 was lifted on May 14, but the paper was operational for less than 3 months before being closed again. The Government reportedly closed the newspaper in response to a published interview with a writer accused of being a homosexual activist.

On August 11, the Government closed the conservative news Web site Baztab, although the site continued to operate outside of the country. The Government also reportedly filtered the Web site earlier in the year. At year's end, the site was reportedly operating inside the country.

Student groups reported interference with their activities and with student elections and publications. Authorities closed student publications at Amir Kabir University and arrested several students affiliated with the publications in the weeks

prior to elections for the Islamic Students Association. Between May 3 and June 6, authorities arrested eight students at Amir Kabir University on charges of "insulting state leaders," "inciting public opinion," and "printing inflammatory and derogatory materials" in student publications, according to HRW. On July 18, authorities released five of the students on bail. The Tehran Revolutionary Court gave the other three, Ahmad Ghassaban, Ehsan Mansouri, and Majid Tavakoli, mandatory jail sentences after finding them guilty of collaborating to "print inflammatory and derogatory materials." The court sentenced Tavakoli to 3 years in prison, Ghassaban to 2½ years, and Mansouri to 2 years. At year's end, they were acquitted of the most serious charges, including insulting Islam. On December 19, the judge sentenced them to 4 months in prison and ordered their release. At year's end, prison authorities refused to release them.

In September Tehran prosecutor general Saeed Mortazavi reportedly met with the editors of four reformist newspapers and warned them not to publish articles about the detained student activists from Amir Kabir University. Mortazavi reportedly showed the editors "evidence" of the charges against the students and also threatened to suspend the newspapers if the editors did not comply. Following the incident, more than 100 journalists reportedly released a joint statement protesting Mortazavi's threats. This follows similar actions in 2006 in which the Ministry of Intelligence and Security and the Ministry of Islamic Culture and Guidance reportedly jointly instructed the semi-official news outlets Iranian Student News Agency and Iranian Labor News Agency not to report on the arrests and prosecution of student activists without coordinating with those ministries.

Foreign journalists faced harassment. The Government required foreign correspondents to provide detailed travel plans and proposed stories before receiving visas. They were also required to hire "fixers" inside the country at high cost. Some were denied visas.

The Government, through a state-controlled entity called the Voice and Vision Organization, directly controlled and maintained a monopoly over all television and radio broadcasting facilities; programming reflected the Government's political and socio-religious ideology. Because newspapers and other print media had a limited circulation outside large cities, radio and television served as the principal news source for many citizens. Satellite dishes that received foreign television broadcasts were forbidden; however, many citizens owned them, particularly the wealthy.

The Government periodically increased confiscation of illegal satellite dishes in homes. The Government blocked foreign satellite transmissions using powerful jamming signals in the past. Separately, the Government ruled private broadcasting illegal; cooperation with private broadcasting was also illegal.

The Ministry of Culture must grant permission to publish any book, and it inspected foreign printed materials prior to their domestic release.

Internet Freedom.—The Government increased control over the Internet during the year as more citizens used it as a source for news and political debate. According to the May 1 Freedom House report, approximately 7 million citizens used the Internet, although the Ministry of Communications reported as many as 16 million users, according to domestic press reports. The same Freedom House report noted that beginning in 2006 the Government increasingly targeted the Internet.

All Internet service providers (ISPs) must be approved by the Ministry of Culture and Guidance, and the Government used filtering software to block access to some Western Web sites, reportedly including the Web sites of prominent Western news organizations and NGOs. According to the Open Net Initiative (ONI), the Government issued framing regulations in November 2006 to systematize control and management of Internet activity. ONI also reported that in January the Ministry of Culture and Guidance issued a notice requiring all owners of Web sites and blogs to register with the Government by March 1 and to refrain from posting certain types of content.

In August the Government announced that it would launch a new Internet police patrol. According to press reports describing the Government announcement, the patrol would investigate suspicious advertisements, fraud, and economic and financial offenses.

In April 2006 the Minister of Communications and Information Technology announced the Government's intention to establish a "national Internet," which would improve on the costly monitoring process that required Web site information to exit the country and then return. In October 2006 the Government imposed a limit of 128 kilobytes per second on Internet speed and required ISPs to comply with the limit by decreasing Internet service speed to homes and cafes. The new limit made it more difficult to download Internet material and to circumvent government restrictions to access blocked Web sites.

According to RSF, arrests and intimidation of bloggers decreased in 2006, but Internet censorship increased. In 2006 and during the year the Government blocked several Web sites dealing with women's issues in the country, and women's groups reportedly launched an online petition to protest Internet filtering. According to press reports, the Government claimed to have blocked access to 10 million Internet sites it deemed immoral during the year. A 2005 HRW study listing blocked Internet sites included Farsi-language news sites, some popular sites of Internet writers, the Freedom Movement Party Web site, a Web site promoting the views of Ayatollah Montazeri, several Kurdish Web sites, Web sites dedicated to political prisoners, and a Baha'i Web site.

Academic Freedom and Cultural Events.—The Government significantly restricted academic freedom. In September 2006 President Ahmadi-Nejad called for the removal of secular and liberal professors from universities. Reports indicated dozens of university professors have been dismissed, forced to retire, or denied sabbaticals abroad since 2006. Student groups reported that the Government used a "star" system to rank politically active students—each star denoted a negative mark. Students with three stars were reportedly banned from university or prevented from registering for upcoming terms. Government informers were common on university campuses. Additionally, there were reports the Government maintained a broad network of student informants in Qom's major seminaries who reported teaching counter to official government positions.

The Government censored cultural events. In 2005 the minister of Islamic culture and guidance promised more stringent controls on books, cinema, and theater, although he indicated the change would not be immediate. He also warned of greater surveillance of "hundreds" of cultural associations. Culture ministry officials also reportedly cancelled more than 30 concerts, and President Ahmadi-Nejad announced a ban on Western music in December 2005. A September 2006 report by a Western NGO noted that censorship by authorities and a culture of self-censorship strongly inhibited artistic expression in the country.

The Government also effectively censored domestic films, since it remained the main source of production funding. Producers were required to submit scripts and film proposals to government officials in advance of funding approval. After President Ahmadi-Nejad assumed office in 2005, the Supreme Cultural Revolution Council announced a ban on movies promoting secularism, feminism, unethical behavior, drug abuse, violence, or alcoholism. Films of some domestic directors were not permitted to be shown in the country.

Admission to universities was politicized; all applicants had to pass "character tests" in which officials eliminated applicants critical of the Government's ideology. Some seats in universities continued to be reserved for members of the Basij, regardless of their scores on the national entrance exam. To obtain tenure, professors had to refrain from criticism of the authorities.

b. Freedom of Peaceful Assembly and Association.

Freedom of Assembly.—The Constitution permits assemblies and marches, "provided they do not violate the principles of Islam;" however, in practice the Government restricted freedom of assembly and closely monitored gatherings to prevent antigovernment protests. Such gatherings included public entertainment and lectures, student meetings and protests, labor protests, women's gatherings and protests, funeral processions, and Friday prayer gatherings.

Paramilitary organizations such as the Ansar-e Hizballah, a group of vigilantes who seek to enforce their vision of appropriate revolutionary comportment upon society, harassed, beat, and intimidated those who demonstrated publicly for reform. They particularly targeted university students.

The Government continued to prohibit and forcibly disperse peaceful demonstrations during the year.

On March 4, days before International Women's Day on March 8, police arrested more than 30 women demonstrating outside a Tehran courthouse, protesting the trials of five women's rights activists charged for peacefully demonstrating in June 2006. All were later released but continued to face harassment by the authorities at year's end.

On March 14, police forces disrupted a peaceful demonstration by teachers protesting outside the legislature for higher wages. Police reportedly arrested dozens of demonstrators. According to labor rights groups, many teachers received heavy suspended sentences for taking part in these protests.

On May 1, security forces arrested 11 workers attending a demonstration in Sanandaj protesting for labor rights. Each was sentenced to 91 days in prison and 10 lashes. Two of the organizers of the rally, Sheys Amini and Sedigh Karimi, were sentenced to 30 months in prison by the Sanandaj criminal court.

On August 9, authorities arrested five members of a Tehran bus drivers' syndicate, along with some family members, who were demonstrating outside detained labor leader Mansur Osanloo's house, calling for the release of Osanloo and labor activist Mahmoud Salehi.

On September 25, police reportedly disrupted a peaceful demonstration by workers at a paper factory in Ahvaz who demanded payment of their wages. Police reportedly beat demonstrators, and some required hospitalization.

In late September and early October, police reportedly arrested a number of protesting workers in the western city of Shush, following 3 days of workers' protests over unpaid wages.

In early December AI reported that security forces arrested between 20 and 30 students, mostly in Tehran but also in other cities. Authorities detained some of the students before protests on December 7, the country's national University Student Day; others were arrested after the demonstrations.

Some participants arrested during the 2006 International Women's Day commemoration remained in prison at year's end.

Freedom of Association.—The Constitution provides for the establishment of political parties, professional associations, Islamic religious groups, and organizations for recognized religious minorities, provided that such groups do not violate the principles of "freedom, sovereignty, and national unity," or question Islam as the basis of the Islamic Republic; however, the Government limited freedom of association in practice.

On April 7, authorities reportedly arrested as many as 45 members of the Hamedan Teachers' Association, some at an association meeting and some at their homes. Judiciary officials stated that the association was a banned organization. Officials confirmed that 30 of the teachers were freed, but 15 remained in detention at year's end.

On November 11, security forces arrested Heshmatollah Tabarzadi, General Secretary of the Democratic Iranian Front, a political party, and transferred him to Evin Prison. At year's end no charges had been filed.

The Government's 2002 dissolution of the Freedom Movement, the country's oldest opposition party, remained in effect.

c. Freedom of Religion.—The Constitution states that the "official religion of Iran is Islam and the doctrine followed is that of Ja'fari (Twelver) Shi'ism." The Constitution also states that "other Islamic denominations are to be accorded full respect" and recognizes the country's pre-Islamic religions—Zoroastrians, Christians, and Jews—as "protected" religious minorities. Article 4 of the Constitution states that all laws and regulations must be based on Islamic criteria. The Government severely restricted freedom of religion in practice, particularly the Baha'i faith.

The central feature of the country's Islamic system was rule by the "religious jurisconsult." Its senior leadership consisted principally of Shi'a clerics, including the supreme leader of the revolution, the head of the judiciary, and members of the Assembly of Experts and the Guardian Council.

During the year, Baha'i students were routinely denied access to university education because of their religion. In 2006, for the first time since 1980, approximately 200 Baha'i students were admitted to universities. However, it was not known if their admission resulted from changed government policy or a change in the use of university application forms. Baha'i groups outside the country reported that most of the students admitted in 2006 were later expelled when their religion became known. On September 20, HRW reported that Baha'i students were denied access to their national matriculation exam scores, which are required for entrance into university. Baha'i groups outside the country also reported a concerted government effort at economic obstruction of Baha'is in the country.

The population is approximately 98 percent Muslim; 89 percent of the population is Shi'a, and 9 percent is Sunni. Baha'i, Christian, Zoroastrian, and Jewish communities constitute approximately 2 percent of the population. There were indications that members of all religious minorities were emigrating at a high rate, although it was unclear if the reasons for emigration were religious or related to overall poor economic conditions.

The Government carefully monitored the statements and views of the country's senior Muslim religious leaders. It restricted the movement of several religious leaders who had been under house arrest for years, and continued to detain at least one dissident cleric, Ayatollah Boroujerdi, during the year. The Government pressured all ranking clerics to ensure their teachings confirmed (or at least did not contradict) government policy and positions. During the year, there were at least three assassinations or assassination attempts against Shi'a clerics by unknown assailants in Khuzestan and Sistan va Baluchestan provinces.

Sunni Muslims are the largest religious minority, and the Constitution provides them a large degree of religious freedom. Sunni Muslims claimed the Government discriminated against them, although it was hard to distinguish whether the cause for discrimination was religious or ethnic since most Sunnis are also ethnic minorities, primarily Arabs, Baluchis, and Kurds. As an example of discrimination, Sunnis cited the lack of a Sunni mosque in Tehran, despite more than 1 million Sunni inhabitants.

Members of the country's non-Muslim religious minorities, particularly Baha'is, reported imprisonment, harassment, and intimidation based on their religious beliefs.

All religious minorities suffered varying degrees of officially sanctioned discrimination, particularly in employment, education, and housing. In June 2006 the UNSR for Adequate Housing visited the country and reported that rural land, particularly that belonging to minorities, including many Baha'is, was expropriated for government use, and owners were not fairly compensated. With the exception of Baha'is, the Government allowed recognized religious minorities to conduct religious education of their adherents, although it restricted this right considerably in some cases, including Mandeans.

Religious minorities were barred from election to a representative body, except for the five Majles seats reserved for recognized religious minorities (two for the Armenian Christians, and one each for the Assyrian Christians, Jews and Zoroastrians), and from holding senior government or military positions, but they were allowed to vote. Although the Constitution mandates an Islamic army, members of religious minorities served in the military, although non-Muslim promotions were limited by a military restriction against non-Muslims commanding Muslims. Reportedly non-Muslims can be officers during their mandatory military service but cannot be career military officers.

The legal system previously discriminated against recognized religious minorities in relation to blood money; however, in 2004 the Expediency Council authorized collection of equal blood money for the death of Muslim and non-Muslim men. All women and Baha'i and Sabean-Mandean men remained excluded from the revised ruling. According to the law, Baha'i blood is considered mobah, meaning it can be spilled with impunity.

Inheritance laws favored Muslim family members over non-Muslims. For example, under existing inheritance laws, if a non-Muslim converted to Islam, that person would inherit all family holdings while non-Muslim relatives would receive nothing.

Proselytizing of Muslims by non-Muslims was illegal. The Government did not ensure the right of citizens to change or recant their religion. Apostasy, specifically conversion from Islam, was punishable by death, although there were no reported instances of the death penalty being applied for apostasy during the year.

Baha'is were considered apostates because of their claim to a religious revelation subsequent to that of the Prophet Mohammed. The Government defined the Baha'i faith as a political "sect" linked to the Pahlavi monarchy and Israel and, therefore, counterrevolutionary. Baha'i organizations outside the country warned that the Government intensified a strategy of intimidation against Baha'is. The country's estimated 300,000 to 350,000 Baha'is were not allowed to teach or practice their faith or to maintain links with coreligionists abroad. The Government continued to imprison and detain Baha'is based on their religious beliefs. A 2001 Justice Ministry report indicated the existence of a government policy to eventually eliminate the Baha'i community.

In March 2006 the UNSR on Freedom of Religion and Belief expressed concern about allegations that security forces were monitoring and gathering information about the Baha'i community. Baha'i groups reported the Government was collecting names of Baha'is across the country, and there was an increase of anti-Baha'i editorials in pro-government newspapers.

Between May 2006 and January, the Government reportedly arrested 63 Baha'is. As of November, three remained in prison. The Government did not formally charge many of the others but released them after they posted bail. For some, bail was in the form of deeds of property; others gained their release in exchange for personal guarantees or work licenses.

There were also reports of attacks on Baha'is by unidentified assailants, including the killings of two elderly Baha'i women. On February 16, a masked intruder killed an 85-year-old Baha'i woman, Behnam Saltanat Akhzari, in her home. The following day, a masked intruder assaulted a 77-year-old Baha'i woman, Shah Beygom Dehghani, in her home, and she died on March 7.

On January 1, security officials arrested two Baha'i men, Riaz Heravi and Siamak Ebrahimi, and detained them for 20 and 30 days, respectively. No details were

available about the reasons for their arrests, although a Baha'i group noted that the two coordinated events for their Baha'i community.

In May 2006 security forces temporarily arrested 54 Baha'is in Shiraz while they were teaching in an educational program for underprivileged children. According to Baha'i organizations outside the country, they had an official permit to conduct such teachings. In August the court orally accused the 54 of "indirectly" teaching the Baha'i faith. The court gave all but three suspended sentences of 1 year in prison for "forming illegal groups" and "propagating on behalf of groups opposed to the Government." The court sentenced the remaining three, Raha Sabet, Sasan Taqva, and Haleh Roohi to 4 years' imprisonment each: 3 years for "organizing illegal groups" and 1 year for "teaching on behalf of groups opposed to the Government." They were detained on November 19.

Sufi organizations outside the country previously expressed concern about government repression of their religious practices, and during the year there were arrests in Qom, a center of orthodox Shi'ism, after calls by Shi'a clerics for restrictions on local Sufis.

On May 21, security forces detained Sufi leader Nurali Tabandeh (also known as Majzub Ali Shah) of the Nematollah Gonabadi Sufi order in the northeastern city of Gonabad. Intelligence officials had reportedly warned Tabandeh earlier in the year to leave the city, but he refused. The Nematollah Gonabadi order was reportedly one of the largest Sufi groups in the country. In February 2006 authorities arrested 1,200 Sufi worshippers and closed a Sufi house of worship.

On May 4, 52 Sufis were sentenced to 1 year in prison, fines, and lashes (ultimately reduced to fines) in connection with the February 2006 incident. Their lawyers, Farshid Yadollahi and Omid Behrouzi, were also sentenced and banned from practicing law for 5 years.

On November 11, authorities arrested 180 Sufis in the western city of Boroujerd. Members of a Sufi lodge in Boroujerd reportedly attacked a nearby Shi'a mosque after clerics from that mosque called for their lodge to be shut down. Police entered the lodge to make arrests, and violent clashes between the Sufis and police ensued. Parts of the lodge were reportedly destroyed during the clashes. It was not clear what charges may have been brought against the 180 arrested or whether they remained in detention at year's end.

The majority of the approximately 300,000 Christians in the country were ethnic Armenians and Assyro-Chaldeans. Protestant denominations and evangelical churches existed and reported restrictions on their activities. The authorities became particularly vigilant in recent years in curbing proselytizing activities by evangelical Christians. Some unofficial 2004 estimates indicated that there were approximately 100,000 Muslim-born citizens who had converted to Christianity. The UNSR estimated that 15,000 to 20,000 Christians emigrated each year; however, given the continued exodus from the country for economic and social reasons, it was difficult to establish the role religion played in the choice to emigrate.

Societal Abuses and Discrimination.—The continuous presence of the country's pre-Islamic, non-Muslim communities, such as Zoroastrians, Jews, Sabean-Mandeans, and Christians, accustomed the population to the participation of non-Muslims in society; however, government actions continued to support elements of society who created a threatening atmosphere for some religious minorities.

Sunni Muslims and Christians encountered societal and religious discrimination and harassment at the local, provincial, and national levels.

There were reports that Mandeans experienced discrimination in the form of pressure to convert to Islam and problems accessing higher education.

There was concern from several groups about the rumored resurgence of the banned Hojjatiyeh Society, a secretive religious-economic group that was founded in 1953 to rid the country of the Baha'i faith in order to hasten the return of the 12th Imam (the Mahdi). Although not a government organization and officially banned, it was believed that many members of the administration were Hojjatiyeh members and were using their offices to advance the society's goals. However, it was unknown what role, if any, the group played in the arrests of numerous Baha'is during the year. Many Baha'i human rights groups and news agencies described the goals of the Hojjatiyeh Society as the eradication of the Baha'is, not just the Baha'i faith. The group's anti-Baha'i orientation reportedly widened to encompass anti-Sunni and anti-Sufi activities as well.

The government's anti-Israel stance, in particular the president's numerous speeches against Israel stating the "Zionist regime" should be eliminated, and the perception among many citizens that Jewish citizens supported Zionism and Israel, created a threatening atmosphere for the community. Since his election in 2005, President Ahmadi-Nejad has publicly questioned the historical validity of the Holocaust and called for the removal of the Jewish state from the Middle East. He con-

tinued to make similar statements during the year, stating on June 3 that "the countdown for [Israel's] collapse has begun."

According to the Middle East Research Institute, state TV broadcasted two shows hosting a Holocaust denier or content deemed anti-Semitic. State television also broadcasted "Zero Degree Turn," portraying a young Iranian diplomat's efforts to help European Jews during World War II.

In April, according to local media, the state-run Islamic Republic of Iran Broadcasting (IRIB) television network replied to a 2005 complaint from the sole Jewish member of Parliament (MP), who asserted that the IRIB network transmitted anti-Semitic programs. The letter was read in the Majles and stated that its programming was based on "research and documentary evidence" and claimed that IRIB's programming gave more attention to positive Jewish characters than negative ones.

Newspapers in the country reportedly continued to publish anti-Semitic cartoons, but fewer were published than in the previous year. In November 2006 the newspaper Hamshahri cosponsored a Holocaust-denial cartoon contest in which the paper solicited submissions from around the world and awarded a $12,000 (approximately 112,000 rials) prize to a Moroccan cartoonist who drew a picture of an Israeli crane erecting a wall of concrete blocks around the Al-Aqsa Mosque in Jerusalem, Islam's third holiest site. The blocks bear sections of a photograph of the Nazi extermination camp at Auschwitz-Birkenau.

In December 2006 the Government sponsored a conference entitled, "Review of the Holocaust: Global Vision." This conference was widely criticized as it sought to provide a forum for those who deny the existence or scope of the Holocaust. Speakers at the conference universally called for the elimination or delegitimization of the state of Israel and alleged that the Holocaust did not occur or was an exaggeration used by Jews for political and financial gains. The conference was followed by the establishment of the World Foundation for Holocaust Studies, run by a committee of Holocaust deniers.

In May 2006 a local magazine published photos of synagogues draped in U.S. and Israeli flags and claimed they were in Tehran and Shiraz when in fact they were outside of the country. Anti-Jewish and anti-Israel demonstrations followed in Shiraz. The Jewish MP protested in the Majles and was supported by the Speaker of the Majles, Gholam Ali Hadded Adel, who reprimanded the magazine.

In recent years the Government made the education of Jewish children more difficult by limiting distribution of non-religious Hebrew texts and requiring several Jewish schools to remain open on Saturdays, the Jewish Sabbath. There were limits on the level to which Jews could rise professionally, particularly in government.

For a more detailed discussion, see the 2007 International Religious Freedom Report.

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons.—The Government placed some restrictions on these rights. Citizens could travel within the country and change their place of residence without obtaining official permission. The Government required exit permits for foreign travel for all citizens. Some citizens, particularly those whose skills were in short supply and who were educated at government expense, had to post bonds to obtain exit permits. The Government restricted the foreign travel of certain individual members of religious minorities and several religious leaders, as well as some scientists in sensitive fields. The Government also confiscated passports and placed travel bans on several journalists, academics, and activists.

For example, on January 25, authorities confiscated the passport of an Iranian-American. She faced regular interrogations, court hearings, and allegations of "propaganda against the establishment." On September 4, authorities returned her passport, and she left the country on September 18.

Hojjatoleslam Ezimi Qedimi remained under a 5-year overseas travel ban following his release in August 2006 after serving 5 months in prison on a conviction of "propagandizing in favor of groups and organizations against the system."

Many dissidents practiced self-imposed exile in order to freely express their beliefs.

Citizens returning from abroad occasionally were subjected to searches and extensive questioning by government authorities for evidence of antigovernment activities abroad. Recorded and printed material, personal correspondence, and photographs were subject to confiscation.

Women must obtain the permission of their husband, father, or other male relative to obtain a passport. Married women must receive written permission from their husbands before leaving the country.

The Government did not use forced external exile, and no information was available regarding whether the law prohibits such exile; however, the Government used internal exile as a punishment.

The Government offered amnesty to rank-and-file members of the Iranian terrorist organization, MEK, residing outside the country. Subsequently, the ICRC assisted with voluntarily repatriating at least 12 MEK affiliates in Iraq under MNF–I (Multinational Force Iraq) protective supervision during the year.

Protection of Refugees.—The law provides means for granting asylum or refugee status to qualified applicants in accordance with the 1951 U.N. Convention relating to the Status of Refugees and its 1967 protocol. The Government established a system for providing protection to refugees. UNHCR reportedly complained that government authorities pressured Afghan refugees to return to Afghanistan by suspending education and medical services and revoking residence permits. The government, facing a slow economy and citing national security concerns, accused many Afghans of drug and human trafficking and ethnic terrorist violence. There were some reports of forced return of persons to a country where they feared persecution. There were reports of a small number of registered refugees deported among the large scale deportation of illegal Afghan migrants that commenced in April.

No information was available on government policy regarding temporary protection for individuals who may not qualify as refugees under the 1951 Convention or its 1967 protocol.

In April the Government began a major effort to deport illegal Afghan migrants. Between April and June the Government reportedly deported at least 100,000 Afghans. According to HRW, many of those deported received no warning that they were being deported, and many were separated from their families or were given very little time to collect belongings and wages. Other deportees claimed they were beaten, detained, or required to perform forced labor for several days before being deported. According to UNHCR, the deportations continued, although the scale decreased toward the end of the summer. Among the deportees were some vulnerable individuals and families who needed humanitarian assistance upon arrival in Afghanistan. By year's end, the Government had reportedly deported over 363,000 Afghans during the year, a small number of whom were reportedly registered refugees. The Government claimed that registered refugees who were deported will be permitted to return to Iran; however, no coordinated returns took place.

On December 1, UNHCR estimated that there were 915,000 registered Afghan refugees in the country. In March, Iran, Afghanistan, and the UNHCR extended the existing Tripartite Agreement until March 2008.

In 2005 the Government imposed regulations specific to Afghan refugees that increased fines for employers of Afghans without work permits and made it difficult for Afghans to obtain mortgages, rent, own property, and open bank accounts. At year's end the regulations remained in effect.

There was no further information available on whether the Government repatriated the imprisoned Afghans to whom the judiciary granted amnesty in 2005.

Although the Government claimed to host more than 30,000 refugees of other nationalities during the year, including Tajiks, Uzbeks, Bosnians, Azeris, Iraqis, Eritreans, Somalis, Bangladeshis, and Pakistanis, it did not provide information about them, nor did it allow UNHCR or other organizations access to them. A Western NGO reported that few international humanitarian agencies operated in the country because the Government restricted their operations and did not allow UNHCR to fund them.

Stateless Persons.—According to the country's civil code, citizenship was derived from birth in the country or from the male parent. Citizenship could be acquired upon the fulfillment of the following criteria: Persons were at least age 18, lived in the country for more than 5 years, were not military service escapees, and had not been convicted of a major crime in the country of origin or country of residence. It was likely that there were stateless persons in the country during the year. The Iraqi and Iranian Governments continued to dispute Iraqi refugees' citizenship, rendering many of them stateless. Further information about the numbers of individuals or the reason behind their statelessness was unknown.

During the past few years, a large percentage of Iraqi refugees were voluntarily repatriated. UNHCR estimated that in 2006 there were approximately 54,000 Iraqi refugees, the majority Iraqi Kurds but also some Shi'a Arabs, in the country.

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

Elections and Political Participation.—The Government severely restricted citizens' right to change their government through free and fair elections. The supreme leader, the recognized head of state, is elected by the Assembly of Experts and can only be removed by a vote of this assembly. The assembly was composed of 86 members and was restricted to clerics, who served an 8-year term and were chosen by

popular vote from a list approved by the Guardian Council. There was no separation of state and religion, and clerical influence pervades the Government.

According to the Constitution, a presidential candidate must be elected from among religious and political personalities ("rejal," which is interpreted by the Guardian Council to mean men only), of Iranian origin, Shi'a Muslim faith, and who believe in the Islamic Republic's system and principles. The Guardian Council was composed of 12 members, six clerics appointed by the supreme leader and six religious jurists appointed by the head of the judiciary. The Guardian Council reviewed all laws for consistency with Islamic law and the Constitution, and had "approbatory supervision" to screen candidates for election. The Guardian Council rejected all candidates it deemed unqualified and only accepted candidates who supported a theocratic state. The supreme leader also approved the candidacy of presidential candidates, with the exception of an incumbent president. Prior to the 2004 parliamentary elections, the Guardian Council vetoed legislation that would have required it to reinstate disqualified candidates unless the council legally documented their exclusion. Regularly scheduled elections were held for the presidency, the Majles, and the Assembly of Experts, as well as municipal councils.

In December 2006 there were elections for the Assembly of Experts, municipal councils, and Majles by-elections. These elections were neither free nor fair, as the Guardian Council disqualified candidates based on ideological background. The parliamentary election commission and Guardian Council disqualified hundreds of potential candidates, largely reformists. Only 144 of the 492 prospective candidates were deemed eligible to run in the December 2006 Assembly of Experts elections. In the Assembly of Experts elections, Expediency Council chair Hojatoleslam Ali Akbar Hashemi-Rafsanjani, a pragmatic conservative, received the most votes in the Tehran constituency by a significant margin. Reports indicated that 100 candidates withdrew their applications, and all female candidates failed the written exam on religious interpretation ("ijtihad") and were disqualified.

The fairness of the 2005 presidential election was undermined both before and during the polls. The Guardian Council initially approved the candidacies of only six of the 1,014 persons who registered and excluded all 89 female candidates as well as anyone critical of the leadership, including former cabinet ministers. During the polling, many candidates and the interior ministry complained of irregularities, including interference by Basij forces. There were no international election observers. After the second round of voting, the supreme leader denied the allegations of Basij involvement, and the Guardian Council validated the results. Domestic press reported that 104 cases of alleged violations were under review and suspects were detained in 26 cases; however, no further action was taken. According to official statistics, Mahmoud Ahmadi-Nejad won the run-off race with 61 percent of the votes.

In 2004 elections that were widely perceived as neither free nor fair were held for the 290-seat Majles. The Guardian Council barred over a third of the more than 8,000 prospective candidates, mostly reformists, including over 85 sitting Majles members seeking re-election.

The Constitution allows for the formation of political parties. There were more than 100 registered political organizations, but these groups tended to be small entities, often focused around an individual and did not have nationwide membership. Political groupings significantly reorganized after the June 2005 presidential elections, with new groups forming and existing entities changing leadership. Conservative groups continued to splinter during the year; moderate conservatives appeared increasingly separated from fundamentalist conservatives. In the December 2006 municipal elections, reform groups created a single electoral list for the Tehran municipal council elections.

There were reports that the Government placed significant restrictions on election campaigning, reportedly forbidding candidates to post banners, hold rallies, or hand out flyers until only days before the elections. The interior ministry banned newspapers from reporting on parties that were not registered with the ministry.

There were no female cabinet ministers, although one of the nine vice presidents was a woman, and several women held high-level positions. There were 13 women serving in the Majles during the year. Five Majles seats were reserved for the recognized religious minorities. Other ethnic minorities in the Majles included Arabs and Kurds. There were no non-Muslims in the cabinet or on the Supreme Court.

Government Corruption and Transparency.—The Worldwide Governance Indicators of the World Bank reflect that corruption was a serious problem. Widespread corruption existed in all three branches of government, including the judiciary and the "bonyads" (tax-exempt foundations designed for charitable activity that control consortia of substantial companies).

In August 2006 the Majles passed a law requiring all state officials, including cabinet ministers, and members of the Guardian Council, Expediency Council, and As-

sembly of Experts, to submit annual financial statements to the state inspectorate. There was no information available reguarding whether these government officials obeyed the law.

There was no information during the year regarding further government action on corruption cases from previous years that Judiciary Chief Shahrudi previously claimed the judiciary was pursuing.

There were no laws providing for public access to government information.

Section 4. Governmental Attitudes Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

The Government continued to restrict the work of local human rights groups. The Government denied the universality of human rights and stated that human rights issues should be viewed in the context of a country's "culture and beliefs."

During the year, the local NGO the Society for the Defense of the Rights of Prisoners maintained a Web site with information addressing human rights issues and in June 2006 published a report about prisons in the country. There was no indication during the year that Judiciary Chief Shahrudi responded to the group's appeal for attention to cases of political prisoners.

Various professional groups representing writers, journalists, photographers, and others attempted to monitor government restrictions in their respective fields, as well as harassment and intimidation against individual members of their professions. However, the Government severely curtailed these groups' ability to meet, organize, and effect change.

Domestic NGOs worked in areas such as health and population, women's rights, development, youth, environmental protection, human rights, and sustainable development. Some reports estimated that a few thousand local NGOs operated during the year. However, in 2005 a more restrictive environment accompanied the new presidential administration, including pressure on domestic NGOs not to accept foreign grants. In March the revolutionary court reportedly shut down the offices of three prominent civil society and women's rights NGOs, the Iran Civil Society Organizations Training and Research Center, the Raahi Legal Center, and the NGOs Training Center. During the year activists affiliated with the organizations, Sohrab Razzaghi, Shadi Sadr, and Mahboubeh Abbasgholizadeh were detained and faced charges related to their NGO activities. Two Iranian-American scholars were jailed because of their work for foreign NGOs.

In November 2006 the European Union (EU) Parliament, which had a human rights dialogue with the Government from 2002–2004, called on the country to restart the dialogue, but the Government did not respond. On May 25, the EU Presidency declared itself "deeply concerned" about the deteriorating human rights situation, noting that it was "particularly troubled about the recent wave of arrests of civil society and women's rights activists."

International human rights NGOs were not permitted to establish offices in or conduct regular investigative visits to the country. The last visit by an international human rights NGO was AI's visit in 2004 as part of the EU's human rights dialogue.

The ICRC and the UNHCR both operated in the country with some restrictions. In June 2006 the Government allowed the UNSR on Adequate Housing to visit.

The December 18 UNGA resolution on the country's human rights record expressed "very serious concern" at a number of ongoing abuses, including confirmed instances of torture, executions by stoning, and sentences of execution by stoning. The resolution called on the Government to heed the recommendations of the past four resolutions and permit special procedures to visit the country to assess how the Government is addressing their recommendations. No such visit has taken place under these recommended special procedures since July 2005.

During the year, the supreme leader established a human rights committee, chaired by the judiciary chief, with members including the ministers of intelligence, interior, foreign affairs, justice, and culture, as well as other judicial and military officials. The committee was not considered effective. In one of his first public statements as secretary of the committee, Mohammad Javad Larijani defended death by stoning as a punishment for adultery, but stated that the punishment is nonetheless rarely carried out in the country.

The Center for the Defense of Human Rights, founded by Nobel Peace Prize Laureate Shirin Ebadi, remained banned.

In 2006 hundreds of NGOs were left without legal status after they were instructed to file for new permits. Those NGOs that did not file the request were vulnerable to accusations of operating without a permit, and many of the applications that were filed were reportedly left pending indefinitely. In either instance they could be accused of operating without a permit. According to domestic press reports,

the interior ministry stated on September 4 that 219 permits for NGOs had been authorized since 2005. The Government granted 22 in 2007, 145 in 2006, and 52 in 2005. The interior ministry stated it processed 600 applications and that 300 were still pending.

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

In general the Government did not discriminate on the basis of race, disability, or social status; however, it did discriminate on the basis of religion, gender, and ethnicity. It consistently denied minorities their constitutional right to study and use their language in schools, particularly Kurds, Azeris, and Ahvazi Arabs. The poorest areas of the country were those inhabited by ethnic minorities, including the Baluchis in Sistan va Baluchestan Province and Arabs in the southwest. Much of the damage suffered by the citizens of Khuzestan Province during the 8-year war with Iraq has not been repaired; consequently, the quality of life of the largely Arab local population was poor.

Women.—The Constitution says all citizens, both men and women, equally enjoy protection of the law and all human, political, economic, social, and cultural rights, in conformity with Islamic rights.

Nonetheless, provisions in the Islamic civil and penal codes, in particular those sections dealing with family and property law, discriminate against women. Shortly after the 1979 revolution, the Government repealed the 1967 Family Protection Law that provided women with increased rights in the home and workplace and replaced it with a legal system based largely on Shari'a practices. In 1998 the Majles passed legislation that mandated segregation of the sexes in the provision of medical care. In 2003 the Council of Guardians rejected a bill that would require the country to adopt a U.N. convention ending discrimination against women.

In April the revolutionary courts sentenced Parvin Ardalan, Nushin Ahmadi Khorasani, Sussan Tahmasebi, Shahla Entessari, and Fariba Davoudi Mohajer to between 2 and 4 years in prison for "acting against national security" for organizing a June 2006 women's rights rally. The courts suspended some portions of some sentences.

The Government continued to arrest and detain members of the "One Million Signatures Campaign Demanding Changes to Discriminatory Laws," which activists launched in 2006 to promote women's rights. On July 11, security forces detained Amir Yaghoub Ali for collecting signatures for the campaign in Tehran's Andishe Park. Security forces detained him in section 209 of Evin Prison. On August 8, authorities released him on bail after 4 weeks in custody. It was not known what, if any, charges were brought against him.

On July 2, authorities sentenced women's rights activist Delaram Ali to 20 lashes and 2 years and 10 months in prison for her participation in a June 2006 women's rights rally. The judge charged her with "acting against national security" and "propaganda against the system." Following international protests, on November 4, the judiciary reduced her sentence to 10 lashes and 2½ years in prison and on November 10, authorities temporarily suspended her sentence.

On August 12, authorities sentenced Nasim Sarbandi and Fatemeh Dehdashti to 6 months in prison and 2-year suspended sentences reportedly for collecting signatures for the One Million Signatures campaign at a Tehran train station.

On October 9, authorities arrested Ronak Safarzadeh in the city of Sanandaj for collecting signatures for the One Million Signatures campaign.

On November 4, student Hana Abdi was also arrested for collecting signatures for the One Million Signatures campaign. No known charges were filed, and both Abdi and Safarzadeh remained in prison at year's end.

On November 18, authorities arrested women's rights activist and journalist Maryam Hosseinkhah. She was accused of "propaganda against the system." Hosseinkhah was one of the publishers of Zanestan Web site, which was shut down on November 17. She reportedly remained in detention in Evin Prison, unable to meet the $107,000 (1 billion rials) bail. Authorities reportedly denied her lawyer access to the details of her case.

On December 1, authorities arrested women's rights activist Jelveh Javaheri following an interrogation at the security branch of the revolutionary court. Authorities reportedly charged her with "inciting public opinion," "propaganda against the system," and "publishing false information."

The Government Center for Women and Family continued to publish reports on feminism with a negative slant and limited the debate on women's issues to only those related to the home.

Although spousal abuse and violence against women occurred, reliable statistics were not available. Abuse in the family was considered a private matter and seldom discussed publicly, although there were some efforts to change this attitude. Rape

is illegal and subject to strict penalties, but it remained a problem. There was no further information on the activity of the Center for Women's Participation committee, based in the health ministry, to combat violence against women.

According to a 2004 report on the country from the Independent Researchers on Women's Issues, there were no reliable statistics on honor killings, but there was evidence of "rampant" honor killings in the western and southwestern provinces, in particular Khuzestan and Elam. The punishment for perpetrators was often a short prison sentence.

Prostitution is illegal, but "sigheh," or temporary marriage, is legal. Accurate information regarding the extent of prostitution was not widely available. Press reports described prostitution as a widespread problem, with a media estimate of 300,000 women working as prostitutes. The problem appeared aggravated by difficult economic conditions and rising numbers of drug users and runaway children.

Although a male can marry at age 15 without parental consent, the 1991 civil law states that a virgin female needs the consent of her father or grandfather to wed, or the court's permission, even if she is older than 18. The country's Islamic law permits a man to have up to four wives and an unlimited number of temporary partnerships (sigheh), based on a Shi'a custom in which a woman may become the wife of a Muslim male after a simple religious ceremony and a civil contract outlining the union's conditions. Temporary marriages may last for any length of time and are used sometimes by prostitutes. Such wives were not granted rights associated with traditional marriage.

Women have the right to divorce if the husband signed a contract granting that right or if he cannot provide for his family, is a drug addict, insane, or impotent. However, a husband was not required to cite a reason for divorcing his wife.

A widely used model marriage contract limited privileges accorded to men by custom, and traditional interpretations of Islamic law recognized a divorced woman's right to a share in the property that couples acquire during their marriage and to increased alimony. Women who remarry were forced to give the child's father custody of children from earlier marriages. However, the law granted custody of minor children to the mother in certain divorce cases in which the father was proven unfit to care for the child. The law provides women preference in custody for children up to 7 years of age; thereafter, the father is entitled to custody. After the age of 7, in disputed cases custody of the child was to be determined by the court.

The penal code includes provisions for stoning persons convicted of adultery, although judges were instructed in 2002 to cease imposing such sentences. During the year, authorities carried out the sentence against one man, Jafar Kiani. Rights groups reported that at least nine people—mostly women—remained sentenced to death by stoning in the country. In addition a man could escape punishment for killing a wife caught in the act of adultery if he was certain she was a consenting partner; the same rule does not apply for women. Women may also receive disproportionate punishment for crimes, including death sentences. In July human rights groups and activists called on the Government to end the practice of stoning.

The testimony of two women equates with that of one man. The blood money paid to the family of a female crime victim was half the sum paid for a man.

Women had access to primary and advanced education. Reportedly over 60 percent of university students were women; however, social and legal constraints limited their professional opportunities. Women were represented in many fields of the work force, including the legislature and municipal councils, police, and firefighters. However, their unemployment rate reportedly was significantly higher than for men, and they represented only 11 percent of the workforce. Women reportedly occupied 1.2 percent of higher management positions and 5.2 percent of managerial positions.

Women cannot serve as president or as certain types of judges (women can be consultant and research judges without the power to impose sentences). The Constitution requires that Assembly of Experts candidates have a certain religious qualification. Citing this requirement, some religious leaders gave qualified support for the candidacy of women in the Assembly of Experts elections. In December 2006 two women took the religious qualification exam, but neither passed.

Women owned property and businesses in their name, and they obtained credit at a bank. The law provides maternity, child care, and pension benefits. The number of women's NGOs has reportedly increased from approximately 130 to 450 in the past decade.

The Government enforced gender segregation in most public spaces and prohibited women from mixing openly with unmarried men or men not related to them. Women must ride in a reserved section on public buses and enter public buildings, universities, and airports through separate entrances.

The penal code provides that if a woman appears in public without the appropriate Islamic covering (hijab), she can be sentenced to lashings and/or fined. However, absent a clear legal definition of appropriate hijab or the punishment, women were at the mercy of the disciplinary forces or the judge. Pictures of uncovered or immodestly dressed women in the press or in films were often digitally altered.

Children.—There was little current information available to assess government efforts to promote the welfare of children. Except in isolated areas of the country, children had free education through the 12th grade (compulsory to age 11) and the right to some form of health care. Health care generally was regarded as affordable and comprehensive with competent physicians. Courts issued death sentences for crimes committed by minors.

Only a few cities had a youth prison, and minors were sometimes held with adult violent offenders. According to U.N. Integrated Regional Information Networks (IRIN) there were 300 boys and 40 girls at the Tehran youth prison, with the average age of 14, but some were as young as age 6. Children whose parents could not afford court fees were reportedly imprisoned for petty offenses including shoplifting, wearing make-up, or mixing with the opposite sex.

There was little information available to reflect how the Government dealt with child abuse, including child labor. Abuse was largely regarded as a private, family matter. According to IRIN, child sexual abuse was rarely reported. Nonetheless, according to the Government's 2005 report on the rights of the child, the health ministry developed over the past few years an action plan with UNICEF to fight child abuse, including training health ministry officials on the rights of the child. A 2005 UNICEF conference in Tehran addressed problems relating to child sexual abuse, including identifying, investigating, and protecting victims.

According to some reports, it was not unusual in rural areas for parents to have their children marry before they become teenagers, often for economic reasons. The law requires court approval for the marriage of girls younger than 13 and boys younger than 15.

In 2006 the Government reduced the school fees charged for Afghan students, according to a Western NGO. However, there were reportedly significant numbers of children, particularly Afghan but also Iranian, working as street vendors in Tehran and other cities and not attending school. According to government sources, 3 million children were prevented from obtaining an education because their families forced them to work. Unofficial sources claimed the figure was closer to 5 million. In 2005 government representatives told the U.N. Committee on the Rights of the Child that there were fewer than 60,000 street children in the country. Tehran reportedly opened several shelters for street children during the year. The government's 2005 report on the rights of the child claimed 7,000 street children had been resettled.

Trafficking in Persons.—The law prohibits human trafficking. However, according to foreign observers, women and girls were trafficked from the country to Pakistan, Turkey, Europe, and the Gulf States for sexual exploitation. Boys from Bangladesh, Pakistan, and Afghanistan were trafficked through the country to Gulf States. Afghan women and girls were trafficked to the country for sexual exploitation and forced marriages. Internal trafficking for sexual exploitation and forced labor also occurred. The Government did not fully comply with the minimum standards for the elimination of trafficking.

In September, according to domestic news, police disbanded an international smuggling network based in Tehran, but it was unclear how many, if any, of these were actual trafficking offenses. The group smuggled women and girls from Central Asia through Iran to the Gulf States. Police reportedly arrested 25 people for involvement in the network. However, there were also reports that the Government arrested and punished several trafficking victims on charges of prostitution or adultery.

Persons with Disabilities.—Although in 2004 the Majles passed a law on the rights of disabled persons, it was not known whether implementing legislation followed. There was no information available regarding whether the Government legislated or otherwise mandated accessibility for persons with disabilities or whether discrimination against persons with disabilities was prohibited. No information was available on which government agencies were responsible for protecting the rights of persons with disabilities.

National/Racial/Ethnic Minorities.—The Constitution grants equal rights to all ethnic minorities and allows for minority languages to be used in the media and schools. State broadcasting had weekly programs in various ethnic languages. In practice, however, the Government did not always permit minority groups, such as Azeris, Kurds, and Ahvazi Arabs, to use their respective languages in schools. Few

minority groups called for separatism but instead complained of political and economic discrimination.

In 2005 the UNSR for Adequate Housing reported that ethnic and religious minorities, nomadic groups, and women faced discrimination in housing and land rights, compounded by the rising cost of housing. The Ahvazi representative in the previous Majles wrote a letter to then-president Khatami, complaining that Arab land was being bought at very low prices or even confiscated. He also said Arab political parties were not allowed to compete in elections, and Arabic newspapers and magazines were banned.

Interior Minister Mustafa Purmohammadi ranked ethnic divisions as one of the biggest problems his ministry had to address. The Government blamed foreign entities, including a number of Western countries, for instigating some of the ethnic unrest. Other groups claimed the Government staged the bombs in Khuzestan during 2005 and 2006 as a pretext for repression.

In March 2006 Kurds clashed with police, reportedly resulting in three deaths and over 250 arrests. There were also clashes in June 2005, and there were strikes and demonstrations in July and August 2005 following the killing of a Kurdish activist by security forces. According to HRW and other sources, security forces killed at least 17 persons and wounded and arrested large numbers of others.

Foreign representatives of the Ahvazi Arabs of Khuzestan claimed their community of 2 to 4 million in the southwest section of the country suffered from persecution and discrimination, including the lack of freedom to study and speak Arabic. In early 2006 there were several bombings in Khuzestan. The Government blamed the violence on outside forces and foreign governments, although the revolutionary court later announced death sentences for at least 11 ethnic Arabs in connection with the bombings. After the first bombing in January 2006, the Ahvazi Arab Revival Party, an irredentist group, criticized the Government for blaming its problems on foreign governments and warned that there would be more violence if the Government did not change its policies regarding ethnic Arabs.

Provincial authorities sentenced 19 Ahvazi Arabs to death in connection with the October 2005 and January and February 2006 bombings. Human rights groups have accused the Government of torturing prisoners to extract confessions and unfair trial practices; they called on the Government to retry at least 10 of the accused bombers.

Ahvazi and human rights groups alleged torture and ill-treatment of Ahvazi Arab activists, including detention of the spouses and young children of activists.

In 2005 protests in Ahvaz followed the publication of a letter—termed a forgery by the Government—allegedly written in 1999 by an advisor to then-president Khatami—that referred to government policies to reduce the percentage of ethnic Arabs in Khuzestan.

Ethnic Azeris composed approximately one-quarter of the country's population, were well integrated into the Government and society and included the supreme leader. However, Azeris complained of ethnic and linguistic discrimination, including banning the Azeri language in schools, harassing Azeri activists or organizers, and changing Azeri geographic names. The Government traditionally viewed Azeri nationalism as threatening, particularly since the dissolution of the Soviet Union and the creation of an independent Azerbaijan. Azeri groups also claimed that there were a number of Azeri political prisoners jailed for advocating cultural and language rights for Iranian Azerbaijanis. The Government has charged several of them with "revolting against the Islamic state."

In May 2006 there were large-scale riots in the Azeri majority regions of the northwest following publication of a newspaper cartoon considered insulting to Azeris. The cartoon depicted a cockroach speaking in the Azeri language. Police forcibly contained the protests, and police officials reported that four persons were killed and several protesters were detained. Authorities blamed foreign governments for inciting unrest.

According to AI, on May 14, authorities beat and detained Azeri language-rights activist Amir Abbas Banayi Kazimi in Tabriz. His family claimed he was subject to torture.

Other Societal Abuses and Discrimination.—In 2004 the judiciary formed the Special Protection Division, a volunteer unit that monitored and reported moral crimes. The law prohibited and punished homosexuality; sodomy between consenting adults was a capital crime. The punishment of a non-Muslim homosexual was harsher if the homosexual's partner was Muslim. At a speech at Columbia University in September, the president publicly denied the existence of homosexuals in the country.

According to health ministry statistics announced in October 2006, there were more than 13,000 registered HIV-positive persons in the country, but unofficial estimates were much higher; most were men. Transmission was primarily through

shared needles by drug users, and a study showed shared injection inside prison to be a particular risk factor. There was a free anonymous testing clinic in Tehran, and government-sponsored low-cost or free methadone treatment for heroin addicts, including in prisons. The Government also started distributing clean needles in some prisons. The Government supported programs for AIDS awareness and did not interfere with private HIV-related NGOs. Contraceptives, including free condoms, were available at health centers as well as in pharmacies. Nevertheless, persons infected with HIV reportedly faced discrimination in schools and workplaces.

Section 6. Worker Rights

a. The Right of Association.—The law provides workers the right to establish unions; however, in practice the Government did not permit independent unions. A national organization known as Workers' House was the sole authorized national labor organization. It served primarily as a conduit for government control over workers. The leadership of Workers' House coordinated activities with Islamic labor councils, which consisted of representatives of workers and a representative of management in industrial, agricultural, and service organizations consisting of more than 35 employees. The Islamic labor councils also functioned as instruments of government control and frequently blocked layoffs and dismissals.

The law allows employers and employees to establish guilds. The guilds issued vocational licenses and helped members find jobs. Instances of late or partial pay for government workers reportedly were common.

In 2005 workers appointed a committee to lobby for the right to form labor associations. The committee issued a statement signed by 5,000 workers that it did not recognize agreements signed between the Government and the International Labor Organization (ILO) because workers had no independent representation at discussions. Workers criticized official unions for being too close to the Government.

On April 7, security forces arrested 45 members of the Hamedan Teachers' Association. The organization was reportedly banned and judiciary officials said the teachers were arrested because of their continued affiliation with a banned organization.

On April 9, labor activist Mahmoud Salehi, former head of the Saqqez Bakery Workers' Union, was detained by security forces and subsequently sentenced to 1 year in prison and 3 years' suspended sentence. He remained in prison and was reportedly in poor health. On December 11, he was hospitalized for complications related to his being denied proper treatment for chronic kidney disease. Salehi's earlier sentence in 2005 was overturned on appeal. A November 2006 report indicated that Salehi was sentenced to 4 years' imprisonment for committing crimes against the country's internal security but was not detained until April. Fellow labor activist Jalal Hosseini was reportedly sentenced to 2 years' imprisonment on similar charges in November 2006; however, on April 10, he was reportedly not in prison.

On July 10, unidentified men arrested labor leader Mansur Osanloo and detained him in Evin Prison. He was also repeatedly arrested in 2006. Osanloo, the head of the Syndicate of Bus Drivers of the Tehran and Suburbs Bus Company (Sherkat-e-Vahed), had been targeted by the Government because of his calls for labor rights. Osanloo's health has suffered in prison, and on October 21, he underwent eye surgery to prevent blindness in his left eye. At year's end, he remained in prison.

On August 9, authorities arrested Ebrahim Madadi and four others for protesting the arrest of Osanloo. On December 16, Madadi was released from jail following an appeals court ruling that cleared him of the charge of acting against national security.

b. The Right to Organize and Bargain Collectively.—Although the labor code was amended in 2003 to permit workers to form and join "trade unions" without prior permission if registration regulations are observed, workers did not have the right to organize independently and negotiate collective bargaining agreements.

Workshops of 10 employees or fewer were exempt from labor legislation. According to the International Trade Union Confederation (ITUC), more than 400,000 of the country's 450,000 workshops were exempt circa 2003.

The law prohibits public sector strikes, and the Government did not tolerate any strike deemed contrary to its economic and labor policies; however, strikes occurred. There were no mechanisms to protect worker rights in the public sector, such as mediation or arbitration.

According to the ITUC, labor legislation did not apply in export processing zones.

c. Prohibition of Forced or Compulsory Labor.—The law permits the Government to require any person not working to take suitable employment; however, this requirement did not appear to be enforced regularly. The law prohibits forced and bonded labor by children; however, this law was not enforced adequately, and such labor by children was a serious problem.

d. Prohibition of Child Labor and Minimum Age for Employment.—The law prohibits forced and bonded labor by children; however, child labor appeared to be a serious problem. The law prohibits employment of minors less than 15 years of age and places restrictions on the employment of minors under age 18; however, the Government did not adequately enforce laws pertaining to child labor. The law permits children to work in agriculture, domestic service, and some small businesses but prohibits employment of women and minors in hard labor or night work. There was no information regarding enforcement of these regulations.

e. Acceptable Conditions of Work.—The law empowers the Supreme Labor Council to establish annual minimum wage levels for each industrial sector and region. In 2006 President Ahmadi-Nejad increased the minimum wage levels, but workers continued to claim it was too low. There was no information regarding mechanisms to set wages, and it was not known if minimum wages were enforced. The law stipulates that the minimum wage should meet the living expenses of a family and take inflation into account. However, many middle-class citizens had to work two or three jobs to support their families.

The law establishes a maximum 6-day, 48-hour workweek, with a weekly rest day, normally Fridays, and at least 12 days of paid annual leave and several paid public holidays.

According to the law, a safety council, chaired by the labor minister or his representative, should protect workplace safety and health. Labor organizations outside the country have alleged that hazardous work environments were common in the country and resulted in thousands of worker deaths annually. The quality of safety regulation enforcement was unknown, and it was unknown whether workers could remove themselves from hazardous situations without risking the loss of employment.

There was anecdotal evidence suggesting some government employees and students voted in the 2005 presidential election and the December 2006 elections to obtain the stamp proving they had voted. Without this stamp, they feared they would have employment or enrollment problems.

IRAQ

Iraq, with a population of approximately 27.5 million, is a republic with a freely elected government led by Prime Minister Nouri Jawad al-Maliki. The current administration assumed office in May 2006 after the Council of Representatives (COR) approved a unity government composed of the major political parties. The 2005 COR elections establishing this government met internationally recognized electoral standards for free and fair elections, and the results of the elections reflected the will of the voters, according to the final report of the International Mission for Iraqi Elections.

After an upsurge of violence in 2006 followed by the war's most deadly 6 months, civilian deaths from war-related violence decreased sharply during the second half of the year. Most members of the Mahdi Army (Jaysh al-Mahdi—JAM) began observing a declared, 6-month ceasefire in September, and "Concerned Local Citizen" paramilitaries, many affiliated with Sunni tribal groups, have been constituted to combat extremists. Violence has also abated as Sunni and Shi'a populations became increasingly divided into geographically distinct communities.

During the year the Iraqi Security Forces (ISF) operated with the support of Multi-National Force-Iraq (MNF–I) against insurgents, terrorists, and extralegal militias. Civilian authorities generally maintained control of the ISF, although sectarian and party-affiliated militias, which often controlled local security, failed to provide even-handed enforcement of the law and frequently acted independently. Continuing violence, attacks by terrorists, corruption, and dysfunction seriously compromised the Government's ability to protect human rights.

During the year the following significant human rights problems were reported: A pervasive climate of violence; misappropriation of official authority by sectarian, criminal and extremist groups; arbitrary deprivation of life; disappearances; torture and other cruel, inhuman, or degrading treatment or punishment; impunity; poor conditions in pretrial detention and prison facilities; denial of fair public trials; delays in resolving property restitution claims; immature judicial institutions lacking capacity; arbitrary arrest and detention; arbitrary interference with privacy and home; other abuses in internal conflicts; limitations on freedoms of speech, press, assembly, and association due to sectarianism and extremist threats and violence; restrictions on religious freedom; restrictions on freedom of movement; large numbers of internally displaced persons (IDPs) and refugees; lack of protection of refu-

gees and stateless persons; lack of transparency and widespread, severe corruption at all levels of government; constraints on international organizations and nongovernmental organizations' (NGOs) investigations of alleged violations of human rights; discrimination against and societal abuses of women, ethnic, and religious minorities; human trafficking; societal discrimination and violence against individuals based on sexual orientation; and limited exercise of labor rights.

Sectarian, ethnic and extremist violence, coupled with weak government performance in upholding the rule of law, resulted in widespread, severe, human rights abuses. On one side, Sunni Arab extremist groups such as the terrorist organization Al-Qa'ida in Iraq (AQI) and other extremist elements launched attacks against Shi'a and other Sunnis, fueling sectarian tensions and undermining the Government's ability to maintain law and order. On the other side, predominantly Shi'a armed paramilitary groups, some substantially incorporated into the ISF, also frequently killed and forced Sunnis to leave their homes and move to predominantly Sunni areas. Religious minorities, sometimes labeled "anti-Islamic," were caught in the violence. Extremists and AQI conducted high-profile bombings of Shi'a markets and mosques and killed Shi'a religious pilgrims. Death squads, individuals carrying out reprisal killings, and terrorist groups attacked and killed ordinary citizens as well as prominent officials, often on a sectarian basis. Amidst attacks, which caused thousands of deaths, Shi'a armed groups fought each other for control of the nine provinces in the South, especially in Basrah. Insurgents also carried out a number of attacks against civilians in the North, where there were also conflicts among ethnic groups. During the year, despite some reconciliation and easing of tensions in several provinces, the Government's human rights performance fell consistently short of according citizens the protections provided for by the law.

The Constitution and law provide a strong framework for the free exercise of human rights, and many citizens contributed to efforts to help build institutions to protect those rights. The Ministries of Interior (MOI) and Defense (MOD) increased the numbers of trained security forces. Nonetheless, during the year government institutions were greatly stressed and faced difficulty in successfully responding to the challenges presented by widespread human rights abuses.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life.—During the year there were numerous reports that the Government or its agents committed arbitrary or unlawful killings in connection with the ongoing conflict. Security forces under government control killed armed fighters or persons planning on carrying out violence against civilian or military targets. According to personal accounts and numerous press reports, these forces caused civilian deaths during these operations.

Unauthorized government agent involvement in extrajudicial killings throughout the country was widely reported. Some police units acted as "death squads" and, while there were resulting transfers and trainings, there were no criminal prosecutions by year's end. There were allegations that in May MOI First Division national police officers committed extrajudicial killings of civilians in Baghdad while operating outside their duty area. There were no reports of active investigations of this incident at year's end. Particularly in the central and southern parts of the country, Shi'a militias—the JAM and the Badr Organization of the Islamic Supreme Council of Iraq (ISCI)—used their positions in the ISF to pursue sectarian agendas. During the year authorities in Basrah, including the police chief, expressed concern about the continued prevalence of killings and kidnappings by militia members wearing police uniforms or driving police cars.

The U.N. Assistance Mission for Iraq (UNAMI) received reports alleging involvement of ISF and military personnel in extrajudicial killings in Baghdad. For example, on May 4, ISF members reportedly arrested and shot 14 civilians in the Jihad neighborhood. According to local residents, on May 3, personnel wearing MOI police uniforms reportedly arrested and killed 16 individuals in the Hay al-Amel neighborhood. Subsequently, the Government announced the formation of a committee to investigate this incident. No further information was available at year's end. On April 28, individuals wearing Iraqi army uniforms reportedly arrested 31 men in the Adhamiya neighborhood; five were found dead the next day in the Kesra District.

On March 28, gunmen affiliated with the JAM militia reportedly stormed homes in Wahda (a Sunni Turkmen neighborhood in Tal Afar) and killed 70, kidnapped 40, and injured 30 in retaliation for bombings in Tal Afar the day before. On March 27, in Tal Afar, two truck bombs exploded in local markets, reportedly killing 85 persons and injuring 183 others. The AQI-affiliated Islamic State of Iraq claimed responsibility.

In February several high officials in the Ministry of Health (MOH), including Deputy Minister, Hakim al-Zamili, who were loyalists of Moqtada al-Sadr's JAM, were arrested and charged with organizing the killing of hundreds of Sunnis in Baghdad's hospitals, including patients, family members, and medical staff. Investigations found that under al-Zamili's direction, about 150 members of the MOH's protection service used ministry identification to move freely around Baghdad and using ambulances to ferry weapons, carried out hundreds of sectarian killings and kidnappings from 2005 to early 2007. They reportedly abducted and killed many Sunni patients at three major Baghdad hospitals, Al Yarmouk, Ibn al-Nafees, and Al Nur, as well as relatives who came to visit them or went to hospital morgues to recover their family member's bodies.

MOI-affiliated death squads targeted Sunnis and conducted kidnapping raids and killings in Baghdad and its environs. In May 2006 then Minister of Interior Bayan Jabr announced to the press the arrest of a major general and 17 other ministry employees implicated in kidnapping and "death squad activities." Jabr also noted that that the MOD found a terror group in its 16th Brigade that carried out "killings of citizens." The results of these investigations were unknown at year's end.

In October 2006 the MOI announced its decision to reform the Eighth Brigade of the Second national police Division due to its support of death squads and sent hundreds of personnel from that brigade to training. Minister of Interior Jawad al-Bolani charged the unit with the October 2006 kidnapping and killing of 26 Sunni food factory workers in Baghdad. MOI vehicles were used in the kidnapping, and most men involved wore police uniforms. No results of the investigation of the brigade, or of the other arrests, were available by year's end.

Insurgent and terrorist bombings, executions, and killings were a regular occurrence throughout all regions and sectors of society. On April 18, five separate bombings in mostly Shi'a districts of Baghdad killed 198 Iraqis. The worst of the bombings killed 140 individuals in the crowded Sadriya market, which was also the target of a February 3 bomb that killed 135 persons.

Terrorists particularly targeted police officers and institutions. An estimated 1,830 members of the police and military were killed during the year, according to press reports tracked by the Web site Iraq Coalition Casualty Count. For example, a May 5 suicide bombing killed 15 persons and injured 22, mostly police recruits, outside an army base west of Baghdad in a queue of recruits lining up for jobs near Abu Ghraib prison. On December 9, the police chief of Babil Province, MOI Major General Qais al-Mamouri and two of his bodyguards were killed by a roadside bomb in Hillah. Al-Mamouri, who was widely known for his political independence, had been the object of six previous attempts on his life after becoming police chief. On December 10, insurgents reportedly launched a rocket attack on a detention facility in the Rusafa District of eastern Baghdad, killing five detainees and injuring 25 others.

Terrorists also targeted political institutions and leaders, religious institutions and minorities. On April 12, an explosion thought to be caused by a suicide bomber targeted the cafeteria of the COR building in the International Zone, wounding 22 and killing parliamentarian Mohammed Awad, a member of the Iraqi National Dialogue Council. Insurgents were also reportedly responsible for the bombing that killed Anbar Salvation Council leader Sheikh Abdul Sattar Abu Risha in Anbar on September 13, as well as a June 25 suicide bombing that killed four Sunni and two Shi'a sheikhs at a Baghdad hotel.

On February 24, a truck bomb exploded near the Sunni Hay al-Ummal Mosque in Habbaniyah, killing approximately 40 persons, including 15 who were praying inside the mosque, and injuring scores. The attack occurred 1 day after the imam of the mosque, Mohammad al-Marawi, urged worshippers to stand firmly against AQI. On June 19, a suspected AQI bomber rammed a truck packed with .5 ton of explosives into the Shi'a Khulani Mosque in central Baghdad, reportedly killing 87 persons and injuring 242. On August 27, officials reported that a suicide bomber killed at least nine persons at a mosque in Fallujah and wounded 10 persons.

On August 14, suicide bombers thought to be affiliated with AQI detonated four bomb-laden vehicles in villages near Kahtaniya, 75 miles west of Mosul. According to the Iraqi Red Crescent Society, more than 500 members of the Yazidi minority community were killed and at least 1,500 more were injured.

There were also reports throughout the South in the later half of the year that rival Shi'a militias increased their attacks seeking to intimidate independent-minded officials and influence government actions. On August 11 and August 20, respectively, the governors of Qadisiyah and Muthanna provinces were assassinated, reportedly by these militias.

During the year Shi'a militias and criminal gangs reportedly continued to terrorize civilians in Basrah through a campaign of killings, intimidation, kidnappings, rape, and other abuses. There were also a series of assassinations and attempted assassinations by sniper fire of police and political figures in Basrah. On December 30, Basrah MOI police chief Major General Abdul Jalil Khalaf survived two assassination attempts within 2 hours. Since assuming command of Basrah's police force in June, Khalaf has survived at least eight assassination attempts. Kidnappings for reward money increased significantly in Basrah in the later part of the year.

The February 2006 terrorist bombing of the Al-Askariya Shrine in Samarra, among the most revered sites for Shi'a Muslims, provoked a rise in sectarian violence. A cycle of daily sectarian retaliatory attacks resulted between Shi'a and Sunni in the subsequent months. On June 13, a second bombing destroyed the shrine's two minarets and sparked another wave of sectarian violence.

In Erbil, Sulaymaniyah, and Dohuk, the three provinces comprising the majority of the area under the jurisdiction of the Kurdish Regional Government (KRG), there were fewer reports of sectarian violence than elsewhere. Unlike in the previous year, there were no new reports of KRG security forces using excessive force that resulted in deaths.

On May 9, a bombing in Erbil killed 19 and injured 70 persons. According to the KRG MOI, evidence connected the bombing to AQI cells in Kirkuk and Mosul. On May 13, a suicide truck bombing outside the Kurdistan Democratic Party (KDP) headquarters in Makhmour, 25 miles south of Erbil, killed 50 and wounded 70 persons.

On July 16, a suicide truck bombing targeted the Kirkuk headquarters of the Patriotic Union of Kurdistan (PUK), killing 75 and wounding almost 200 more. The attack highlighted the tensions among Kurdish, Arab, and Turkmen residents of Kirkuk at the center of ongoing deliberations over the implementation of Article 140 of the Constitution, which provided a December 31 deadline for a referendum over the future of disputed internal boundaries. At year's end the major political blocs agreed to seek technical assistance from the U.N. and to a 6-month technical delay in implementation of Article 140.

There was no consensus on accurate death figures due to the violence. During the year UNAMI requested casualty figures from the MOH and the Baghdad Medico-Legal Institute; however, the Government declined to provide statistics. There were other estimates of violent deaths directly attributed to the conflict. The International Committee of the Red Cross (ICRC) reported in a press conference in August that 10,000 bodies brought to Baghdad's Medico-Legal Institute between August 2006 and August 2007 were never identified.

Estimates of Iraqi civilian deaths during the year varied. The Iraq Coalition Casualty Count estimated 17,100 civilian war-related deaths during the year. The British NGO Iraq Body Count estimated between 22,586 and 24,159 violent civilian deaths during the year. On December 31, figures from the MOI, MOH, and MOD were published, claiming 16,232 civilian deaths and approximately 1,700 police and military deaths during the year. All sources agreed that the vast majority were killed between January and August.

A government survey in 2006 and 2007 of 9,345 households in nearly 1,000 neighborhoods and villages across Iraq supervised by the World Health Organization estimated the number of civilians killed in the conflict between March 2003 and June 2006 to be approximately 151,000. At the same time, the researchers cautioned that due to the uncertainty of such estimates, the actual number of citizens who died violently during that period was between 104,000 and 223,000.

On several occasions in December, Turkish Air Force planes struck sites in northern Iraq targeting the terrorist group Kurdistan Workers' Party (PKK) following the organization's attacks in Turkey. According to press reports, one civilian woman was killed.

During the year there were no known investigative results or judicial developments in the 13 instances of arbitrary killings reported in section 1.a. of the 2006 Human Rights Report.

Other parts of this report contain related information; see Sections 2.c. and 2.d.

b. Disappearance.—During the year kidnappings and disappearances remained a severe problem; many individuals disappeared, with frequent accusations directed at rogue police. The majority of the reported cases appeared to be sectarian-related. Police believed that the great majority of cases were unreported. Many Baghdad residents complained that rogue neighborhood police officers often arrested family members without an arrest warrant and then would later call for a ransom. Numerous reports indicated that rogue police were involved in sectarian-motivated, as well as criminal, kidnappings.

Kidnappings were often conducted for ransom. During the year the police solved virtually none of these cases and rescued few kidnapped individuals. By year's end police rescued three victims of kidnapping in Baghdad.

During the year large-scale kidnappings continued. For example, on April 1, gunmen at a fake checkpoint north of Baghdad kidnapped 19 men from a Shi'a village. Their bodies were found 1 day later near Baquba, north of Baghdad. On April 3, according to police in Nikhaib, west of Karbala, gunmen in automobiles kidnapped 18 Shi'a men, boys and girls, and then went in the direction of Anbar Province. The whereabouts of the 18 were unknown at year's end.

Incidents of political kidnappings occurred during the year, with frequent accusations directed at the police. On May 29, for example, kidnappers wearing police uniforms kidnapped five British men, a computer expert and four bodyguards, from a Ministry of Finance building in Baghdad. There was no information on the men's status at year's end. On August 14, as many as 100 gunmen, reportedly wearing police uniforms, broke into the state oil marketing building in east Baghdad and kidnapped Deputy Minister of Oil Abdul Jabbar Al Wagga and four other ministry employees. By August 28, all were freed in good condition. On August 20, gunmen kidnapped acting undersecretary of the Ministry of Science and Technology Samir Salim al-Attar in Baghdad as he returned home. His status was unknown at the end of the year. On October 28, gunmen kidnapped 10 tribal sheikhs in Baghdad as they returned from meetings on the nation's reconciliation process. The group consisted of seven Shi'a and three Sunni sheikhs. The body of one of the Sunni sheikhs, Mishaan Hilan, was found near the scene of the ambush. The remaining nine sheikhs were released on October 30.

In 2006 Kurdish security forces, including the armed forces (Peshmerga), internal security forces (Asayish), and political party intelligence services (Parastin/Zanyari), reportedly conducted police operations in disputed areas in the provinces of Ninawa, whose capital is Mosul, and of Tameen, whose capital is Kirkuk. These operations abducted individuals and continued to detain them in unofficial and undisclosed detention facilities in the KRG as of year's end.

By year's end there were no new developments in the following 2006 disappearances: Ali al-Mahdawi, director of Diyala Health Directorate and Sunni nominee to be deputy minister of health; Ahmed al-Mosawi, the head of the Iraq Human Rights Society; approximately 50 persons from the Salhiya neighborhood in Baghdad (reportedly by assailants wearing police uniform); and approximately 70 Ministry of Industry and Minerals employees by gunmen at a checkpoint. There were also no further developments in the kidnapping and release in 2006 of COR member Tayseer al-Mashhadani or in reported disappearances in 2005, including that of the kidnapping and release of a Sunni businessman.

Until its fall in 2003, the former regime caused the disappearance of many thousands of persons. Additional mass graves from that period were still being discovered during the year. For example, in September government human rights officials located five graves dating from the former regime in southern al-Amarra, the capital of Maysan Province. On November 3, soldiers uncovered two mass graves containing at least 30 bodies of men and women, killed at undetermined periods, in the Lake Tharthar region, about 50 miles northwest of Baghdad. There were also more recent mass graves. On November 17, soldiers found 17 bodies in a mass grave in Diyala Province that officials assessed were killed within the previous 3 months.

Other parts of this report contain related information; see Sections 1.b. and 2.a.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Constitution expressly prohibits torture in all its forms under all circumstances, as well as cruel, inhuman, or degrading treatment. During the year there were documented instances of torture and other abuses by government agents and similar abuses by illegal armed groups. The government's ineffectiveness in adhering to the rule of law in these circumstances has been hampered by ongoing, large-scale violence, corruption, sectarianism bias, and lack of civilian oversight and accountability, particularly in the security forces and detention facilities.

During the year local and international human rights organizations continued to report torture and abuse in several MOI and MOD detention facilities, as well as in KRG security forces detention facilities.

Numerous and serious reports of torture, abuses, and killings were leveled at MOI's regional intelligence office in Basrah and the Khadimiyah national police detention facility in Baghdad. Former detainees in both facilities reported that they suffered severe beatings, electric shocks, sexual assault, suspension by the limbs for long periods, threats of ill-treatment of relatives, and, in some cases, gunshot wounds. Reports of abuse at the point of arrest, particularly by MOI's national police forces and MOD's battalion-level forces, continued to be common. Accusations included extreme beatings, sexual assault, and threats of death. During 2006 there

were also similar accusations against MOI and MOD facilities, particularly against the Fifth Division, Second Brigade's detention facility in Baqubah.

There was little indication that disciplinary action was taken against security forces accused of human rights abuses; sectarian politics between the Badr Organization and the JAM appeared to play a strong role in MOI disciplinary actions, as well as in general MOI internal actions.

On March 4, joint British and Iraqi Special Forces raided the MOI National Iraqi Intelligence Agency headquarters building in the southern city of Basrah and arrested an alleged death squad leader. The special forces found 30 detainees with signs of torture. According to press reports, the prime minister's office stressed the need to punish the special forces that carried out the raid. There were no known disciplinary actions against those involved in the alleged torture.

Abusive interrogation practices reportedly occurred in some detention facilities run by the KRG internal security (Asayish) forces and the KRG intelligence services. UNAMI reported finding evidence that investigators disregarded instructions not to employ coercive methods with Asayish detainees in Erbil. Between April and June, 48 out of 66 detainees and prisoners UNAMI interviewed reported being tortured by officials. Allegations of abuse included application of electric shocks, suspension in stress positions, and severe beatings. In some cases, police threatened and sexually abused detainees, including juveniles.

During the year insurgents, terrorists, and some militia members regularly beat, dismembered, beheaded, and electrically drilled and shocked their victims.

In March a facility was discovered in the village of Karmah west of Baghdad that was used by Sunni insurgents for serious abuses and summary executions. On June 28, police found 20 beheaded men, all with their hands and legs bound, dumped on the banks of the Tigris in the town of Salman Pak, just south of Baghdad. On May 6, a so-called torture chamber and a massive amount of artillery shells were discovered in pursuit of a suspected terrorist in a building in Baghdad's Sadr City. On May 23, similar rooms operated by Sunnis against Sunnis were discovered in Anbar Province holding 17 persons in two hideouts, including a 13-year-old boy who was shocked with electrical current and beaten. The freed individuals stated that one or two others had died in torture sessions.

At year's end there were no new developments in the following 2006 cases: Basrah police station torture chambers, Mulla Eid mass grave, or in the 2005 Jadriyah bunker investigation. At year's end a national police "Lieutenant Colonel A," accused of assaulting and torturing dozens of Sunni captives in custody on behalf of a Shi'a militia at the "Site 4" Baghdad Central Detention Facility in 2006, was in government custody and awaiting trial in Baghdad (see Section 1.d.).

Prison and Detention Center Conditions.—Despite a law mandating that detention facilities be under the sole control of the Ministry of Justice (MOJ), detention facilities were operated by four separate ministries: Justice, Interior, Defense, and the Ministry of Labor and Social Affairs (MOLSA) for juvenile detention. Additionally, the KRG Ministry of Labor and Social Affairs (MOLSA) operated its own detention facilities. The KRG internal security (Asayish) forces and the KRG intelligence services operated separate detention facilities outside the control of the KRG MOI, according to a July report by the NGO Human Rights Watch (HRW).

At year's end there were nine MOJ prisons and seven pretrial detention facilities. However, the total number of MOI detention facilities was unknown. Including police holding stations, there were estimated to be more than 1,000 official MOI detention locations. The MOD operated 17 holding areas or detention facilities in Baghdad and at least another 13 nationwide for detainees captured during military raids and operations. Additionally, there were reports of unofficial detention centers throughout the country. Unlawful releases and continued detention beyond the date of ordered release, as well as targeting and kidnapping of Sunni Arab detainees, were reported. Kurdish authorities operated eight detention facilities that combined pretrial and post conviction housing and an additional eight Asayish pretrial detention facilities.

Treatment of detainees under government authority was poor in many cases, although MOJ prison and detention facilities and personnel (otherwise known as the Iraqi Correctional Services or ICS) generally attempted to meet internationally accepted standards for basic prisoner needs.

The ICS internal affairs department monitored abuse or violations of international standards for human rights in prisons. However, increased JAM influence and activities within ICS facilities in some regions led to increased allegations of harassment and abuse. These allegations have resulted in the discipline of ICS officers in some cases, while in others the internal affairs investigations were inconclusive. Medical care in MOJ/ICS prisons was satisfactory and in some locations exceeded the community standard.

However, most detention facilities under MOI and MOD control did not meet international standards. There was continued overcrowding. Many lacked adequate food, exercise facilities, medical care, and family visitation. Detainee populations under government control, estimated to number at least 23,000, were high due to mass arrests carried out in security and military operations. Limited infrastructure or aging physical plants in some facilities resulted in marginal sanitation, limited access to water and electricity, and poor quality food. Medical care in MOI and MOD detention facilities was not consistently provided, and rape, torture, and abuse, sometimes leading to death, reportedly occurred in some facilities.

During the year the national police detention center in Khadimiyah, a neighborhood of northern Baghdad, which was built to hold approximately 350 persons, was overcrowded, at various times holding over twice its allotted capacity with juveniles mixed into the population. By year's end the detention facility, while still overcrowded, held a population of approximately 450. Partially treated wounds, skin diseases, and unsanitary conditions were common, as was extortion by guards. Former detainees at Kadhimiyah alleged that they were tortured.

The law mandates that women and juveniles be held separately from men. Although in some cases women were housed in the same detention facility as men, generally they were not. Juveniles were occasionally held with adults. A number of juvenile detainees, mostly young teenagers, alleged sexual abuse at the hands of MOI and MOD personnel and adult prisoners. Additionally, pretrial detainees and convicted prisoners were often held in the same facility due to space limitations.

MOLSA's juvenile facilities lacked adequate resources and did not adequately support rehabilitative programs. Other reports stated that children were abused and tortured during interrogation while detained by MOI and MOD security forces before their transfer to MOLSA facilities.

The national MOJ/ICS and KRG permitted visits to prisons by representatives of the both the national and the KRG Ministries of Human Rights (MOHR) and UNAMI. The KRG Minister for Human Rights toured several KRG MOLSA detention facilities once during the year; however, a report was not available at year's end. The national MOHR continued its own prison inspection program; its reports were not publicly available.

Domestic and international human rights NGOs or intergovernmental organizations did not generally have access to national MOI detention and pretrial facilities or to similar facilities of the KRG Asayish and intelligence forces. However, according to December 7 press reports, the ICRC had access to 1,500 to 2,000 KRG detainees, some of whom were held in Asayish facilities. The ICRC visits were in accordance with standard modalities. During the first half of the year, UNAMI reported visits to eight prison and detention facilities in the country.

The KRG intelligence services reportedly maintained separate detention facilities; however, there were no reports of access by outsiders to these facilities. The condition of prisoners and detainees in these facilities was unknown.

Other parts of this report contain related information; see Sections 1.d. and 5.

d. Arbitrary Arrest or Detention.—The Constitution provides for protection against arbitrary arrest and detention, except in extreme exigent circumstances as provided for in a state of emergency. In practice there were a number of instances of arbitrary arrest and detention.

Role of the Police and Security Apparatus.—The MOI exercised its responsibilities throughout the country, except in the KRG area. These responsibilities included providing internal security through police and domestic intelligence capabilities, facilities protection, and regulating all domestic and foreign private security companies. It also had responsibility for emergency response, border enforcement, dignitary protection, firefighting, and internal monitoring of the conduct of MOI personnel. The army, under direction of the MOD, also played a part in providing domestic security. During the year the ISF operated with the support of MNF–I to provide internal security against insurgent, terrorist attacks, and extralegal militia crimes. During the year the ISF often did not prevent or respond effectively to societal violence.

The MOI security forces included several components: The 142,000-member Iraqi Police Service deployed in police stations; the 33,000-member national police, overwhelmingly Shi'a and organized into commandos, public order, and mechanized police; the 31,000-member Border Enforcement Police, as well as the 140,000 to 150,000 Facilities Protection Service security guards employed at individual ministries. The MOI was responsible for approximately 500,000 employees, nearly 10 percent of the country's male labor force.

There were manifold problems with all security services: Sectarian divisions, difficulties in militia integration and infiltration, corruption, lack of a strong chain of

command and control, personnel and equipment shortages, and unwillingness to serve outside the areas in which they were recruited.

The inability of the overwhelmingly Shi'a ISF to retain Sunni personnel and convince Sunni communities that they were not biased in their enforcement were problems, although the recruitment into "Concerned Local Citizen" paramilitaries of approximately 70,000 largely Sunni tribesmen and former insurgents in Anbar improved anti-extremist capabilities.

The KRG maintained its own regional security forces as set forth in the Constitution. Pending further progress on implementing the Unification Plan for the KRG, the two main parties of the Kurdish region maintained outside the control of the KRG MOI Peshmerga units as regional guards, internal security units (Asayish), and intelligence units. KRG security forces and intelligence services were involved in the detention of suspects in KRG-controlled areas. The variety of borders and areas of authority remained a cause of confusion, and therefore concern, with regard to the jurisdiction of security and courts.

The KRG functioned with two party-based Ministries of Interior. The PUK Party controlled the ministry with oversight of the province of Sulaymaniyah, and the KDP controlled the ministry with oversight of the provinces of Erbil and Dohuk. KRG officials stated that unification of the party-based Ministries of Interior was their goal but missed two self-announced deadlines for doing so during the year.

Authorities frequently did not maintain effective control over security forces and did not have effective mechanisms to investigate and punish abuse and corruption. MOI security force effectiveness, particularly the national police, was seriously compromised by militias, sectarianism, and political party influences. Rampant corruption, organized criminality, and serious human rights abuses were embedded in a culture of impunity.

By year's end the MOI had reportedly opened 6,000 internal affairs investigations, of which 1,200 resulted in firings and about 500 in other disciplinary actions. Of about 500 cases opened by the MOI inspector general, 61 were referred to the court system, resulting in 31 convictions. Over the past several years, assassination attempts killed 14 members of the MOI Internal Affairs staff and wounded 14. During the year the personal aide of the interior minister was also killed.

Allegations of MOD abuses continued during the year, but there were no arrests in connection with any of these allegations. There were continuing reports of torture and abuse and an alleged extrajudicial killing on May 30 of a detainee in MOD custody in Baghdad. In 2006 there were allegations against MOD battalion-level units that carried out arrests in Baghdad, as well as against the Fifth Division, Second Brigade operating in Diyala Province. There were no arrests in connection with these allegations and no information on any investigations. In 2006 after some investigatory efforts, the MOI announced it fired hundreds of employees accused of corruption. Employees accused of serious human rights abuses were generally transferred rather than fired or arrested.

During the year no members of the security forces were tried or convicted in court in connection with alleged violations of human rights. Following the May 2006 discovery by a joint inspection team of the abuse at the "Site 4" facility in Baghdad, arrest warrants were issued in June 2006 for over 50 suspected abusers. However, the MOI executed only three of the arrest warrants by year's end, and there were no trials or convictions (see Section 1.c.).

Investigative judges rarely referred security force officials to the Central Criminal Court because of Section 136 (b) of the Criminal Procedure Code, which requires that such referrals must be approved by the ministry for whom the suspect works.

Reform efforts to increase the capacity and effectiveness of the police continued. During the year the MOI national police relieved both of its division commanders, 10 brigade commanders that had led its nine brigades, and 18 of 28 battalion commanders in the process of vetting for criminal and sectarian associations with militias. However, as noted in section 1.c, sectarian politics between the Badr Organization and the JAM appeared to play a strong role in MOI disciplinary actions, as well as in general MOI internal actions. Reform efforts also included human rights training and other forms of assistance. Basic recruits received approximately 32 hours of human rights training in their 8- to 10-week course.

Arrest and Detention.—The Constitution prohibits "unlawful detention" and mandates that preliminary investigative documents be submitted to a judge within 24 hours from time of arrest, a period which can be extended by 1 day. Under a state of emergency, the prime minister has the authority under "extreme exigent circumstances" to provide authorization for suspects to be detained and searched without an arrest warrant. Law enforcement authorities reportedly continued to detain and search individuals without an arrest warrant after the state of emergency expired in April, although there were no reliable statistics available on such incidents.

In practice police and army personnel frequently arrested and detained suspects without judicial approval. Security sweeps sometimes were conducted throughout entire neighborhoods, and numerous persons were reportedly arrested without a warrant or probable cause. Police often failed to notify family members of the arrest or location of detention, resulting in incommunicado detention.

According to MOHR data reported in the UNAMI quarterly report, at mid-year the number of non-Coalition detainees in the country totaled 23,218, the great majority being Sunni. The ICS held 12,031; the MOI, 5,110; the MOD, 3,319; and the MOLSA, 652. The KRG total was 2,106. The MOI figures were considered to be low estimates. During an interview published in the independent Awene newspaper on December 11, the KRG MOHR estimated the number of prisoners in the region to be closer to 2,556, 826 of whom were in Asayish jails. According to the KRG MOHR, the KRG total did not include numbers held by the KRG intelligence services, which unlike the KRG Asayish, continued to decline to release information on detainees.

In practice few detainees saw an investigative judge within the legally mandated time period. Many complained of not seeing the investigative judge until months after arrest and detention. In some cases, individuals identified as potential witnesses were also detained for months. Incommunicado detention took place. For example, according to UNAMI, at year's end five Palestinians who were arrested in mid-March remained in MOI custody under incommunicado detention, without referral to court. Also, according to UNAMI, on January 28 and again on February 27, families of detainees arrested by Asayish forces demonstrated before the Kurdistan National Assembly in Erbil, demanding information on the whereabouts of detained relatives and the reasons for their arrest and urging that human rights abuses and the ill-treatment of detainees in these facilities be addressed.

Lengthy detention periods without any judicial action were a systemic problem. The lack of judicial review was due to a number of factors, whose relative weight was difficult to assess, but included undocumented detentions, backlogs in the judiciary, slow processing of criminal investigations and a grossly insufficient number of judges.

There were a number of reports that KRG detainees were held incommunicado. KRG internal security units reportedly detained suspects without an arrest warrant and transported detainees to undisclosed detention facilities. There were reports that detainees' family members were not allowed to know their location or visit them. In July HRW reported that scores of detainees interviewed in Asayish detention facilities in 2006 stated that detention facility officials had deprived them of contact with their families since their arrest, a period lasting up to 2 years. Reportedly, police across the country continued to use coerced confessions and abuse as methods of investigation.

Although the law allows release on bond, in practice criminal detainees were generally retained in custody pending the outcome of a criminal investigation.

Judges are authorized to appoint paid counsel for the indigent and did so in practice; however, at least nine attorneys complained that poor access to their clients after their appointment hampered adequate attorney-client consultation.

There were also reports that MOI detention facility personnel took bribes in exchange for releases. Guards at the MOI's Second national police detention facility in Baghdad were reportedly asking families for approximately $15,000 to $20,000 (18.75 to 25 million dinars) to free their relatives.

Amnesty.—On April 10, the Kurdistan National Assembly passed the General Amnesty Law No. 4 for the Kurdistan region and on July 1 published it in the official Kurdistan Gazette. Pursuant to this law, the KRG formed committees in each governorate (Erbil, Dohuk, and Sulaymaniyah) that were headed by judges to review detainee cases and recommend releases. The law provided a one-time amnesty applicable to cases predating the passage of the law and was not applicable to detainees accused of terror-related offences. Although the law was implemented, statistics on the number of individuals released were unavailable as of year's end.

Other sections of this report contain related information; see Sections 2.a. and 2.d.

e. Denial of Fair Public Trial.—The law provides for an independent judiciary. Although the judicial system was credited with efforts to maintain an independent stance, unstable circumstances in the country, as well as the law, made the judiciary weak and dependent on other parts of the Government. Threats and killings by insurgent, sectarian, tribal, and criminal elements impaired judicial independence. The law also restricted the free investigation of wrong-doing. Ministers were afforded the opportunity to review and prevent the execution of arrest warrants against ministry employees lawfully issued by sitting judges presiding over criminal investigations. This provision provided immunity to selected government employees

and enabled a component of the executive branch to terminate proceedings initiated by the judicial branch.

The judiciary at all levels—investigative, trial, appellate, and supreme—is managed and supervised by the Higher Juridical Council (HJC), an administrative body of sitting judges from the Federal Supreme Court, the Court of Cassation, and the appeals courts. Representatives of the Office of the Public Defender, of a judicial oversight board (that hears charges of misconduct by judges), and of regional judicial councils also sit on the HJC. Unlike the formal courts, the HJC does not investigate and adjudicate cases involving criminal conduct or civil claims.

Although the Constitution provides for an independent judiciary in all regions, the judiciary remained part of the KRG executive branch's MOJ.

The judicial system includes civil courts that address domestic, family, labor, employment, contract, and real and personal property claims. Challenges to the judgments rendered in these civil proceedings are first taken to the appeals courts of the provinces in which the trial courts sit; after that, secondary appeals may be made to the Court of Cassation.

In addition to the criminal and civil trial and appellate courts, the court system includes a Federal Supreme Court, the jurisdiction of which is limited to resolving disputes between branches of government, between the Federal Government and the provinces (governorates), and reviewing the constitutionality of laws, regulations, procedures, and directives of the various branches and units of government throughout the country. The Presidency Council appointed the nine members of the Federal Supreme Court.

In 2003 the Governing Council created the Iraqi High Tribunal (IHT), formerly the Iraqi Special Tribunal, to try persons accused of committing war crimes, genocide, crimes against humanity, and specified offenses from July 17, 1968 through May 1, 2003. After a trial, the IHT in November 2006 sentenced former dictator Saddam Hussein to death based upon his conviction for crimes against humanity relating to the killing of 148 villagers from Ad-Dujayl following an alleged assassination attempt against him in 1982. Two other regime members, Barzan al-Tikriti and Awad al-Bandar, were also convicted at the same time for similar crimes. All three were sentenced to execution by hanging. Appeals were lodged, the verdicts were confirmed, and Saddam Hussein was executed in December 2006. Al-Tikriti and al-Bandar were executed on January 15.

On September 4, in the Anfal Trial, Ali Hassan al-Majid, widely referred to as "Chemical Ali" and two codefendants, Sultan Hashem Ahmed and Hussein Rashid Mohammed, were convicted of genocide and related charges and sentenced to death by hanging. The sentences were upheld on appeal. Codefendants Farhan Jubouri and Saber Abdel Aziz al-Douri were sentenced to life imprisonment and Taher Tawfiq al-Ani was acquitted. The Anfal trial, which concluded on June 23, concerned the deaths of an estimated 182,000 Kurdish men, women, and children, in part by the use of chemical weapons.

During the year investigations continued into a number of crimes allegedly committed by members of the former regime, including atrocities following the 1991 uprising, the draining of the marshes in the southern part of the country, and the invasion of Kuwait. Cases related to the 1991 uprising were being tried in the IHT at year's end.

Judicial security remained a serious concern as violence and threats of violence affected judges in virtually all provinces. For example, in east Baghdad, gunmen killed the chief judge of a local criminal court, Mustafa Kadhim Jawad, and his driver in late September. In August Midhat Mahmoud, head of the Supreme Judicial Council, stated that he and other judges received a stipend for bodyguards, but that most of the jurists had been unable to renew the guards' gun permits since a security crackdown began in February. He also noted that attacks on judges increased.

Judges frequently faced death threats and attacks. Between July 2005 and December 2007 at least 24 judges were assassinated. Some judges declined to try cases related to terrorism or the insurgency because of intimidation and security concerns. The judiciary suffered from a severe shortage of security and other support for judges, which has contributed to major deficiencies in the rule of law.

While individual judges were viewed as objective and courageous, judges also were vulnerable to intimidation and violence. In some cases judges refused to hear cases against insurgents and terrorists for fear of retribution. There were reports that criminal cases at the trial level or on appeal to the Court of Cassation were decided by corruption or intimidation. There were also reports that court-issued detainee release orders were not consistently enforced.

Trial Procedures.—The Constitution provides for the right to a fair trial, and judges—investigative, trial, and appellate—generally sought to enforce that right. An accused is considered innocent until proven guilty and has the right to privately-

retained or court-appointed counsel. One of the significant challenges facing the criminal trial courts, however, was insufficient access to defense attorneys. Defense attorneys were theoretically provided, but detainees rarely had access to them before the initial judicial hearing, often for security reasons. Many detainees met their lawyers for the first time during the initial hearing. Most of the time defense attorneys were provided at public expense if needed.

The criminal justice system is based on a civil law regime similar to the Napoleonic Code. It is fundamentally inquisitorial—and not adversarial—in form and content. The system is focused centrally on the search for the truth, initiated and pursued almost exclusively by judges, whose role is to assemble evidence and adjudicate guilt or innocence.

Investigative judges, working collaboratively with judicial investigators, and in some cases police officers, are responsible for interviewing witnesses, assembling evidence, examining suspected criminals, and generating files on the results of the investigative work. Although prosecutors and defense attorneys frequently participated in these pretrial investigative hearings, their roles were for the most part limited to recommending the pursuit of certain lines of investigation, including posing suggested questions of witnesses and detainees. They rarely appealed decisions of judges about the manner and scope of their investigations.

Three-judge panels are responsible for trying the accused persons in trials open to the public, based largely on the results of judicial investigations. During those trials the presiding judges question the accused detainees; witnesses may testify at these proceedings. The prosecutor and the defense attorney can make brief closing statements.

After deliberation among the members of the panel, the presiding judge announces the verdict and, in the case of a conviction, the sentence. Criminal judgments of conviction and acquittal may be appealed to the Court of Cassation, a judicial panel that reviews the evidence assembled in the investigative and trial stages and renders a decision.

The Constitution provides for the establishment of military courts, but only military crimes committed by the armed forces and the security forces may come before such courts.

Political Prisoners and Detainees.—There were no reports of political prisoners or detainees during the year. Following considerable international attention, Kurdish political activist Kamal Said Kadir was released from prison after a 2005 conviction for "defamation of public institutions." There was scant information concerning persons detained in Kurdish detention facilities.

Civil Judicial Procedures and Remedies.—The legal framework exists, as well as an independent and impartial judiciary, for dealing with civil issues in lawsuits seeking damages for, or cessation of, human rights violations. Administrative remedies also exist. However, during the year the priorities of an understaffed judiciary and government administration focused on issues more directly related to security, and these procedures and remedies were not effectively implemented.

Property Restitution.—There was a problem with serious delays in adjudicating claims for property restitution. The Commission for the Resolution of Real Property Disputes (CRRPD), formerly the Iraq Property Claims Commission, was established in 2004 by Coalition Provisional Authority (CPA) Regulation 12 as an independent governmental commission. Its purpose is to resolve claims for real property confiscated, forcibly acquired, or otherwise taken for less than fair value by the former regime between July 17, 1968, and April 9, 2003, for reasons other than land reform or lawfully applied eminent domain. The CRRPD process is intended primarily to benefit those whose land was confiscated for ethnic or political reasons as part of the former regime's "Arabization" program and other policies of sectarian displacements. The previously announced deadline for filing claims of June 30 was extended and remained open at year's end. In 2005 new laws replaced the old CPA order clarifying and making the CRRPD process more equitable.

A significantly backlogged property restitution process delayed justice. By year's end the CRRPD received over 132,000 claims nationwide. More than 36,000 of these claims were reportedly Kirkuk-related. To date, the CRRPD has reportedly resolved over 34,000 claims nationwide. The claims were handled on a case-by-case basis through a technically complex process often taking years to complete. There is a CRRPD appeals court in Baghdad. Since 2003 many dislodged Arabs (wafadin) returned to their prior homes and have applied for compensation.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The Constitution mandates that homes are not entered or searched except with a judicial order issued in accordance with the law. The Constitution also prohibits arbitrary interference with privacy. In practice security forces often entered homes with-

out search warrants and took other measures interfering with privacy, family, and correspondence.

Under the state of emergency, the prime minister may authorize authorities to detain suspects and search them, their homes, and their work places. The law provides that all such actions must be pursuant to an arrest or search warrant unless there are extreme exigent circumstances. The state of emergency lapsed in April and was not renewed by year's end; however, there were reports that law enforcement activities often continued as if the state of emergency were still in effect. For example, the police were instructed to comply with legal warrant requirements but reportedly often entered homes without search warrants.

In the KRG-controlled provinces, there was pressure on citizens to associate with the PUK party in the province of Sulaymaniyah, and the KDP party in the provinces of Irbil and Dohuk.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution broadly provides for the right of free expression, provided it does not violate public order and morality. Despite this protection of freedom of expression, the law provides, if authorized by the prime minister, for fines or a term of imprisonment not exceeding 7 years for any person who publicly insults the national assembly, the Government, or public authorities. In practice the main limitation on the exercise of these rights was self-censorship due to fear of reprisals by insurgent and sectarian forces.

The law prohibits reporters from publishing stories that defame public officials. Many in the media complained that these provisions prevented them from freely practicing their trade by creating strong fears of persecution. There was widespread self-censorship.

The law restricts media organizations from incitement to violence and civil disorder, and expressing support for the banned Ba'ath Party or for "alterations to Iraq's borders by violent means."

There were several hundred daily and weekly publications, as well as dozens of radio and television stations at the national, regional, and local levels, broadcasting in Arabic, Kurdish (two dialects), Turkmen, and Syriac. Political parties strongly influenced virtually all media. For private media, sales and advertising revenues typically did not produce a reliable income stream, and lack of a constant power supply was often a problem.

The Government acted to restrict freedom of expression in some circumstances. For example, on January 2, the Government ordered the closure of the independent Al-Sharkiya satellite television channel for reporting false news and inciting sectarianism in connection to its coverage of Saddam Hussein's execution. Interior ministry spokesperson Abdul Karim Khalaf declined to specify which particular reports were false. The channel continued to broadcast from Dubai.

On February 25, interior ministry forces arrested 11 media workers at the Baghdad offices of Wasan Media and charged them with inciting terror. They had supplied video footage of a controversial interview with Sabrine al-Janabi, a citizen allegedly raped by police officers in February, to the Al-Jazeera satellite news television channel which continued to be banned from operating in the country. Wasan Media officials denied the accusations. On August 7, a judge dismissed the charges, and nine of the 11 media workers were released. Two remained imprisoned on charges of possessing unlicensed weapons at year's end.

The Government continued the November 2006 closure of the office of Al-Zawraa satellite television station based on the airing of training videos on how to build explosive devices, promoting calls to join terrorists and insurgent groups, and promoting killings and genocide against a large segment of the populace. However, Al-Zawraa continued to broadcast as a satellite channel over the Egyptian-controlled Nilesat.

Media workers often reported that politicians pressured them not to publish articles criticizing the Government. There were numerous accounts of intimidation, threats, and harassment of the media by government or partisan officials. The threat of legal action was actively used against media workers. In December cameraman Adnan Haseeb alleged he had been arrested on March 8 while on assignment with Al-Hurriya television in the International Zone, briefly detained at the prime minister's office, accused of working with insurgents and being involved in a bombing, beaten during interrogations, and then released without explanation in November. Before his detention, Haseeb was the cameraman for Al-Makshouf (Exposed), a weekly television talk show which covers citizen grievances against the Government.

Also in December journalist Faeq al-Oqabi reported leaving his former employer, the state-funded Al-Iraqiya television station, because it wanted to censor his show

due to pressure from the Government. On December 18, a group of journalists, some working for foreign news organizations, were accompanying police officials in Karbala to report on security measures in the city when they were brutally beaten by guards in the passing convoy of a political leader.

Print publications and broadcast media were a primary source of news and public discourse in the KRG provinces; however, almost all media outlets were controlled or funded by the major political parties and followed party lines in their publications and broadcasts.

KDP members sponsored a Kurdish-language newspaper, an Arabic-language version, and two television stations. The PUK sponsored a Kurdish-language newspaper, an Arabic-language newspaper, and KurdSat television. Minor parties such as the Kurdish Islamic Union also had their own newspapers and television stations.

In the KRG areas, in addition to the party press, there were a few notable independent media outlets that covered government and party corruption, for example, the weekly newspapers Hawlatee (the Citizen) and Awene (Mirror) and Radio Nawa. However, libel remains a criminal offense in the KRG area, and judges issued arrest orders for journalists on this basis. Journalists were sometimes imprisoned while police investigated the veracity of the information they published. For example, on July 10 police arrested Hawlatee reporter Rebaz Ahmed and held him for 24 hours on a defamation charge resulting from an article alleging that a park land was illegally allocated for a residence in Halabja; Ahmed was eventually acquitted.

There was also a marked increase in intimidation of independent journalists by extrajudicial means. Local security forces harassed and jailed editors of major independent publications for publishing articles that were critical of the KRG or Kurdish party officials, especially for alleged corruption. For example, Hawlatee publisher and editor in chief Tariq Fatih published an article critical of the owner of the Qubad Company, Ali Fatah, the brother of the KRG deputy prime minister. Ali Fatah took legal action and Fatih was held in jail on September 19 for several hours before being released on bail pending trial for defamation.

In 2006 two editors-in-chief of Hawlatee, a popular independent newspaper known for its criticism of the Government, were forced to resign to avoid facing jail sentences.

Violence against the media, primarily by militia and insurgency groups, was commonplace. Media workers reported that they refrained from producing stories on insurgency and militia activity for fear of retaliatory attacks. For example, in Diyala, an armed group posted wanted notices on the walls of mosques and other buildings with a photo of Al-Iraqiya correspondent Mohammed Ali, describing him as an "infidel" and "criminal" and offering $10,000 (125 million dinars) to anyone who eliminated him or helped locate him. Ali reportedly angered the group by criticizing its activities in his reports. During the year, there were at least 32 journalists killed, eight journalists abducted, and 12 media workers killed. More than 200 journalists and media workers have been killed since 2003, according to the NGO Committee to Protect Journalists.

Targeting of journalists continued throughout the reporting period. For example, gunmen on April 29 wounded Amal al-Moudares, one of Iraq's best known radio and television journalists, as she left her home in Baghdad. On September 3, gunmen killed Amir Malallah al-Rashidi, a sports journalist working for the Al-Mosuliya local television and Muhannad Ghanim al-Ubeidi, a journalist working for the Dar al-Salam radio station in Mosul. On September 24, unidentified gunmen killed Jawad Saadoun al-Daami, who worked for the Iraqi television station Al-Baghdadiya in Baghdad. On October 22, a correspondent for Radio Free Europe/Liberty disappeared while driving to an interview in Baghdad; police found his driver shot and left on the street. The correspondent remained missing at year's end. On October 27, Shehab Mohammed al-Hiti, a Sunni Arab editor of a Baghdad weekly newspaper al-Youm was killed on his way to the newspaper's office. One of the most widely reported killings of a media worker was that of well-known journalist and Al-Arabiya television reporter Atwar Bahjat who was abducted in February 2006 and killed later that year after reporting on the attack on the Al-Askariya Shrine. Her technician and cameraman were also killed.

Internet Freedom.—There were no government restrictions on access to the Internet or reports that the Government monitored e-mail or Internet chat rooms. Individuals and groups could engage in the peaceful expression of views via the Internet, including by e-mail.

Academic Freedom and Cultural Events.—There were no government restrictions on academic freedom or cultural events. However, social and religious as well as political pressures restricted the exercise of freedom of choice in academic and cultural

matters. In particular, Kurdish parties reportedly controlled the pursuit of formal education and the granting of academic positions.

In the central and southern parts of the country, there were a number of reports of threats by militia or insurgent groups against schools and universities, urging them to modify activities, close down or face violence. Educational institutions often complied with the threats. The KRG reportedly provided good security to the four universities in the region.

On January 16, a bomb killed approximately 65 and injured 110 persons near Al-Mustansiriya University in Baghdad as students were boarding minivans waiting outside a building to take them home, according to police. On February 25, a female suicide bomber killed 41 persons at a satellite branch of the university. In December 2006 a Sunni insurgent group, Ansar al-Sunna, sought to close the school. On May 27, unidentified gunmen killed Khalil al-Zahawi, a renowned calligrapher, outside his Baghdad home. During the year death squads targeted cultural figures such as doctors, academics, and scientists.

According to the Ministry of Higher Education, at least 280 academics have been killed since 2003 by insurgents and militias. During the year the Ministry of Displacement and Migration (MODM) reported that at least 30 percent of professors, doctors, pharmacists, and engineers have fled the country since 2003.

During the year a series of killings targeted professors, particularly in Baghdad and Basrah. Professors at Basrah University who were considered secular received written threats and demands that they leave Basrah. During the year threats against female students were openly posted on billboards and spray-painted on the walls of Basrah University.

By year's end an investigation of several high-ranking police officials and their potential involvement in the November 2006 abduction by gunmen in police uniforms of nearly 100 men from the Ministry of Higher Education Directorate building produced no results. Some men were freed by the next day; others were later found dead.

Other parts of this report contain related information; see Sections 1.b. and 1.d.

b. Freedom of Peaceful Assembly and Association.

Freedom of Assembly.—The Constitution provides for freedom of assembly and peaceful demonstration, and the Government generally respected this right in practice, although there were reports of abusive KRG practices against protesters. Until April the prime minister invoked the emergency law, which gave him the authority to restrict freedom of movement and assembly pursuant to a warrant or extreme exigent circumstances. In general this emergency law did not prevent peaceful assembly from occurring, although it was used often to impose curfews. Police in the central and southern parts of the country generally did not break up peaceful demonstrations except when a curfew was violated. Following the lapse of the state of emergency in April, the Government continued to claim the right to declare curfews in late evening and on holidays in response to security threats.

On September 30, Karbala Governor Aqil al-Khazali announced new instructions banning demonstrations in Karbala without the prior approval of local authorities and specifying jail sentences for those in violation to clamp down on violence and restore order.

Unlike in 2006, there were no reports that KRG security forces killed or detained protesters when multiple demonstrations protested government corruption and poor services.

Freedom of Association.—The Constitution provides for the right to form and join associations and political parties and specifically mandates that this right be regulated by law. The Government generally respected this right in practice, except for the legal prohibition on expressing support for the Ba'ath Party. Within the KRG provinces, some major labor unions and associations were directly affiliated to the PUK in Sulaymaniyah and the KDP in Erbil and Dohuk.

c. Freedom of Religion.—The Constitution proclaims Islam as the official religion of the state. While providing for full religious rights for all individuals "such as Christians, Yazidis, and Mandean Sabeans," the Constitution also stipulates that no law may be enacted that contradicts the established provisions of Islam. While the Government generally respected the right of individuals to worship according to thought, conscience, and belief, private conservative and radical Islamic elements continued to exert tremendous pressure on other groups to conform to extremist interpretations of Islam's precepts. In addition, frequent attacks on places of worship, as well as sectarian violence, hampered the ability of citizens to practice their religion freely.

After the MOI cancelled in April its regulation prohibiting issuance of a national identity card to those claiming the Baha'i Faith, four Baha'is were issued identity

cards in May. Without this official citizenship card, the approximately 1,000 Baha'is experienced difficulty registering their children in school, receiving passports to travel out of the country, and proving their citizenship. Despite the cancellation, Baha'is whose identity records were changed to "Muslim" after Regulation 358 was instituted in 1975 still could not change their identity cards to indicate their faith.

Constitutional provisions on religious freedoms countermand the Revolutionary Command Council Resolution 201 of 2001, which mandated the death penalty for adherents of the Salafist branch of Islam (Wahhabism) and Law No. 105 of 1970, which prohibits the Baha'i Faith. There was selective enforcement against Baha'is, but no been formal repeal.

During the year there were a number of reports indicating that employees and managers within ministries expressly or indirectly pressured women to wear veils as a requirement for work, regardless of the individual's religious affiliation.

There were also allegations of religiously based employment discrimination during the year. Several ministries reportedly hired and favored employees who conformed to the religious preference of the respective minister.

Religious groups are required to register with the Government. The requirements include having at least 500 followers. Non-Muslims complained that although the Government recognized their religious holidays by law, in practice they were generally disregarded.

Despite credible reports of KRG discrimination against religious minorities, many members of Christian, Muslim, Yazidi, and other religious denominations fled to the region to escape violence and religious discrimination in other parts of the country.

During the year there were allegations that the KRG continued to engage in discriminatory behavior against religious minorities. Members of these groups living in areas north of Mosul, such as Yazidis and Christians, asserted that the KRG encroached on their property and illegally built Kurdish settlements on the confiscated land.

Societal Abuses and Discrimination.—Extremists, including terrorist groups and militia members, targeted many individuals because of their religious identity. Others were targeted because of their secular leanings. Religious-based violence between Shi'a and Sunni Arabs, largely sparked after the February 2006 bombing of the Al-Askariya Shrine in Samarra, declined in the latter half of the year.

There continued to be reports that sectarian and vigilante checkpoints, ostensibly for neighborhood security, were often used to identify and kill citizens based on their religion.

Religious leaders were in several instances targeted for killings. For example, on June 3, unidentified gunmen shot and killed Chaldean priest Father Ragheed Ganni and three deacons in Mosul when they had returned from celebrating mass. Also on June 3, gunmen killed Sheikh Ali Khudher al-Zand, imam of a Sunni mosque, in Al-Khadhraa District in western Baghdad.

On July 20, Sheikh Abdullah Falaq al-Basrawi, a top aide of Shi'a Grand Ayatollah Ali al-Sistani, was fatally stabbed in his office next to al-Sistani's home in Najaf. On August 2, unidentified gunmen killed Sheikh Fadel al-Aql, a deputy of Grand Ayatollah al-Sistani, near his home in Najaf. On September 1, shortly after evening prayers, unidentified gunmen in Basrah killed Muslem al-Battat, the imam and preacher of the al-Urwa Mosque, and an aide of Grand Ayatollah al-Sistani. On September 29, in three separate attacks in Mosul, unknown gunmen killed Sheikh Azhar Ahmed Hussein al-Dulaimi, the Sunni imam of al-Sahabah Mosque; Sheikh Salim Sheet Mohammed al-Hamdani, the Sunni imam of Mahmoud al-Sadeq Mosque; and Sheikh Ghanim Qasem, the Sunni imam of al-Huda Mosque.

There were also kidnappings, with ransoms paid, of religious figures. For example, on June 6, Chaldean priest Father Hani Abdel Ahad and five other Christians were kidnapped in Baghdad and released after ransom was paid. On October 13, two Syriac Orthodox priests, Father Pios Affas and Father Mazin Isho'a, were abducted in Mosul on their way to church. Following negotiations, they were released 2 days later.

In March Sabean-Mandaean leaders reported that their community was increasingly targeted. In addition to forced conversions and forced wearing of head covering (hijab) by women, they reported the kidnapping of 23 Sabean-Mandaeans, with at least nine held for ransom. In all nine cases, ransom was paid; however, only seven were released. There was no further information on the status of the other two individuals.

Members of the Yazidi community reported that they continued to be targeted by Islamists throughout the year. Since a Yazidi girl was stoned to death by her community in April for eloping with a Muslim man and converting to Islam, tensions between the communities increased. On April 22, gunmen hijacked the bus of and

killed 23 members of the small Yazidi sect in the Mosul region. The killings were believed to be revenge for the stoning.

Members of the Christian community indicated that they were targeted throughout the year, particularly by Sunni-affiliated terrorists. Threats spiked against Christian institutions, clergy, and individuals, after September 2006 comments by Pope Benedict XVI perceived as anti-Islamic; threats reportedly decreased after the Pope expressed his deep regrets that Muslims had been offended.

Threat letters targeting residents based on their religious affiliation were fairly common for almost all religious denominations. Numerous reports indicated that Sunni Arabs, Shi'a Arabs, and Christians received death letters identifying them by sect and urging them to leave their homes or face death. These threats fueled large-scale internal displacement based on religious or ethnic affiliation.

Islamist militants continued to target stores that provided goods or services considered to be inconsistent with Islam. For example, liquor stores in Baghdad and elsewhere were bombed, looted, and defaced by Islamic extremists.

The country's Jewish population is now virtually nonexistent as a result of emigration over decades. However, anti-Semitic sentiment remained a cultural undercurrent. For example, a March 2006 citizenship law, among other provisions, precludes Jews who emigrated from regaining citizenship.

For a more detailed discussion, see the 2007 International Religious Freedom Report.

Other parts of this report contain related information; see Sections 2.d., 4, and 5.

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons.—The Constitution provides for the right of free movement in all parts of the country and the right to travel abroad and return freely. However, there were some limitations in practice, particularly regarding travel into and residence in the KRG region.

The Government generally cooperated with the Office of the U.N. High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to internally displaced persons, refugees, asylum seekers, stateless persons, and other persons of concern, although effective systems were not completely established by year's end.

Under the state of emergency, the prime minister can restrict movement pursuant to a warrant, impose a curfew, cordon off and search an area, and take other necessary security and military measures (in Kurdish areas, only in coordination with the KRG). Although the state of emergency lapsed in April, the Government availed itself of these powers in practice in the course of the year. In response to security threats, the Government continued to declare curfews and take other necessary military and security measures of limited duration after the state of emergency expired.

Since May the KRG did not allow persons, including citizens from outside the region, to enter unless a Kurdish resident met them in person and "guaranteed" their stay. Similarly, those from outside the region seeking to live within the jurisdiction of the KRG must have a local resident guarantor, and register on arrival with the KRG Residency Office.

The MOI's Passport Office maintained a policy of requiring women to obtain the approval of a close male relative before being issued a passport.

The Constitution expressly prohibits forced exile of all native-born citizens. The injunction also applies to naturalized citizens, unless a judicial decision establishes that the naturalized citizen was granted citizenship on the basis of material falsifications. Forced exile did not occur.

There were no known government restrictions on emigration. Exit permits were required for citizens leaving the country, but the requirement was not enforced.

Internally Displaced Persons (IDPs).—Sectarian militia and terrorist actions provoked fear and chaos leading to large scale movements of Sunni and Shi'a populations. At year's end the International Organization for Migration (IOM) estimated the number of IDPs within the country to be 2.4 million, including the 1.2 million displaced following the February 2006 destruction of the dome of Al-Askariya Mosque and Shrine in Samarra, a Shi'a holy site. Further movements were stimulated by the June 13 destruction of its two remaining minarets. In October IOM estimated the August 14 bombing attacks on the Yazidi areas in Ninewah Province displaced up to 1,000 families.

Citing official KRG sources, UNHCR reported that IDPs within the KRG numbered more than 163,000 in September, with most arriving after February 2006. Hygiene and sanitation for IDPs were generally better in the KRG than in other areas; however, shelter, food, and other concerns remained critical, particularly for the

large settlement in Qalawa, where families that have absorbed IDPs into their homes also faced difficulty.

As well as violence and poor security situations, especially in mixed Sunni/Shi'a areas, intimidation and discrimination in the provision of public services caused displacement. The most affected groups were Sunni residents of mixed areas substantially under government control. There were numerous reports in Baghdad and across the country of threat letters delivered to Shi'a, Sunni, or Christian residents warning them to leave their homes within a certain period of time or face death. Some Baghdad residents reported seeing their neighbors kidnapped or killed by members of terrorist or militia groups aiming to force the departure of residents of other sects.

Many Baghdad residents migrated to other neighborhoods due to sectarian violence and lawlessness, while others left the city altogether. Since February 2006 according to an IOM expert, approximately 750,000 residents have left their homes, dropping the Sunni population in Baghdad from 40 percent to an estimated 30 percent. According to the IOM estimate in its end-of-year review of displacement, the number of IDPs originating from Baghdad and Diyala Province were 65 percent and 19 percent, respectively.

In its end-of-year report, IOM estimated that displacement rates decreased significantly during the year. The IOM cited improved security in certain areas and the sectarian homogenization of previously mixed neighborhoods as possible causes. Although overall returns represented only a small fraction of those displaced, the IOM reported increased numbers of both refugees and IDPs returning to their places of origin. The MODM reported that 3,657 families in Baghdad had been registered from February 2006 to December 2007 as IDP returnees (3 percent of IDPs originating from Baghdad), with an additional approximately 6,000 families awaiting registration (5 percent of IDPs originating in Baghdad). The Government provided stipends of $800 (1 million dinars) to encourage families to return.

At year's end IOM noted that the IDP humanitarian situation in Kirkuk was especially dire when compared to other governorates. Only half of IDPs assessed in Kirkuk received any kind of humanitarian aid. IOM reported that of the 2,166 families (approximately 13,000 individuals) assessed in Kirkuk Governorate, 21 percent reported death or serious injuries. Moreover, insurgents controlled some areas and intimidated local communities and IDPs.

Most IDPs were living with families or renting houses in the host community. Other IDPs have occupied abandoned buildings, public buildings, or homes abandoned by other displaced families. At year's end, the IOM estimated that less than 1 percent of IDPS were living in tents in IDP camps. The Iraqi Aid Association, a Baghdad-based NGO, reported that IDPs in camps and other temporary settings were vulnerable to decreasing temperatures and not always accessible by aid distribution organizations.

The government, through the MODM, collected information about IDPs and provided some assistance in the form of humanitarian supplies. MODM also coordinated the provision of aid to IDPs with Iraqi Red Crescent Society. According to the UNHCR, by mid-year there were more than 2.2 million Iraqis living abroad, although a large percentage left before 2003. At year's end UNHCR reported that 10 out of 18 governorates denied entry and/or aid to IDPs. Nonregistration limited IDPs' access to basic services and legal documentation necessary to receive food rations from the public distribution system. During the year the KRG established a directorate for displacement and migration in the KRG Ministry for Extra Regional Affairs.

Protection of Refugees.—The law does not provide for the granting of asylum or refugee status in accordance with the 1951 U.N. Convention relating to the Status of Refugees and its 1967 protocol, and the Government did not establish by year's end an effective system for providing protection to refugees. In practice the Government provided protection against "refoulement," the return of persons to a country where there was reason to believe they feared persecution.

The Government cooperated with UNHCR and other humanitarian organizations to provide protection and assistance to both 23,000 Palestinian and to 2,500 Syrian refugees through rental subsidies, other forms of material assistance, and legal representation. The Government also implicitly recognized 14,000 Turks and 5,500 Iranians as refugees.

In 2006 the Government reestablished an interministerial committee charged with making refugee determinations. The committee did not review any cases during the year. In 2006 the central government and the KRG agreed to integrate approximately 3,000 Kurdish Iranian refugees in northern Iraq. The Government also continued to facilitate the reintegration of hundreds of Iraqi Faili (Shi'a) Kurds re-

turning from Iran. During the year no further information on the integration process was available.

Refugees were periodically targeted in attacks carried out by insurgents, militias, and criminals. Protection for Palestinian refugees remained poor. There were credible reports that police targeted Palestinians for arbitrary arrest, detention, house raids, and extortion. According to the U.N., hundreds of Palestinian refugees left Baghdad to seek refuge in Jordan and Syria during the year. According to Amnesty International, at the beginning of August Syrian authorities allowed four seriously ill young Palestinians from the al-Waleed camp near the border to enter Syria for urgent medical treatment. On November 30, UNHCR reported that three Palestinians, including two children, died of illnesses at al-Waleed while awaiting resettlement.

Since 2005 approximately 150 Sudanese refugees remained stranded at a camp in Anbar Province near the Jordanian border.

Groups not affiliated with the Government also reportedly threatened the physical safety of refugees belonging to groups favored or perceived to be favored by the previous regime (Palestinians, Syrian Ba'thists, and Iranian Arabs).

Other parts of this report contain related information; see Sections 1.a., 1.d., and 2.c.

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

In 2005 citizens voted in a referendum to adopt a permanent Constitution, which included the full panoply of protections of human rights including the right of citizens to change their government peacefully through periodic, free, and fair elections based on universal suffrage. Citizens exercised this right at the national level in 2005 when they elected the 275 members of the COR. The Independent Electoral Commission of Iraq (IECI) had sole responsibility for administering the 2005 referendum and elections.

On January 23, the COR passed the Independent High Electoral Commission (IHEC) Law, which the Presidency Council (the president and two deputy presidents) approved on February 27. On April 28, the COR appointed the nine IHEC Commissioners in a process that the U.N. deemed fair and transparent.

Article 140 of the Constitution called for resolution of the status of Kirkuk and other disputed internal boundaries by December 31. At year's end the major political blocs, including the Kurdish parties and the KRG, agreed to a 6-month technical delay in implementation and to seek technical assistance from UNAMI on structuring a process of implementation.

Elections and Political Participation.—In spite of the threat from terrorists and insurgent violence, the 2005 national elections and referendum were widely considered to have met international standards for free and fair elections. The IECI opened more than 6,000 polling centers throughout the country for a total of more than 30,000 polling stations available to voters. The 2005 election turnout was more than 70 percent.

During the 2005 election, observer groups and political entity agents submitted more than 1,800 complaints. However, many of these complaints were procedural and few pointed to substantive irregularities. Allegations of ballot stuffing or interference by local electoral staff, outsiders, or police were not widespread. The April 2006 final report of the International Mission for Iraqi Elections stated that the 2005 election met internationally recognized electoral standards for free and fair elections and the election results reflected the will of the voters.

Political parties and candidates had the right to propose themselves or be nominated by other groups. The Government did not restrict political opponents, nor did it interfere with their right to organize, seek votes, or publicize their views, apart from the legal prohibition on supporting the Ba'ath Party.

The country's political parties, as a general rule, tended to be organized along either religious and/or ethnic lines. Shi'a Islamist parties, such as the ISCI and the al-Da'wa al-Islamiyya Party, as well as Kurdish nationalist parties such as the KDP and PUK, were the predominant political forces. Other political players included the Sunni Iraqi Islamic Party and ethnic minority parties, such as the Assyrian Democratic Movement.

Membership in some political parties conferred special privileges and advantages in employment and education. There were some reports that the KDP and PUK prevented the employment of nonparty citizens, and that KRG courts favored party members.

By year's end there had been no steps to undertake elections for provincial councils, which coordinate with the National Government to provide resources and services, such as gasoline, security, health and education, to the local population. At

year's end no legislation was in place to define the term of office for the 41-seat provincial councils.

Past Sunni election boycotts caused the under-representation of Sunnis in provincial councils. For example, in Baghdad Province, which in 2005 was approximately 40 percent Sunni, only one Sunni was elected to the 51-member Baghdad provisional council.

In the 2005 election, female voter turnout was reportedly as high if not higher than male turnout. The Constitution provides for the election of women to the COR, with a goal of no less than one-quarter female representation. Female leaders, representing a broad spectrum of political views, expressed concern that some women were selected to participate in the political process only to meet this quota.

According to the Constitution, a minimum of 25 percent of the seats in the COR are reserved for women. There were 66 women in the COR, just under 25 percent of the membership. Women chaired two of the 24 standing committees. At year's end 15 of the 37 cabinet positions were vacant or filled on an acting basis. There were four female ministers in the Government: The minister of state for women's affairs; and the ministers of human rights (who was also the acting minister of state for civil society affairs), environment, and housing and construction. Additionally, four cabinet members were from small religious and ethnic minority groups.

Government Corruption and Transparency.—The World Bank's Worldwide Governance Indicators reflected the severe problem of government corruption. Large-scale corruption pervaded the Government, and public perception of government corruption continued to be high. Intimidation and political influence were factors in some allegations of corruption, and officials sometimes used "de-Ba'athification" to further political and personal agendas. Anticorruption institutions were fragmented and interaction among them was hampered by a lack of consensus about their role. Lack of accountability continued to be widespread and was reinforced by several provisions in statute as well as lack of transparency. The law did not provide public access to government information for citizens and noncitizens, including foreign media. Government officials who were required by law to file financial disclosure reports, such as ministers, governors, and parliamentarians, in many cases failed to do so. The Commission on Public Integrity (CPI) was authorized by law, but was not powerful enough to enforce such disclosures.

The CPI, formed in 2004, is the Government's commission charged with preventing and investigating cases of corruption in all ministries and other components of the Government nationwide (except for the KRG). The CPI, with a staff of 200 investigators, reports to the commissioner on public integrity and legislature and has the authority to refer cases for criminal prosecution. Since its establishment, the CPI adjudicated only approximately 241 of more than 3,100 cases under investigation. The caseload far outstripped the organization's investigative capacity and reflected intimidation and lack of training.

The Constitution provides immunity from arrest to COR members unless the member is caught in the criminal act or charged with a felony and the immunity is overturned by a majority vote of the COR.

Paragraph 136 (b) of the Criminal Procedure Code provides ministers with the ability to prevent enforcement of the arrest of their employees. This law allows ministers to halt corruption proceedings against their employees. During the year on at least 67 separate occasions and on at least 15 separate occasions in 2006, a minister reportedly halted adjudication and arrest of employees suspected of corruption by the CPI. In other cases ministries effectively stalled the investigation by failing to provide information.

On October 4, CPI Commissioner Judge Radhi al-Radhi alleged during testimony before the U.S. Congress that corruption cost the Government nearly $18 billion (22.5 quadrillion dinars) in the last 3 years, affecting virtually every government ministry and involving some of the country's most powerful public officials. The Government accused al-Radhi of fleeing the country to avoid corruption charges and appointed Moussa Faraj to replace him. Al-Radhi denied the accusations.

Unlike in 2006, there were no new high-profile corruption cases in the courts. A number of cases of officials charged with criminal negligence and implicated in the former defense minister's 2004 theft of $1 billion (1.3 trillion dinars) were pending at year's end.

In October 2006 the former minister of electricity, Ayham al-Samaraii, was sentenced to 2 years' imprisonment on charges of corruption. After escape from detention, he remained at-large at year's end.

The Government also has a system of 31 inspectors general in the various ministries, the city of Baghdad, the central bank, and the religious endowments. On September 3, the Council of Ministers issued an order effectively blocking ministries' cooperation with the CPI, making the inspectors general, appointed by the

prime minister and confirmed by the Parliament, the sole investigators of corruption in the central government ministries. The mandate of the inspectors general, with 1,250 total staff, is to audit, inspect, and investigate in order to reduce fraud, waste, and abuse. More than 50 percent of these offices have a human rights unit within their organization.

The Board of Supreme Audit (BSA) is responsible for conducting audits of all contracts that ministries undertake. By May the number of BSA referrals to the CPI had more than doubled from the year before according to CPI records. BSA, CPI, and ministerial inspectors general continued to suffer from a lack of political support and funding.

Both the CPI and the inspection system remained vulnerable during the year. There was widespread intimidation, as well as killings and attempted attacks against CPI employees, inspection personnel, and witnesses and family members involved with CPI cases. CPI employees reported that 33 employees, along with 12 of their family members, were killed since 2004.

CPI received a number of high-level attempts to influence prosecutions of members of the ruling party. Members of the legislature also reportedly attempted to pressure the court on numerous occasions. In 2006 the former deputy commissioner of CPI was dismissed for allegedly engaging in prosecutions along sectarian lines. As of year's end Acting CPI Commissioner Moussa Faraj was facing trial for corruption at the Central Criminal Court, but was released on bond.

There were allegations that in at least seven instances during the year, government authorities avoided pursuing prosecutions of document fraud and misrepresentation of credentials along party lines.

There were reports that various government ministries employed a substantial, but undetermined number of nonexistent "ghost" employees with multiple records and duplicate salaries.

According to several credible reports, as many as one-third of ISF members were absent-without-leave or might have deserted at any given time. According to press reports, payroll fraud was widespread. Police officers frequently required payment from would-be recruits to join the police force. During the year ISF and police absenteeism reportedly decreased.

Section 4. Governmental Attitudes Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

The Government restricted the activities of local and international human rights groups, generally citing security considerations. The government's cooperation with NGOs and with the U.N. and its agencies on human rights issues varied.

All nongovernmental investigations of alleged human rights violations, such as access to prison and detention facilities, continued to be highly restricted. The Government attributed restrictions to the security situation and government policy. The Government generally did not permit detention center or prison visits, meet with domestic NGO monitors, respond to their inquiries, or act in response to their reports when the issues concerned alleged human rights violations by citizens.

The former regime did not permit independent human rights organizations, and, accordingly, the NGO community in the country was still relatively new. During the year NGO activity and advocacy remained weak overall. Six thousand NGOs (of which 148 were international) were registered, although the number of individual members of NGOs in the country was small. There were 225 human rights NGOs and 112 women's rights NGOs. The vast majority of human rights NGOs were affiliated with political parties or with a particular sect and frequently focused human rights efforts along sectarian lines. Branches of international NGOs and NGOs serving women did not generally subscribe to this pattern.

The Council of Ministers Secretariat's (COMSEC) NGO Assistance Office continued to impede the activities of NGOs through onerous registration processes and excessive documentary requirements. A number of local NGOs reported having their assets frozen arbitrarily despite compliance with burdensome reporting requirements. NGOs can normally regain access to their funds by registering with the Government; however, there was only one office in the country, located in Baghdad and assisted by three roving offices, that accepted registrations.

It is a standard practice of the Central Bank of Iraq to freeze the assets of organizations, including both international and domestic NGOs, contractors, and unions if the Government determines that the organization holds a significant amount of funds from an unknown source. This practice affected NGOs that were not registered or have not held elections that the Ministry of State for Civil Society Affairs (MOSCA) has judged to be fair.

Women's rights NGOs appeared especially vulnerable to this disruption, which many attributed to disapproval of their activities and services. MOSCA's claim that assets were being released toward the end of the year could not be verified.

Unannounced and intimidating visits to some NGOs by representatives of the COMSEC NGO Assistance Office demanding photographs, passport details, names, and addresses of all staff and their family members continued to occur. In 2006 the ministry also instructed all NGOs that they were no longer allowed to communicate directly with other ministries. Instead, all communication or requests were to be sent first to the MOSCA, which would then forward the request if deemed appropriate. In practice, this instruction limited the ability of human rights NGOs to communicate concerns to various ministries, including MOI, MOD, and MOHR.

Terrorist organizations frequently targeted human rights organizations, and the poor security situation severely limited the work of NGOs.

The Kurdish areas, which have largely been autonomous since 1991, were able to develop a stronger NGO community, although many Kurdish NGOs were closely linked to the PUK and KDP political parties. The KRG and Kurdish political parties generally supported humanitarian NGO activities and programs.

The Government and the KRG were both "strongly critical" of UNAMI's April 25 assessment of the human rights situation in the country, based largely on the tone rather than the substance of the report, according to UNAMI. In October the U.N. was unable to persuade the Government to release data on casualties compiled by the MOH and its other institutions; however, in its second-quarter human rights report released in October, the U.N. noted increased cooperation by the Government regarding access to detention facilities and official data. According to UNAMI, issues of concern were raised on a regular basis with relevant government officials throughout the year.

Although no ombudsman existed, a national MOHR and a KRG ministry, focused on raising awareness and knowledge of human rights and conducting prison visits. Each ministry reported to its respective prime minister and did not issue public reports on prison or detention center visits. The national MOHR attempted to monitor human rights abuses and advocate for and assist victims. However, limited resources and poor cooperation from other ministries greatly limited the ministry's effectiveness. The KRG MOHR was in a similar position. The KRG MOHR and the KRG's Honor Killing Monitoring Commission, established in June, were active on women's issues, particularly on steps to end honor killings.

The COR Committee on Human Rights did not play a significant role in developing human rights policy. The KRG's legislative body, the Kurdistan National Assembly, formed a special committee to deal with human rights and detainee issues during the year, but did not issue any public reports by year's end.

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

The Constitution provides that all citizens are equal before the law without regard to gender, sect, opinion, belief, nationality, religion, or origin. The law prohibits discrimination on the basis of race, disability or social status. The Government did not effectively enforce these provisions.

Women.—The Constitution provides for equal treatment before the law without discrimination based on gender, race, ethnicity, nationality, origin, color, religion, sect, belief or opinion, or economic or social status; however, in practice, some discrimination existed, and legal enforcement of equal treatment was uneven.

The general lack of security in the country and increasingly conservative societal tendencies had a serious, negative impact on women. During the year women's rights activists were reportedly increasingly targeted by militant groups. For example, in December Haifaa Nour, president of the Women's Freedom Organisation (WFO) in Baghdad reported receiving threatening letters. WFO's previous president, Senar Muhammad, was killed by religious zealots on May 17.

The penal code prohibits rape, does not address spousal rape, and imposes a maximum sentence of 7 years' imprisonment on perpetrators. It was difficult to estimate the incidence of rape; however, there were many allegations of rape at MOI police stations during the initial detention of prisoners.

The Constitution prohibits all forms of violence and abuse in the family, school, and society. During the year NGOs reported that domestic violence against women increased, although no reliable statistics existed.

"Honor killings" were widespread in the Kurdish region; official statistics recorded 255 honor killings in the first 6 months of the year, including 195 cases of deaths by burning. UNAMI reported in its second-quarter human rights report released in October that a senior police official in Erbil confirmed that most unnatural deaths among women in Erbil were "honor" killings and that at least one or two deaths were reported daily. During the year there were anecdotal reports from an NGO

that between 200 to 250 women self-immolated in the region each year. Legislation in force permits "honor" considerations to mitigate sentences.

For example, on April 7, Du'aa Aswad Khalil, a 17-year-old Yazidi woman, was bludgeoned to death by members of her Ninewah community reportedly for having a relationship with a Muslim man. Footage of her killing recorded on witnesses' mobile phones was posted on the Internet. The KRG condemned the killing, which occurred in an area of Ninewah Province outside KRG control. In May police reportedly arrested four persons in connection with the killing. No further information was available at year's end.

Anecdotal evidence from local NGOs and media reporting indicated that domestic violence often went unreported and unpunished by the judicial system, with abuses customarily addressed within the family and tribal structure. Harassment of legal personnel working on domestic violence cases, as well as a lack of police and judicial personnel, further hampered efforts to bring perpetrators to justice.

Private shelters for women existed; however, space was limited and information regarding their locations was closely held. Some NGOs worked with local provincial governments to train community health workers to treat victims of domestic violence. Victims of domestic violence received no substantive assistance from the Government.

Female genital mutilation (FGM) is not illegal and was reported in the rural areas of the Kurdish region. In March NGOs organized the publication of an open letter to KRG officials in various regional newspapers to demand legislation banning FGM. More than 13,000 petitioners reportedly endorsed the letter. The Government offered no substantive assistance for victims of FGM.

Prostitution is illegal. During the year, reports of prostitution increased. According to Yanar Mohammed, head and founder of the NGO Organization for Women's Freedom in Iraq, some women have resorted to prostitution in order to provide for their children.

Although the Constitution forbids discrimination on the basis of gender, in practice conservative societal standards impeded women's abilities to exercise their rights. Throughout the country women reported increasing pressure to wear veils, including within government ministries. Women were targeted for undertaking normal activities, such as driving a car, and wearing trousers, in an effort to force them to remain at home, wear veils, and adhere to a conservative interpretation of Islam. In addition to societal pressures, there were several reports of women at government ministries being told to wear a veil or lose their job.

Islamic extremists reportedly continued to target women in a number of cities, demanding they stop wearing Western-style clothing and cover their heads while in public. In December Basrah's police chief, Major General Abdul Jalil Khalaf, noted that patrols of motorbikes or unlicensed cars with tinted windows were accosting women not wearing traditional dress and head scarves. He confirmed that police documented that 57 women were killed and their bodies dumped in the streets of Basrah since mid-year for behavior deemed un-Islamic. An unknown number of similar killings did not result in police investigations for various reasons, such as families claiming bodies before police could make reports. According to an end-of-year report by the Basrah Security Committee, 133 women were killed in Basrah by religious vigilantes or in honor killings.

Also in December the international press reported warning messages were posted in public areas in Basrah threatening women against wearing makeup or appearing in public without a headscarf. One female student stated that she withdrew from Basrah University after two fellow students ordered her to cover her hair and stop wearing makeup. During the year extremists called for a separation of male and female students in some universities.

The MOI's Passport Office maintained a national policy requiring women to obtain the approval of a close male relative before receiving a passport.

The Ministry of State for Women's Affairs, with an approximately 20-person professional staff, functioned primarily as a policy office without an independent budget or the ability to hire more employees.

Women complained that weak labor laws and the lack of an equal opportunity employment law left them vulnerable to arbitrary dismissal. The deteriorating security situation disproportionately affected women's ability to work outside the home.

The MOLSA Social Care Directorate administered a variety of social care institutions, among them institutions for orphans and the elderly. No substantive shelter assistance was offered for victims of domestic violence. Women who were heads of single-parent households received a minimal cash stipend from the ministry; however, the budget for this assistance did not meet the need.

Women's NGOs, such as the Women's Rights Association, raised concerns that dozens of male gynecologists are being targeted by extremists as they are accused of invading the privacy of women.

Children.—The Government in general was committed to children's rights and welfare, although noncitizen children were denied government benefits. They had to pay for services that were otherwise free such as public schools, health services, and, except for several hundred Palestinian families, were not eligible for the national food rationing program.

In September 2006 the Higher Education Commission set up by the Tameen Governorate Council rejected the applications for school admission by pupils from newly displaced families who had fled sectarian violence in other provinces, citing lack of capacity. No alternative education plans had been made for the children by year's end. During the year the problem of lower enrollment was also noted in other governorates as the number of IDPs increased. For example, Mayada Obeid, a spokeswoman for the Basrah-based NGO South Peace Organization reported in November that at least 60 percent of displaced children in Basrah Province did not attend school.

Free primary education is compulsory for 6 years, and 89 percent of students reached the fifth grade. During the 2006–2007 school year, the enrollment of primary school-aged children was 83 percent for boys and 74 percent for girls. The percentage of children enrolled in primary schools was much lower in rural areas, particularly for girls, whose enrollment was approximately 60 percent. Overall enrollment in school of those ages 6 to 24 was 55 percent.

According to a 2005 Ministry of Development and Cooperation survey, youth literacy (15- to 24-year-olds) was 74 percent and adult literacy 65 percent. Only 56 percent of women were literate, compared to 74 percent of men. Both the level of education and literacy rates for women and girls dropped significantly in the last 15 years, particularly in rural areas.

MOH clinics provided health care, which was largely free to all citizens. There was no systemic difference in the care provided to boys and girls.

FGM was performed in some instances. Although there were no statistics, a tradition of marrying young girls (14 or older) continued, particularly in rural areas.

In August UNICEF Iraq noted there were increasing numbers of street children in cities; many of whom were not orphans, but whose families could not afford to keep them. UNICEF noted that some street children worked to assist their families by begging. Others were reportedly drawn into drugs, prostitution, and violence.

MOLSA operated 18 orphanages for older children in Baghdad and the provinces, housing a total of approximately 420 children, and 40 orphanages for young children, housing approximately 1,500 children.

On June 10, an orphanage in Baghdad was discovered to house 24 severely malnourished boys from 3 to 15 years old. The boys were found naked in a darkened room without windows and were tied to their beds. The children were provided medical treatment and moved to another orphanage. The minister of labor and social affairs drew criticism for stating that the children were healthy. In November two orphans at this facility died after contracting cholera. At year's end four additional children had been diagnosed with the disease. Arrest warrants were issued for three employees of the orphanage, all of whom remained at large.

Despite laws against child labor, children often worked as laborers on rural farms or in street commerce.

Trafficking in Persons.—The Constitution states that forced labor, slavery, slave trade, trafficking in women or children, and the sex trade should be prohibited; however, there were reports that persons were trafficked to, from, and within the country.

Although statistics did not exist, according to reports from destination countries, the country was a source for trafficking of women and girls to other Arab countries, especially the Persian Gulf and Levant states. Non-Iraqi males were reportedly brought from Georgia and South Asia, in some cases under guise of a work contract in Kuwait or Jordan, and forced to work under abusive conditions that constituted involuntary servitude. There were also reports of girls, women, and boys trafficked within the country for sexual and other exploitation.

Anecdotal evidence and media reports suggested that some trafficking victims were taken from orphanages and other charitable institutions by employees of these organizations. In 2006 MOLSA accused private orphanages of involvement in these activities and called for all private orphanages to be under its purview and inspection authority; however, it was unclear whether MOLSA achieved this goal by year's end. There were also reports that criminal gangs used threats and blackmail to exploit teenage boys sexually for commercial and other motives.

Both the MOI and the KRG MOI have responsibility for trafficking-related issues. However, the demands of the security situation relegated trafficking to a lower priority. Trafficking crimes were not specifically enumerated in MOI statistics on criminal activity.

The MOI did not monitor trafficking crimes, include them in the police training curriculum, or conduct trafficking-related investigations.

The MOLSA and MOHR also had roles in anti-trafficking efforts. The Government did not have programs to prevent trafficking; however, it operated orphanages and homeless shelters, which may have prevented vulnerable individuals from becoming trafficking victims.

Victims of trafficking reportedly were prosecuted for a number of crimes, including prostitution and document and passport fraud. There were also documented cases of female victims being kept in "protective custody" in detention centers to deter violence against them by their families and traffickers. Few shelters existed in the country; most were run by NGOs.

Persons with Disabilities.—The law prohibits discrimination against persons with physical disabilities. The Government enforced the law in the Government but not in the private sector.

MOLSA operated several institutions for the education of children and young adults with disabilities. These institutions offered basic educational services; however, they did not have access to appropriate educational technology due to the lack of training and funding.

According to 2005 information, 17 institutes operated in Baghdad and the provinces for persons with mental and psychological disabilities and housed approximately 1,000 persons. Additionally, there were 33 institutes throughout the country for persons with physical disabilities, including homes for the blind and deaf, as well as vocational/rehabilitation homes. The Government provided benefits for thousands of veterans with disabilities, many of whom supplemented their benefits with some employment.

National/Racial/Ethnic Minorities.—Ethnically and linguistically, the country's population includes Arabs, Kurds, Turkmen, Chaldeans, Assyrians, Shabak, and Armenians. The religious mix is likewise varied. According to UNAMI the situation of minority communities deteriorated significantly since mid-April in many parts of the country.

Assyrians and Chaldeans are considered by many to be a distinct ethnic group. These communities speak a different language, preserve Christian traditions, and do not define themselves as Arabs.

The Constitution identifies Arabic and Kurdish as the two official languages of the state. It also provides the right of citizens to educate their children in their mother tongue, such as Turkmen, Syriac, or Armenian, in government educational institutions in accordance with educational guidelines or in any other language in private educational institutions.

During the year discrimination against ethnic minorities was a problem. There were numerous reports of Kurdish authorities discriminating against minorities in the North, including Turkmen, Arabs, and Christians. According to these reports, authorities denied services to some villages, arrested minorities without due process and took them to undisclosed locations for detention, and pressured minority schools to teach in the Kurdish language. Ethnic and religious minorities in Kirkuk frequently charged that Kurdish security forces targeted Arabs and Turkmen.

Palestinians reportedly experienced arrest, detention, harassment, and abuse by police, by individuals pretending to be police, and by the general public. A citizenship law effective in March 2006 prevents Palestinians from obtaining citizenship or Jews who emigrated to other countries from reclaiming citizenship.

Other Societal Abuses and Discrimination.—There were continued reports of societal discrimination and reported violence against individuals based on sexual orientation.

In April the Iraqi Lesbian, Gay, Bisexual and Transgender organization stated that eight killings took place between January and April, while several other gay activists were arrested and tortured. During the year reports of persons targeted because of their sexual orientation that were kidnapped or disappeared in Baghdad included a taxi driver, a tailor, a translator, a chef, a college student, and a transvestite. Islamist death squads reportedly were involved in the killings.

Other parts of this report contain related information; see Sections 1.c, 2.c., and 6.d.

Section 6. Worker Rights

a. The Right of Association.—The Constitution provides the right to form and join unions and professional associations, subject to regulating law; however, the 1987 Labor Law 150, passed by Saddam Hussein's government, is still in force and effectively bans unions from the public sector.

The exercise of labor rights remained limited, largely due to insurgent and sectarian-driven violence, high unemployment, and maladapted labor organizational structures and laws. Union activity is also inhibited by the 2005 Decree 8750, which cancelled unions' leadership boards, froze their assets, and formed an interministerial committee to administer unions' assets and assess their capacity to resume activity.

The MOLSA Labor Directorate has jurisdiction over the labor code, child labor, wages, occupational safety and health issues, and labor relations.

The Government was the largest employer in the country, and the status of government workers remained unclear. In 2004 a draft labor law was prepared by the International Labor Organization and submitted to the COR; however, this draft had not been enacted into law, and the laws from the Saddam Hussein era remain in force. Under the 1987 labor law, government workers were considered professionals not entitled to join unions. This prohibition remained unenforced, although unmodified; some government agencies tacitly accepted unions, while others banned them. The law does not prohibit antiunion discrimination by employers or others.

There were no reported prosecutions of unions, union federations, or leaders for corruption during the year. However, trade union activists were reported to have been killed, injured in attacks, and kidnapped. On March 27, Najim Abd-Jasem, the founder and leader of the General Federation of Iraqi Workers (GFIW), was abducted in Baghdad. His body, with evident signs of torture, was found 3 days later. Since the 1980s Abd-Jasem actively promoted the rights of workers and faced routine persecution on account of his work. The Federation of Workers' Councils and Unions in Iraq received confirmation October 25 that Hassan Hamza, a secular trade unionist who was president of the Hotel and Tourism Employees Union, was killed. He had been receiving death threats from Sunni extremists.

During most of the year, MOLSA only recognized and dealt with unions belonging to the GFIW. In 2005 the merger of the Iraqi Federation of Workers' Trade Unions, the General Federation of Trade Unions, and General Federation of Iraqi Trade Unions formed the GFIW. Other unions were not recognized by the Government.

b. The Right to Organize and Bargain Collectively.—The Constitution states that every citizen has the right to demonstrate and strike peaceably in accordance with the law; however, the extant 1987 labor code in effect rules out the existence of labor unions able carry out any free and independent labor union activity and therefore effectively prohibits independent organizing, collective bargaining, and striking in the public and private sectors.

Because unions have no legal power to negotiate with employers, proactive protection of workers' rights through collective bargaining and written collective contracts is not possible. Unions, however, can play a reactive role when there are labor disputes. The labor code defines "labor disputes" as collective conflicts arising between workers and employers over the provisions of the labor code and/or individual employment contracts. Government labor courts are empowered to rule on labor code violations and disagreements.

The absence of collective bargaining and collective contracts at national and local levels significantly diminished unions' power to defend workers' rights pertaining to their access to social protection. For instance, although social security coverage was expanded to include private sector workers and secure pension and health care rights regardless of the size of the company, without the support of unions, MOLSA struggled to enforce the law.

There were no reported reprisals against strikers, although in June unsubstantiated press reports claimed that the minister of oil threatened striking oil workers in Basrah with the loss of their jobs, claiming "striking is not allowed under Iraqi law." While striking in the public sector typically occurred due to low salaries, popular protests often took place in response to unemployment or lack of basic services.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor.—The law prohibits forced or compulsory labor, including by children; however, according to press reports, foreign workers were sometimes subjected to abusive forced labor. Foreign workers were also reportedly induced, tricked, or forced to enter the country for work via nearby countries. In some cases, they were the victims of involuntary servitude involving passport confiscation and virtual imprisonment or fraud amounting to involuntary servitude and trafficking where they discovered their destination en route. For ex-

ample, in December there were reports that foreign workers interviewed in the Kurdish region complained they are unable to return to their countries of origin because their employment agencies seized their passports when they arrived in Iraq. Some countries of origin undertook efforts to repatriate workers.

d. Prohibition of Child Labor and Minimum Age for Employment.—The law prohibits the worst forms of child labor; however, the Government did not effectively enforce these laws. The law limits working hours for workers less than 18 years of age and prohibits their employment in dangerous occupations. The minimum age for employment is 15 years; however employment of anyone under 16 years in work detrimental to health, safety, or morals is prohibited. The Child Labor Unit of MOLSA's Labor Directorate had neither enough inspectors nor resources to enforce the law or maintain programs to prevent or remove children from such labor.

Despite the various laws and regulations, children were routinely used as an additional source of labor or income among the 1 million families subsisting on a daily income of less than $1.00 (1,250 dinars). This work often took the form of seasonal manual labor in rural areas. In cities it often meant begging or peddling a variety of products, as well as working in sometimes hazardous automobile shops or on construction sites.

Projects to combat child labor were few, and those that existed affected few children. The Government introduced a targeted, means-tested social safety net program in 2005 to reduce poverty and protect children against the deteriorating living conditions in their households. To date, 1 million families have received benefits and services administered by MOLSA. The SSN package includes a child allowance, conditional upon school attendance, and programs to assist former and current street children are also funded by the Government. Additional projects to enhance the protection of children have been funded by international organizations and NGOs. Some NGOs have reportedly had difficulty implementing projects addressing child labor due to threats from gangs and militias that allegedly use children on the streets as fighters or drug sellers.

The Italian branch of the international NGO Terre des Hommes operated a rehabilitation and counseling center for a small number of working street children in Baghdad. Kurdish authorities supported several small-scale projects to eliminate child labor in the KRG area.

Other parts of this report contain related information; see Section 5.

e. Acceptable Conditions of Work.—Wages are set by contract in the private sector and set by the Government in the public sector. The average salary was approximately $1,250 per year (1,562,500 dinars). Unskilled workers must work 357 days per year to achieve this figure in the absence of a minimum wage set by the Government to cover basic food and nonfood needs. These earnings were barely above poverty level and did not provide a decent standard of living for a worker and family. A teacher can provide for a spouse and three children at the poverty level.

The standard workday is 8 hours with one or more rest periods. Up to 4 hours of overtime work per day is permitted, and premium pay for overtime is required.

According to international governmental organizations, NGOS, and press reports, some foreign workers in the country were subjected to abusive treatment, including confiscation of travel and identity documents, confinement, unwanted sexual advances, delayed or no pay, forced daily and weekly overtime, and hazardous working conditions; no legal action in this area was reported.

The occupational safety and health component of MOLSA had staff located throughout the country. The law provides that workers have the right to remove themselves from a situation endangering health and safety without prejudice to their employment. Occupational safety and health standards and programs existed and were sometimes enforced in state-owned enterprises. Enforcement of safety standards at private sector work sites was intermittent, and programs were rare. Most occupational safety issues were linked to violence and terrorism, not health.

ISRAEL

Israel is a multiparty parliamentary democracy, with a population of approximately 7.2 million. "Basic laws" enumerate fundamental rights. The 120-member, unicameral Knesset has the power to dissolve the Government and mandate elections. After free and fair elections in March 2006, Prime Minister Olmert presented his government to the Knesset. The civilian authorities generally maintained effective control of the security forces. (An annex to this report covers human rights in the occupied territories, including the treatment of security detainees from the occupied territories. This report deals only with human rights in Israel.)

The Government generally respected the human rights of its citizens; however, there were problems in some areas. There were several high profile cases involving corruption or sexual misconduct by political leaders. Institutional, legal, and societal discrimination against Israeli Arabs, non-Orthodox Jews, and other religious groups continued. Women suffered societal discrimination and domestic violence. The Government maintained unequal educational systems for Arab and Jewish students. Trafficking in and abuse of women and foreign workers remained a problem, as did societal discrimination against persons with disabilities.

Palestinian rocket and terrorist attacks killed and injured Israeli civilians.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life.—The Government or its agents did not commit politically motivated killings.

On October 22, a Palestinian prisoner, Mohammed al-Askar, was killed during a riot at the Ketziot prison in southern Israel. Prisoners alleged that security forces misused crowd-dispersal weapons, including rubber bullets and bean bag projectiles. An internal Israel Prison Service (IPS) investigation was ongoing at year's end.

A border policeman was charged in the January 2006 killing of Nadim Milham, an Israeli Arab, but the trial had not begun by year's end. The policeman, searching for weapons in Milham's home, allegedly beat and shot him from behind when he attempted to escape, according to the nongovernmental organization (NGO) Mossawa Advocacy Center for Arab Citizens of Israel (Mossawa).

The trial of two border policemen on manslaughter charges for the killing of Palestinian laborer Iyad Abu Aya during an October 2006 raid near Tel Aviv was ongoing at year's end. The manslaughter trial of a police officer charged with killing Israeli Arab Mahmoud Ghanim in July 2006 had not commenced.

In January 2006 the attorney general ordered a review of the Police Investigation Department (PID) decision to end investigation of the October 2000 police killings of 13 protesters. By year's end the results were not released.

As of December 11, Palestinian terrorists had killed five and wounded 64 civilians in Israel. On January 29, the terrorist organization known as Palestinian Islamic Jihad carried out a suicide bomb attack in a bakery in Eilat, killing civilians Emi Haim Elmaliah, Michael Ben Sa'adon, and Israel Zamalloa.

Palestinian terrorists routinely fired rockets from the Gaza Strip into Israel. The Government estimated that 970 Qassam rockets and 1,200 mortars were fired during the year. The Government reported that two civilians were killed as a result of the rocket attacks.

In July 2006 Hizballah terrorists killed three and abducted two Israel Defense Forces (IDF) soldiers during a cross-border raid from Southern Lebanon, resulting in a widened conflict that lasted until August 2006. During the fighting, according to government figures, Hizballah fired 3,970 rockets at Israeli population centers, killing 43 civilians; 117 Israeli soldiers were killed in the conflict.

b. Disappearance.—There were no reports of politically motivated disappearances during the year.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The law prohibits such practices. During the year NGOs filed numerous complaints alleging that security forces tortured and abused Palestinians from the occupied territories. (See annex.)

On March 6, the NGO B'Tselem alleged widespread police and Border Police mistreatment of Palestinians working illegally in Israel and East Jerusalem. The report included testimony from 27 individuals who claimed severe abuse, including broken bones or internal bleeding.

In a report released December 10, the Association for Civil Rights in Israel (ACRI) cited Knesset Center for Research and Information data showing that the PID investigated only 35 percent of the 4,900 complaints it received against police officers during 2005 and 2006. According to ACRI's data, 57 percent of uninvestigated complaints were closed for "lack of public interest." During a December 18 Knesset hearing, PID commander Herzl Shviro pointed out that police investigated 1,700 of the complaints and that of those 8.5 percent resulted in criminal indictments. He acknowledged also that PID investigations were routinely hampered by police tampering and a "code of silence" among officers.

The NGO Hotline for Migrant Workers reported a decrease from 2006 in the number of complaints it received regarding violence by the immigration police. During the year Hotline filed one complaint regarding police violence.

In October 2006 three border police officers—Eliran Levy, Moshe Yekutiel, and Almit Asarsa—were indicted on charges of aggravated assault for abusing Abd

Tareq Ahrub, a West Bank resident caught in Jerusalem without a permit. The three allegedly beat the Palestinian before making him kiss the police insignia on their uniforms. The case was ongoing at year's end.

On October 11, the Supreme Court began considering the State's appeal of an earlier district court decision not to dismiss a lawsuit filed against the state by Lebanese citizen Mustafa Dirani, who charged that Israeli security forces tortured and raped him during interrogations between 1994 and 2004. The case was ongoing at year's end.

Prison and Detention Center Conditions.—The law provides detainees the right to conditions that do not harm their health or dignity. Conditions in IPS facilities for common criminals and security prisoners generally met international standards. (Conditions in four facilities for detainees are covered in the annex). The International Committee of the Red Cross (ICRC) had access to IPS and IDF facilities. Overcrowding remained a significant problem. Regulations require at least 48 square feet of living space per person, but the Prisons Authority reported on October 16 that the average space per prisoner was 31 square feet. In a March report the Israel Bar Association (IBA) noted that despite regulations specifying a limit of four prisoners per cell, some contained up to 10 prisoners. On February 18, the High Court ruled that authorities were obligated to provide a bed for every inmate and, according to ACRI, as of August, all prisoners in IPS facilities had a bed.

Israeli citizen prisoners 17 years and younger were separated from adult prisoners.

The ICRC regularly monitored IPS facilities as well as interrogation facilities and the two IDF Provisional Detention Centers.

In January 2006 the Supreme Court ruled facility "1391"—allegedly an IDF detention facility reserved for high value detainees—was legal but asked the Government to restrict its use. In August 2006 the Government informed the court that it was holding two Hizballah detainees, captured during the summer conflict, in the facility. Details of the court's ruling remain classified.

The IBA and public defenders were permitted to inspect IPS facilities.

d. Arbitrary Arrest or Detention.—The law prohibits arbitrary arrest and detention, and the Government generally observed these prohibitions for citizens. Arab Israelis are subject to the same laws as all citizens. Noncitizens of Palestinian origin detained on security grounds fell under military jurisdiction even if detained in Israel. (See annex.) Non-Israeli residents of the Israeli-occupied Golan Heights were subject to the same laws as Israeli citizens.

In October the Public Defender's Office (PDO) criticized the police for refusing suspects' requests to speak with a lawyer during the initial 3-hour pre-arrest period of interrogation and for use of coercive interrogation methods, resulting in faulty or illegal confessions.

Role of the Police and Security Apparatus.—The Israeli Security Agency (ISA or Shin Bet), under the authority of the prime minister, combats terrorism and espionage in Israel and the occupied territories. (See annex.) The national police, including the Border Police and the Immigration Police, are under the authority of the Ministry of Internal Security. Police corruption generally was not a problem.

The PID, within the Ministry of Justice, reviews complaints against police officers and may impose disciplinary measures or recommend indictments. Human rights groups alleged that the PID lacked independence and failed adequately to investigate complaints filed against police officers by Israeli Arabs and Palestinians. (See Section 1.c.) In November 2006 in response to a State Comptroller report, the PID announced a 6-year plan to cede control over police investigations to a new civilian body. According to ACRI, tenders for the initial six civilian investigator positions were published in November.

The police utilized training programs in coordination with academic institutions and human rights NGOs to promote human rights awareness and cultural sensitivity. In July the national police began mandatory Arabic language and culture classes for all new cadets.

Arrest and Detention.—The law provides that an arrested person is considered innocent until proven guilty, has the right to habeas corpus, to remain silent, to be represented by an attorney, to contact family members, and to a fair trial. The Government may withhold evidence from defense lawyers on security grounds; however, the evidence must be made available to the court. A bail system exists, and decisions denying bail can be appealed. As a general practice, according to B'Tselem, non-Israelis of Palestinian origin detained for security violations were not granted bail. An individual suspected of a criminal offense may be held without charge for 24 hours before being brought before a judge. Suspects in nonsecurity cases were apprehended openly with warrants based on sufficient evidence and issued by an

authorized official. Detainees in such cases generally were informed promptly of the charges against them.

Under a "temporary law" that went into effect in June 2006 and has twice been renewed, individuals suspected of a security offense may be held for 96 hours before being brought before a judge. The law also allows the courts to authorize holding a detainee for up to 20 days without an indictment and to bar detainees from consulting a lawyer for up to 50 days. Decisions in this regard may be further extended and made without the detainee being present and, in some cases, without being informed of the hearing.

The 1979 Emergency Powers Law allows the Defense Ministry administratively to detain persons without charge for up to 6 months, renewable indefinitely, subject to district court review. Such detainees, the majority of whom were Palestinians, were permitted legal representation. The court may rely on classified information and evidence denied to detainees and their lawyers. Detainees can appeal their cases through the Supreme Court. Human rights groups alleged administrative security detention orders were used even when the accused posed no clear danger. As of December 31, according to B'Tselem, there were 842 administrative detainees in IPS detention centers, while the IDF held nine as of November 26.

The 2002 Illegal Combatant Law allows the IDF to detain civilians suspected of "taking part in hostile activity against Israel" or who "belong to a force engaged in hostile activity against the State of Israel," but who do not qualify as prisoners of war. Such persons have the right to see an attorney within 7 days, must be brought before a judge within 14 days, and may be held indefinitely subject to twice yearly district court reviews.

The law provides that foreign nationals suspected of immigration violations be afforded a hearing within 4 days of detention. They have the right to, but no guarantee of, legal representation. According to the NGO Hotline for Migrant Workers, appropriate interpreters were not always present at the hearings, despite a written commitment in 2002 by the Government to the Supreme Court to provide translators. At the beginning of 2006 the Ministry of Justice contracted a private translation company for hearings conducted by the review tribunal, and the situation improved, although the services were not always sufficient. In some cases a fellow detainee served as the translator.

According to the NGO Hotline, persons held in immigration detention rarely were released pending judicial determination of their status. Moreover, if the detainee's country of origin had no diplomatic or consular representation, they could remain in detention for months. During the year Hotline reported that the number of detainees who were awaiting their status determination increased, and that at year's end more than 1,000 detainees were waiting for determination of their asylum claims, 78 of them children.

e. Denial of Fair Public Trial.—The law provides for an independent judiciary, and the Government respected this provision in practice. The judiciary has ruled against the executive, including in security cases.

The Judicial Branch comprises magistrate courts, six district courts, and the Supreme Court or High Court of Justice. Magistrate courts adjudicate misdemeanors and lesser civil disputes; district courts adjudicate felonies and serious civil cases. There are also military, religious, labor relations, and administrative courts, with the High Court of Justice as the ultimate judicial authority. The High Court of Justice is a court of first instance for claims against the Government. Its members also sit as the Supreme Court, adjudicating appeals of lower court rulings. Religious courts have jurisdiction over matters of personal status for their adherents.

Trial Procedures.—The law provides for the right to a fair trial, and an independent judiciary generally enforced this right. The country's criminal justice system is adversarial, and professional judges decide all cases.

Trials are public except when the court determines that a closed trial is required to protect state security, foreign relations, a party's or witness's right to privacy, or a sexual offense victim. Security or military trials are open to independent observers at the discretion of the court but not to the general public. Under a law that went into effect January 1, all indigent defendants facing imprisonment receive mandatory representation. According to the Government, counsel represented all defendants in district and Supreme Court trials and in approximately 75 percent of cases in the magistrate courts.

Defendants have the right to question witnesses against them, to present witnesses on their behalf, to access evidence (except when the court determines defense access to witnesses or evidence would compromise state security), and to appeal.

Military courts provide a number, but not all, of the procedural rights granted in civil criminal courts, and the evidentiary rules are the same as those in criminal

cases. The 1970 evidentiary rules governing trials under military law of Palestinians and others applicable in the occupied territories are the same as evidentiary rules in criminal cases. Convictions may not be based solely on confessions; however, B'Tselem, the Public Committee Against Torture in Israel (PCATI), and other NGOs alleged that in practice security prisoners have been sentenced on the basis of coerced confessions, coerced testimony of others, or both. Counsel may assist the accused in such trials, and a judge may assign counsel to defendants. Indigent detainees do not automatically receive free legal counsel for military trials, although they do in civilian criminal trials where conviction would lead to imprisonment. The defendant and the public receive the charges in Hebrew, and the court can order an Arabic translation. Interpreters and translators were not always available. Defendants can appeal through the Military High Court and petition the High Court of Justice. Military courts treat minors age 16 and 17 as adults.

In a report on military court procedures released in December, the NGO Yesh Din criticized the military judicial system for failing to meet minimum standards of due process because of de facto restrictions on public presence in military courts, unpublished verdicts, no explicit right to a presumption of innocence, indictments provided to defendants and attorneys only after they have been filed in court, restrictions on the right to be tried without undue delay, and limitations on the ability of attorneys to provide clients with effective counsel.

There are also custodial courts and four deportation courts to address the removal of illegal immigrants.

Political Prisoners and Detainees.—There were no reports of Israeli citizen political prisoners or detainees. (See annex regarding the occupied territories.)

Civil Judicial Procedures and Remedies.—An independent and impartial judiciary adjudicates lawsuits seeking damages for, or cessation of, human rights violations. Administrative remedies exist, and court orders are enforced.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The law provides for protection of privacy of the individual and the home. In criminal cases the law permits wiretapping under court order; in security cases, the defense ministry must issue the order. Under emergency regulations authorities may open and destroy mail based on security considerations.

Separate religious court systems adjudicate personal status, such as marriage and divorce, for the Jewish, Muslim, Christian, and Druze communities. Jews can marry only in Orthodox Jewish services. Civil marriages, marriages of non-Orthodox Jews, or marriage to someone from another faith must take place abroad in order to be recognized. According to the Central Bureau of Statistics, more than 32,000 citizens married outside the country between 2000 and 2004; in almost half both husband and wife were Jews. In 1995 the Government asked foreign consular officials to stop performing marriages, and in 2005 the High Court instructed the Government to define its position on marriages performed by officials of foreign Embassies. On September 2, the Government announced that it would allow consular marriages as long as both parties are classified as having no religion or belonging to a religious community not recognized by the state. In November 2006 the High Court issued a ruling requiring the Government to recognize same-sex marriages legally performed in foreign jurisdictions.

The authority to grant status (citizenship and residency) to a non-Israeli spouse, including Palestinian and other non-Jewish foreign spouses, resides with the Minister of the Interior. In January the Knesset extended a temporary 2003 law that prohibits citizens' Palestinian spouses from the occupied territories from residing in the country. Palestinian male spouses age 35 and older and female spouses age 25 and older may apply for temporary visit permits. The Mossawa Center, citing Ministry of Interior statistics, claimed that the law affected "at least 21,298 families," including couples with long-standing marriages whose requests for residence permits were pending. Civil rights groups criticized the denial of citizenship and residency status to spouses of Israeli Arabs, who constitute the majority of Israelis who marry residents of the occupied territories. The March 21 Knesset action also expanded the law to bar family reunification in cases where one spouse is a citizen of Iran, Iraq, Syria or Lebanon.

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. The law prohibits hate speech and incitement to violence, and the 1948 Prevention of Terrorism Ordinance prohibits expressing support for illegal or terrorist organizations.

Israel has 12 daily newspapers, 90 weekly newspapers, more than 250 periodicals, and a number of Internet news sites. All newspapers were privately owned and

managed. Journalism laws dating from the British mandate period require that the Ministry of Interior license newspapers and allow the minister, under certain conditions, to close a newspaper. The Ministry of Interior has no authority over the military censor. In 2004 the High Court heard a petition filed by ACRI challenging the ordinance, which was withdrawn after the Ministry of Interior pledged to prepare legislation effectively canceling the ordinance. At year's end legislation had not been enacted.

The state-owned Israel Broadcast Authority controls the Hebrew-language Israel Television and an Arabic-language channel, as well as Kol Israel (Voice of Israel) radio, which airs news and other programming in Hebrew, Arabic, and many other languages. Both Israel Television and Israel Radio are major sources of news and information. The Second Television and Radio Authority, a public body, supervises the two privately owned commercial television channels and 14 privately owned radio stations.

A cable company, HOT, and one satellite television company carried international networks and programs produced for domestic audiences. In July HOT dropped the Christian network Daystar TV from its subscriber package citing "editorial and content considerations" following complaints about proselytizing. A government committee met in August but failed to reach a decision. A petition by Daystar TV to the Supreme Court was pending at year's end.

The law authorizes the Government to censor material regarded as sensitive reported from Israel or occupied territories. Under an agreement between the Government and media representatives, all media organizations must submit to military censors materials that deal with specific military issues as well as strategic infrastructure issues such as oil and water supplies. The censor's decisions may be appealed to the High Court, and media cannot be closed by the military censor for censorship violations. The censor cannot appeal a court judgment. Foreign journalists must submit sensitive articles and photographs to the military censor but in practice rarely complied.

On April 18, a Special Committee of the Israeli Press Council released a report on journalistic ethics and conduct during the July–August 2006 conflict in Lebanon. The committee determined that accusations that the media had endangered lives, for example by revealing the locations of Katyusha rocket strikes in northern Israel, were false. The committee found that the military censor approved all such media reports and recommended that the media during wartime reassure the public that it obtained the military censor's approval. The committee also recommended that military officers not leak classified information.

All journalists operating in Israel must be accredited by the Government Press Office (GPO). In September 2006 ACRI appealed to the Supreme Court on behalf of a journalist residing in the Golan Heights who alleged that he had been denied a GPO card since 2003 based on political considerations. The State Attorney's Office announced in July that it would not object to granting him a press card for a trial period. At year's end the GPO had not acted, and the appeal before the Supreme Court was still pending.

News printed or broadcast abroad may be reported without censorship. There were no reports that the Government fined newspapers for violating censorship regulations.

Internet Freedom.—There were no restrictions on Internet access or reports of the Government monitoring e-mail or chat rooms. On December 5, survey results published in Globes newspaper indicated Israelis averaged 37.4 hours per month using the Internet. Approximately 4 million persons had Internet access.

Academic Freedom and Cultural Events.—Israeli universities are required to justify to the IDF acceptance of Palestinian students from the occupied territories. According to IDF criteria, only students pursuing graduate-level degrees related to "regional cooperation" and "developing coexistence and peace" are permitted to attend Israeli universities. In November the High Court, citing concern about interference with academic institutions' discretion, gave the state 4 months to submit revised criteria. (See also annex.)

b. Freedom of Peaceful Assembly and Association.

Freedom of Assembly.—The law provides for freedom of assembly, and the Government generally respected this right in practice. In April 2006 the Ministry of Internal Security released a study criticizing the police for lacking a clear, explicit policy on appropriate use of force to disperse riots and demonstrations.

On August 2, the PID announced that because the claimants refused to cooperate it had decided not to investigate allegations that police officers had used excessive force against a demonstration in the Bedouin community of al-Mashash in November 2005 that protested demolition orders for illegally constructed buildings. Accord-

ing to the Israeli NGO Adalah, 12 protesters, including a pregnant woman, were injured.

Freedom of Association.—The law provides for the right of association, and the Government generally respected this right in practice.

On March 13, the press reported that Israel Security Agency (ISA) Director Yuval Diskin warned the prime minister about a "strategic danger to the existence of the state," on the basis of four documents published by prominent Israeli Arab organizations calling for enhanced civil rights for the Arab citizens of Israel and rejecting Israel's definition as a Jewish state. In a letter to the editor, the Prime Minister's Office asserted that the ISA would "thwart the activity of any group or individual seeking to harm the Jewish and democratic character of the State of Israel, even if such activity is sanctioned by law." The ISA argued that it was obligated to disrupt "subversive" activity, "even if conducted through democratic means." On May 20, the attorney general refused a request to open an investigation into the ISA's activities in the Israeli Arab community, saying the ISA's position was lawful and had been coordinated with him.

c. Freedom of Religion.—The law provides for freedom of worship, and the Government generally respected this right in practice.

The Basic Law and Declaration of Independence recognize the country as a "Jewish and democratic state." The Government recognized only Orthodox Jewish religious authorities in personal and some civil status matters concerning Jews. The Government implements policies including marriage, divorce, education, burial, and observance of the Sabbath based on Orthodox Jewish interpretation of religious law, and allocations of state resources favor Orthodox Jewish institutions. According to government figures, during the year the budget for religious services and religious institutions for the Jewish population was approximately $400 million (1.6 billion NIS). Religious minorities, which comprised approximately 20 percent of the population, received about $20.5 million (82 million NIS), or just over 5 percent of total funding.

The law confers recognition on some religious communities, granting them authority over their members in personal status matters. Recognized communities are: Eastern Orthodox, Latin (Roman Catholic), Gregorian-Armenian, Armenian-Catholic, Syrian (Catholic), Chaldean (Uniate), Greek Catholic Melkite, Maronite, Syrian Orthodox, and Orthodox Jewish (both Ashkenazic and Sephardic rites), Druze, the Evangelical Episcopal Church, and the Baha'i. The status of several Christian denominations is defined by arrangements with government agencies. Legislation enacted in 1961 afforded Muslim courts exclusive jurisdiction in matters of personal status concerning Muslims, although the state regulates judicial appointments to these courts. Secular courts have primacy over questions of inheritance, but parties, by mutual agreement, may bring cases to religious courts. Muslims also can bring alimony and property division matters associated with divorce to civil courts.

Several religious communities were not recognized, including Protestant groups. Unrecognized communities generally practiced their religion freely and maintained communal institutions but were ineligible to receive government funding for religious services.

Under the Law of Return, the Government grants citizenship and residence rights to Jewish immigrants and their immediate family members. In 2005 the High Court ruled that the Government must recognize non-Orthodox conversions of legal residents that were formalized abroad by acknowledged Jewish authorities, even if not Orthodox. In 2004 the High Court held that non-Jews who immigrate to the country and convert according to Orthodox requirements can become citizens, but conversion officials charged that the Ministry of Interior as not complying. The Government does not recognize non-Orthodox conversions in the country for purposes of immigration. The Israel Religious Action Center challenged this practice, and in November 2006 the Supreme Court held its first hearing.

Many Jewish citizens objected to exclusive Orthodox control over aspects of their personal lives. Approximately 300,000 citizens who immigrated either as Jews or as family members of Jews are not considered Jewish by the Orthodox Rabbinate. They cannot be married, divorced, or buried in Jewish cemeteries within the country. A 1996 law requiring the Government to establish civil cemeteries has not been implemented adequately.

The Protection of Holy Sites Law covers all religious sites, but the Government issued implementing regulations only for Jewish sites. In 2004 the NGO Adalah petitioned the Supreme Court to compel the Government to protect Muslim sites. In response to a court order, in January 2006 the Government appointed an inter-ministerial committee to examine the administrative and budgetary management of holy sites. On August 20, the Supreme Court ordered the Government to explain

its failure to protect Islamic holy sites and provide funds for their maintenance. The government's response was pending at year's end.

Some missionaries were allowed to proselytize. Offering material inducements for conversion, as well as converting persons under 18 years of age, remained illegal unless one parent was of the religion to which the minor wished to convert. The Church of Jesus Christ of Latter-day Saints refrained from proselytizing under an agreement with the Government.

A Holy Synod in Istanbul deposed the Greek Patriarch of Jerusalem, Irineos I, in May 2005. Irineos I claimed that the proceedings were illegal and that the Government of Israel did not recognize his successor, Theophilus. In November 2005 Theophilus appealed to the Israeli High Court, and at the same time a ministerial committee was established. On December 16, the Israeli cabinet approved Archbishop Theophilos III as Greek Orthodox Patriarch of Jerusalem.

Societal Abuses and Discrimination.—There were reports of societal abuses or discrimination based on religious belief or practice.

On January 29, police arrested six juveniles from the town of Bat Yam and charged them with spray painting approximately 20 swastikas on the Ark, Torah scroll, and walls of the Great Synagogue in the city of Petah Tikva in May 2006 as well as other acts of anti-Semitic vandalism. According to press reports, the youths—new, non-Jewish immigrants from the former Soviet Union—admitted to belonging to a satanic cult. Dozens of incidents of neo-Nazi vandalism—including offensive and threatening graffiti—were reported throughout the country.

On May 14, police arrested Julian Soufir after he admitted killing Taysir Karaki, an Arab taxi driver from East Jerusalem, because "I wanted to kill an Arab."

On September 17, Rivka Zagaron, a 75-year-old Holocaust survivor, was assaulted in Haifa by two young men shouting "Heil Hitler." After she escaped, the two youths reportedly also assaulted a nearby cleaning employee.

On September 22, during the Jewish Holy Day of Yom Kippur when driving is prohibited, a 20-year-old Israeli Arab man, Ashad Shibli, ran over a 9-year-old girl while she was riding her bicycle in the northern town of Kfar Tavor. Witnesses said he tried to run over two other residents earlier the same day. On October 12, authorities indicted Shibli for manslaughter. The trial was ongoing at year's end.

In December the Government concluded its criminal investigation into a 2006 article in the Hassidic World magazine describing Muslims and Christians in insulting terms. The Prosecutor's Office had not filed charges at year's end.

In June 2006 approximately 100 ultra-Orthodox Jews assaulted approximately 50 Christian tourists in a Jerusalem neighborhood, injuring three of them. Police arrested two attackers, and in October 2006 the case was being prepared for indictment. No prosecution had begun by year's end.

The national public bus service operated sex-segregated transportation for ultra-Orthodox Jews. Ultra-Orthodox passengers also tried to impose sex-segregation on some mixed buses. According to press reports, in October a group of five ultra-Orthodox men attacked a woman and a male soldier for sitting together on a mixed bus traveling to the town of Beit Shemesh. In November 2006 a group of ultra-Orthodox men reportedly attacked and beat a woman for refusing to move to the rear of a Jerusalem bus that was not officially sex-segregated. None of the attackers was arrested; however, at year's end the case was under investigation. A petition on the legality of sex-segregated buses was pending at year's end.

During the year ultra-Orthodox Jews threw rocks at motorists to protest their driving on the Sabbath, and soccer fans from certain teams chanted "death to Arabs" and anti-Muslim slogans during games between Israeli Jewish and Arab teams.

For a more detailed discussion, see the 2007 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 for citizens. (See annex for restrictions on movement in the occupied territories.)

Citizens generally were free to travel abroad and to emigrate, provided they had no outstanding military obligations and no administrative restrictions. The Government may bar citizens from leaving the country based on security considerations. Citizens, including dual nationals, must enter and leave the country using their Israeli passports only. In addition no citizen is permitted to travel to states officially at war with the country without government permission, including Knesset members who have been barred by the Knesset from such visits without permission from the interior minister.

Mordechai Vanunu, released in 2004 after serving 18 years in prison for treason and espionage for providing information about an alleged Israeli nuclear weapons program to a foreign newspaper, continued to be subjected to detailed restrictions on speech and movement. On July 2, the Jerusalem Magistrate's Court sentenced Vanunu to 6 months' imprisonment for violating the terms of his parole by having contact with foreign nationals without permission and attempting to visit the West Bank.

During the year there were numerous reports of foreign nationals, including American citizens, of Arab descent subjected to harsh and degrading treatment at border crossings. Diplomatic missions regularly protested such treatment regarding their nationals. In January the Government published new guidelines for foreign nationals seeking to visit or reside in the West Bank, although problems at Ben Gurion International Airport and other border crossings persisted throughout the year.

Israeli Arabs required a special permit to enter area A (the area, according to the Interim Agreement, in which the Palestinian Authority (PA) exercises security responsibility). However, they could travel abroad using their Israeli passports without restriction. Israeli Arabs regularly complained of discrimination and degrading treatment by airport security officials. On September 18, the Higher Arab Monitoring Committee, which represents Israeli Arab interests, launched a boycott against the national airline, El Al, protesting discriminatory treatment at airports. On May 31, ACRI petitioned the High Court, demanding that the Israel Airports Authority, Shin Bet, and the Ministry of Transportation no longer use Arab ethnicity as a sufficient reason for conducting intensive security checks at Israeli airports. The case was pending at year's end.

The law prohibits forced exile of citizens, and the Government generally respected this prohibition in practice.

Protection of Refugees.—UNHCR registered 5,505 cases of new arrivals during the year, of whom 32 percent were Eritrean citizens and 30 percent were Sudanese citizens, and estimated that at least 90 percent of all new arrivals transited Egypt en route to Israel. UNHCR estimated that at year's end there were approximately 7,000 asylum seekers in Israel.

Israel is party to the 1951 U.N. Refugee Convention and its 1967 protocol. The Government complied with its obligation regarding refoulement not to return persons to a country where they have a well founded fear of persecution. The Government also did not return those denied refugee status to their home countries against their will. Israel does not have legislation implementing the 1951 refugee treaty and 1967 protocol, but it has signed and ratified both agreements and since 2001 has applied both agreements procedurally.

The Government does not have its own status determination system and relies on UNHCR, which referred eligible refugee applicants to an advisory committee the National Status Granting Body (NSGB), and the Ministry of the Interior rendered final adjudications based on NSGB recommendations. The Tel Aviv University Refugee Rights Clinic charged that the NSGB's procedures were not transparent.

Refugees recommended by UNHCR and recognized by Israel received temporary residency, including social rights. Persons granted refugee status received 6-month visas that can be extended until final status is determined. Refugees' status is revisited every few years. No legal option exists to naturalize in Israel.

Those denied asylum and unwilling to leave remain in immigration detention indefinitely. NGOs filed several court challenges, and the Government responded with alternative solutions, placing many newly arrived illegal migrants in hotels, kibbutzim, and other employment situations. For asylum seekers from states at war with Israel, such as Sudan, the Government attempted to find a third country to accept them.

The total number of Sudanese migrants in Israel was estimated at nearly 3,000, compared with approximately 200 in 2006. According to the Refugee Rights Clinic, this influx resulted in many asylum seekers waiting in detention for long periods. The Refugee Rights Clinic claimed the Government's policy regarding Sudanese violates the non-discrimination clause of the 1951 Refugee Convention and unilaterally derogates from the refugee definition. In December the Government granted temporary refugee status to 500 Sudanese.

After UNHCR provided an opinion that Eritreans should not be returned to their country, some Eritrean migrants in Israel were released into alternative detention.

On August 19, Egypt accepted 48 Africans deported by Israel. Five human rights organizations argued to the High Court that such deportations violated the principle of nonrefoulement. On September 24, the High Court of Justice ordered the Government to introduce procedures for screening asylum seekers at the border prior to any deportation. The Government stated in August that it also would deport all asy-

lum seekers who illegally enter Israel via Egypt, but at year's end these deportations were on hold.

Palestinians were registered by the U.N. Relief and Works Agency for Palestine Refugees (UNRWA).

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.—Israel is a parliamentary democracy with an active multiparty system. Relatively small parties, including those primarily supported by Israeli Arabs, regularly win Knesset seats. The Basic Law requires that a party obtain 2 percent of the vote to win Knesset seats. In March 2006 the Kadima Party won a plurality of Knesset seats, and Kadima leader Ehud Olmert formed a coalition government in which he became prime minister.

The Basic Law prohibits the candidacy of any party or individual that denies either the existence of the State of Israel as the state of the Jewish people or the democratic character of the state, or that incites racism. Otherwise, political parties operated without restriction or outside interference.

At year's end the 120-member Knesset had 17 female members, including its speaker. The Knesset included 10 Arabs and two Druze. The 29-member cabinet included two women, one Druze, and one Israeli Arab Muslim. Five members of the 14-member High Court, including its president, were women. An Arab Christian is on the High Court, but no Muslim or Druze citizens have served.

Government Corruption and Transparency.—The law penalizes official corruption, and the Government generally sought to implement these laws. Investigations of numerous allegations of misconduct by senior political figures and in government ministries occurred during the year. The national police, the state comptroller, the attorney general, and the finance ministry accountant-general officially were responsible for combating official corruption. Senior officials were subject to comprehensive financial disclosure laws.

On October 16, prosecutors issued an indictment against former Finance Minister Avraham Hirchson, who had resigned on July 1 on charges of fraud, money laundering, and breach of trust.

During the year the state comptroller and attorney general investigated Prime Minister Olmert for alleged irregularities in political appointments and bank and real estate actions in previous years. At least three investigations were ongoing at year's end.

Criminal investigations or trials of other officials, including Minister for Strategic Affairs Avigdor Lieberman, Member of Knesset (MK) Tzachi Hanegbi, MK and later minister Ruhama Avraham, MK Azmi Bishara, and at least 13 senior police and State Attorney's Office officials continued with no results at year's end.

In 2005 Omri Sharon was convicted of various charges relating to illegal fundraising related to the 1999 Likud party primary campaign of his father, Ariel Sharon. He was sentenced to a 9-month jail term and an additional 9-month suspended sentence as well as a $75,000 (NIS 300,000) fine. Sharon appealed the sentence, and in June the Tel Aviv District Court reduced it to 7 months in prison and a 9-month suspended term. At year's end Sharon remained free pending a new appeal to the Supreme Court.

On March 25, citing lack of evidence, police closed a 2006 investigation into allegations that opposition leader Benyamin Netanyahu had used government funds to finance personal polls.

The law affords the public access to government information. According to ACRI the Government does not effectively implement its Freedom of Information Law. Many government bodies did not disclose their internal regulations as required, and others failed to publish annual reports. On April 18, the High Court started deliberations on a 2005 ACRI petition demanding that the IDF and Ministry of Defense make their unclassified archives available to an Israeli journalist for research purposes. At year's end the case was ongoing.

On December 5, in response to a petition filed by five human rights NGOs, the Jerusalem Administrative Court ruled that the interior ministry had violated the law by withholding from the public its regulations concerning the Population Registry, which governs determinations regarding citizenship, residency, and entitlements to basic rights and freedoms for various sectors of Israeli society. The court ordered the ministry to publish its regulations on the ministry's Web site within 30 days.

Section 4. Governmental Attitudes Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

Numerous domestic and international human rights groups operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were cooperative to varying degrees, and NGOs routinely were invited to participate in Knesset hearings on proposed legislation. A Foreign Ministry liaison unit maintained relations with international and domestic NGOs. The Government responded publicly to criticisms that it believed to be unfounded.

Under the 1980 Law of Associations governing nonprofit organizations, NGOs must register and pay annual fees.

Some registered NGOs were eligible to receive state funding. Mossawa alleged discrimination, noting that Israeli-Arab NGOs received only approximately 1 percent of the nearly $625 million (NIS 2.5 billion) spent annually by various government ministries on NGOs. Following a joint investigation by the finance and justice ministries, the Accountant General's Office stated that Mossawa's claims were unsupported. The accountant general pointed out, however, that while the funding criteria for NGOs applied equally to all applicants, certain government funds were earmarked for use only by NGOs that promote "traditional and religious Jewish activities."

During the year the interior ministry, operating under a 2002 order, barred entry to all foreign nationals affiliated with certain Palestinian human rights NGOs and solidarity organizations. (See annex regarding NGOs in the occupied territories.)

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

The law prohibits discrimination on the basis of race, gender, marital status, political beliefs, or age.

Women.—The Equality of Women Law provides equal rights for women and protection from violence, harassment, exploitation, and trafficking; however, domestic violence against women was a problem. During the year the Government received 11,240 spousal abuse complaints filed by women, with 414 convictions.

Rape is illegal, and the Penal Law doubles the penalty if the perpetrator assaults or rapes a relative (his spouse, including the person publicly known as his spouse, a minor or person under care, for whom the offender is responsible). NGOs considered the incidence of rape a concern. The Association of Rape Crisis Centers in Israel reported that "the existing laws set a valid basis for severe punishment in cases of rape and other forms of sexual assault," but that there is a tendency to sentence defendants to minimum terms of imprisonment. The Government reported 971 files opened for rape, with 323 prosecutions and 253 cases pending during the year.

Various groups protested the return to government of Haim Ramon, who in May became vice prime minister. Ramon was convicted on January 31 of an indecent act for forcibly kissing a female soldier who worked in the Prime Minister's Tel Aviv office. He was sentenced to 120 hours of community service and ordered to pay $3,750 (NIS 15,000) as compensation.

On June 29, President Moshe Katsav resigned as Israel's eighth president after negotiating a plea bargain that resulted in his conviction on charges of indecent acts under duress, sexual harassment, and harassment of a witness. Under the plea bargain, the Government dropped two rape charges, gave Katsav a suspended prison sentence, and ordered him to pay damages to two of his victims. Various media reports claimed there were as many as 10 victims. The felony to which Katsav pled guilty carries a maximum penalty of 7 years in prison. Women's rights activists and government transparency NGOs protested the plea bargain.

On March 18, police discovered near the village of Kfar-Qasem the body of a Palestinian woman who had had a baby with a married man. The police suspected the crime was perpetrated to uphold the "family honor." The case was under investigation at year's end. In January the Haifa Magistrate's Court sentenced a man to 4 years for stabbing his daughter in May 2006 in an "honor crime."

The magazine Jerusalem Report claimed that rates of spousal abuse among Ethiopian immigrants were "extremely" high, and stated that five of 16 Israeli women killed by partners in 2006 had been Ethiopian immigrants. The Social Affairs Ministry provided battered women shelter and operated a hot line. The police operated a call center to inform victims about their cases and employed a database to link sex crime cases in investigations. A wide variety of women's organizations provided counseling, crisis intervention, legal assistance, and shelters for abused women.

Prostitution is not illegal and was widespread, but not highly visible. The law prohibits operation of brothels and organized sex enterprises, but brothels existed in several major cities.

The Prevention of Stalking Law and the Prevention of Family Violence Law require that suspected victims be informed of their right to assistance. The Government reportedly opened 167 sexual harassment cases, with 29 cases forwarded for prosecution.

The law provides for class action suits and requires equal pay for equal work; however, the Ministry of Industry, Trade and Labor (MITL) reported a woman's average salary in 2005 to be 58 percent lower than the average salary of their male counterpart. The report also found that 3.2 percent of salaried women held management positions compared with 5.7 percent of men, with the gap in high technology industries even larger. On June 1, the Jerusalem Post reported that National Employment Service statistics showed 18 percent of employment-age Israeli Arab women participate in the work force, compared to 60 percent of Israeli Arab men.

Religious courts restricted the rights of Jewish and Muslim women. Jewish women are not allowed to initiate divorce proceedings without their husbands' consent. Consequently, thousands of so-called agunot—"chained women"—may not remarry or have legitimate children because their husbands disappeared or refused to grant divorces. Rabbinical tribunals may sanction a husband who refuses divorce but may not grant a divorce without his consent. Women do not have redress to civil courts; only religious courts can rule on personal status issues.

A Muslim woman may petition for and receive a divorce through the Shari'a courts without her husband's consent under certain conditions and may, through a marriage contract, provide for other cases where she may obtain a divorce without her husband's consent. A Muslim man may divorce his wife without her consent and without petitioning the court.

According to a July 10 Ha'aretz report, Arab women's complaints of sexual assault were increasing, and the Nazareth-based NGO Women Against Violence said that many of these women cited the Katsav case in their decision to appeal for help.

Children.—The law provides for the overall protection of children's rights and welfare, and the Government generally was committed to ensuring enforcement of these laws. There were nine emergency shelters for children younger than 14 at risk of abuse and three for girls 13 or older—one each for Arab, Orthodox Jewish, and secular Jewish girls. According to the National Council for the Child, social welfare offices treated a record number of 62,273 children in 2006 considered at risk from physical, sexual, or emotional abuse or neglect.

Education is compulsory through the ninth grade. The Government operated separate school systems for Hebrew-speaking children, Arabic-speaking children, and Orthodox Jews.

Ultra-Orthodox political parties continued to oppose government interference in their school system. The only nonpublic schools receiving government funding were ultra-Orthodox Jewish schools.

Israeli-Arab advocacy groups charged that the education of Arab children was inferior to that of Jewish children in the secular system. According to a 2005 study at Hebrew University, three times more money was invested in education of Jewish children as in Arab children. According to the Central Bureau of Statistics (CBS), 49.4 percent of Arab students passed their matriculation exams in 2006 compared with 64.4 percent for Jewish students. The results of exams released on November 29 showed that while Jewish-Israeli students ranked 11th in the world in literacy, Arab-Israeli students ranked 40th. While 77.2 percent of Jewish children attended preschool during the 2005–06 school year, only 62 percent of Arab children did so, according to CBS figures released in September. In June 2006 the Follow-Up Committee for Arab Education for Toddlers said that there was a shortage of 2,250 preschools in the Arab sector.

In August the National Insurance Institute (NII) found that nearly 36 percent of children lived below the poverty line. In June 2006 researchers at a Hebrew University conference reported that the poverty rate for Israeli-Arab children was 2.5 times higher than for Jewish children, and their infant mortality rate was double that of Jewish infants. Infant mortality among Bedouin Israelis was highest, at 15 percent of all births.

Boys and girls had equal access to medical care.

Trafficking in Persons.—Israel is a destination country for trafficking for the purpose of labor and for prostitution. While trafficking for the purpose of prostitution greatly decreased in recent years, trafficking for the purpose of labor remained a serious problem.

According to NGO Hotline for Migrant Workers, victims of labor trafficking varied by sector, with Thai agricultural workers and Philippine domestic servants significant groups. The penal code stipulates that coercion to engage in prostitution is a criminal offense, punishable by between 4 and 20 years' imprisonment. The women's

rights NGO Isha L'Isha reported that even though judges and prosecutors tended to award compensation money to trafficked women, the amounts were low and the traffickers "hindered" payments. Workers' rights NGO Kav LaOved reported that it handled more cases during the year of slavery and forced labor than cases of trafficking for labor purposes.

The law guarantees foreign laborers legal status, decent working conditions, health insurance, and a written employment contract; however, some employers forced individual laborers who entered the country, both legally and illegally, to live under conditions that constituted involuntary servitude. The Government reported that through August 30, the Immigration Administration encountered four cases of possible trafficking for the purpose of slavery, three cases of holding persons under conditions of slavery, and two cases of forced labor. Organized crime groups trafficked women for prostitution, primarily from Eastern Europe, luring them with service sector jobs. Some reportedly sold women to brothels. According to the Investigations and Intelligence Division of the Israeli police, only a few dozen foreign women engaged in prostitution entered Israel during the year, compared to 3,000 entering in 2003. Isha L'Isha intervened in 50 cases of Israeli women internally trafficked for prostitution.

In July a national plan to combat trafficking for the purpose of prostitution was approved. In June the Investigations and Intelligence Division of the Israeli Police issued detailed guidelines that clarified areas of responsibility among units.

There were numerous documented cases of foreign laborers living in harsh conditions, subjected to debt bondage, and restricted in their movements. In prior years law enforcement agencies successfully prosecuted employers for labor law violations, including for violations that were tantamount to trafficking, but the sentences applied were insufficient. Labor agencies in particular were not properly penalized because the then-current law did not criminalize trafficking for purposes other than prostitution. An October 2006 amendment criminalized trafficking for slavery, forced labor, prostitution, pornography, sexual abuse, and organ selling, providing maximum sentences of 7 to 20 years depending on the offense. In the first 8 months of the year, the Immigration Administration reported it investigated seven cases of alleged trafficking or holding persons under conditions of slavery, 41 cases of withholding passports, and 310 cases of deceit and extortion of foreign workers.

On September 9, the Government filed its first case of trafficking for organ removal. The defendants, who located their victims through advertisements in Arab-language newspapers, entered into a plea bargain, and one was sentenced to 4 years and $3,750 (NIS 15,000) compensation, and the other to 20 months.

The Government worked with NGOs and with officials in source countries to investigate and extradite individuals on charges of trafficking in persons.

The Ministry of Justice requires that investigations of complaints by foreign workers should be concluded within 45 days. When prosecutors gathered sufficient evidence for indictment, they filed the indictment through an accelerated procedure to ensure that the proceedings would continue even if the foreign worker left the country. According to the Government, all investigations into complaints by foreign workers filed to the PID were concluded within 45 days, and most were concluded "far in advance." According to Kav LaOved, however, only one investigation was completed in 45 days.

The government-run shelter with a 50-person capacity for victims of trafficking for commercial sexual exploitation was often completely filled. Isha L'Isha reported that it was very difficult to enter trafficked women into the shelter if they had children, and noted that the Ministry of Health had not yet found a solution for women outside the shelter who had no medical insurance. NGOs claimed additional shelters were needed for trafficking victims.

Persons with Disabilities.—The law provides for protection and equality of the rights of persons with disabilities, although societal discrimination persisted in areas such as employment and housing.

The Commission for Equal Rights of People with Disabilities (CERPD) within the Justice Ministry took legal action in the areas of accessibility and employment.

In October the Ministry of Industry, Trade, and Employment announced that it reimbursed employers for renovations needed to accommodate disabled employees. On December 3, the CERPD reported that 46 percent of persons with disabilities were employed during 2006—a 6 percent increase from 2002—but their average wage was 34 percent below the national average.

The law requires television stations to include subtitles and sign language and the courts to accommodate testimony from persons with intellectual disabilities or mental illness. Accessibility to public transportation was not mandated by law.

There were no government restrictions on the right of persons with disabilities to vote or participate in civic affairs.

National/Racial/Ethnic Minorities.—Advocacy groups charged government officials with making racist statements. The Chief Rabbi of Safed, Shmuel Eliyahu, a government official, made public appeals for the expulsion of Israeli Arabs from Safed and other Israeli communities. In September 2006 MK Effie Eitam called for removal from the political system of Israeli Arabs, whom he called "traitors in the first degree."

Although Arabic is an official language, the NII requires documents submitted for claim be translated into Hebrew. In November 2006 Adalah argued that the Shari'a courts are also government courts and should have their Arabic rulings accepted by other government organizations.

Approximately 93 percent of land is in the public domain, and of this approximately 12.5 percent is owned by the Jewish National Fund (JNF), whose statutes prohibit sale or lease of land to non-Jews. In 2005 the attorney general ruled the Government cannot discriminate against Israeli Arabs in marketing and allocation of lands it manages, including those of the JNF. Petitions against the JNF policy of leasing land only to Jews, as well as draft legislation supporting the policy, were pending at year's end.

Israeli-Arab advocacy organizations have challenged the demolition of illegal buildings in the Arab sector on grounds that the Government restricted building permits, limiting Arab natural growth. According to the Arab Center for Alternative Planning, during a 5-month period in 2004, the Government issued tenders for construction of 1,820 housing units in northern Israel , which has an Arab majority, but only 140 were designated for Arab communities.

The Orr Commission of Inquiry—established in 2000 to investigate the police killing of 12 Arab Israelis and one Palestinian—found in 2001 that "suitable planning should be carried out [in the Arab sector] as soon as possible to prevent illegal construction . . ." In 2004 the Supreme Court ruled that omitting Arab towns from specific government social and economic plans was discriminatory. At year's end, according to the Government, master plans had been completed for 24 of the country's 128 Arab communities; another 89 communities were being planned. New construction is illegal in towns that do not have master plans and in the country's 37 unrecognized Bedouin villages.

On January 9, security forces demolished 21 of the original 50 Bedouin homes in the unrecognized village of Al-Twial, following the prior demolition of 17 homes there. On June 25, security forces demolished between 20 and 25 homes in the unrecognized Bedouin villages of Um Al-Hiran and A-Tir. On August 1, 15 civilians were injured by security forces during a protest against the demolition of two homes in Sera and Nasara, according to press reports. On November 1, security forces demolished approximately 15 Bedouin homes in the unrecognized villages of Wadi Al-Na'am and Assir. According to ACRI, more than 200 buildings were demolished in the unrecognized Bedouin villages during the first 11 months of the year, compared with 96 in 2006 and 15 in 2005.

On June 17, the Supreme Court granted the Government another 1-year extension to comply with its February 2006 ruling that a 1998 government development policy making certain areas eligible for special funding was discriminatory because it included only four Arab communities.

Arab groups complained that unlike Jewish communities, Arab communities in the north had no bomb shelters or warning sirens to protect them from rocket attacks from Lebanon. In August 2006 the government-supervised Small Business Development Center created a loan program for businesses damaged by the July–August 2006 conflict, but only Jewish businesses were eligible. "Front line" communities were eligible for full compensation for economic losses from armed conflict and all northern communities except four Arab towns along the Lebanese border were so designated. In September 2006 Adalah petitioned the Supreme Court to include these towns, and on January 31, the Ministry of Finance announced that it would include them.

Israeli Arabs were underrepresented in universities, professions, and business. In June 2006 a researcher from Haifa University and the NGO Sikkuy reported only 2.8 percent of high technology workers were Arab; 70 percent of Arabs with degrees in high technology failed to find work between 2001 and 2005.

Other well-educated Israeli Arabs were unable to find jobs commensurate with their qualifications. According to a Civil Service Commission report, in 2004 only three of 809 Finance Ministry employees were Israeli Arabs, while the Foreign Ministry, with 933 employees, employed only seven. Israeli Arabs fared slightly better in the health field and in academia, where university affirmative action and diversity programs opened relatively more doors.

In 2003 the Government approved an affirmative action program to promote hiring Israeli Arabs in the civil service, but according to a June 20 press release from

Mossawa, only 5.86 percent of the Government's employees in 2006 were Arab. In March 2006 the Government ordered the Civil Service Commission to allocate 37.5 new positions annually through 2008 to government offices that employ qualified Arabs, Druze, and Circassians.

A 2000 law requires minorities have "appropriate representation" in the civil service and on the boards of government corporations. As of December, Arabs (including Druze and Circassians) filled 51 out of 528 board seats of state-run companies. In April 2006 media reported that approximately 1 percent of employees in state-run companies were Arabs.

The law exempts Israeli Arabs from mandatory military service. Citizens who do not perform military service enjoy less access to social and economic benefits. Israeli Arabs generally were restricted from working in companies with defense contracts or in security-related fields. In June the Government started a civilian service program for citizens not drafted for military service, which gives Israeli Arabs and ultra-Orthodox Jews the opportunity to serve and be eligible for the same benefits accorded military veterans. According to press reports, the National Service Administration registered 289 Israeli-Arab volunteers during the 2006–07 academic year.

The Israeli Druze community comprised approximately 8.3 percent of the population, and the Circassian community numbered some 3,000. Males were subject to the military draft, and the overwhelming majority accepted willingly. Some Bedouin and other Arab citizens not subject to the draft also served voluntarily.

The Bedouin sector of the population was the most disadvantaged. Half of the 160,000 Bedouin lived in seven state-planned or eight recognized communities, which received basic services, and the rest in 37 unrecognized villages, which were not connected to water and electricity and lacked educational, health, and welfare services. In November 2006 Adalah petitioned the Supreme Court to overturn a Water Tribunal decision not to connect unrecognized villages to water; the petition was pending at year's end.

On April 15, the Supreme Court ruled that the Israel Land Administration could no longer use herbicides to destroy Bedouin crops on state lands.

Government planners noted there were insufficient funds to relocate Bedouin living in unrecognized villages to new townships, and the average Bedouin family could not afford to purchase a home there. Clashes between authorities and residents of unrecognized villages continued during the year.

Approximately 20,000 non-Israelis live in the Golan Heights. Syria regards them as its citizens, and they largely have refused Israeli citizenship. Israel accords them permanent resident status; they receive Israeli travel documents and hold identity cards that entitle them to many of the same social benefits as Israeli citizens. However, Druze communities in the Golan Heights received little or no support for municipal services or infrastructure maintenance. (Residents of Palestinian origin of East Jerusalem are covered in the annex.)

The Government prohibits Druze Israelis, like all citizens, from visiting Syria; the Government allowed noncitizen Druze from the Golan Heights to visit holy sites through the ICRC-managed pilgrimage program.

Other Societal Abuses and Discrimination.—Societal violence and discrimination based on sexual orientation or against persons with HIV/AIDS existed in isolated cases. The Government continued to uphold laws criminalizing discrimination on the basis of sexual orientation or HIV/AIDS. Gay Pride events, including a large march in Tel Aviv, were held peacefully and without violence or widespread disruption.

Section 6. Worker Rights

a. The Right of Association.—Citizens may join and establish labor organizations. Most unions belong to Histadrut (the General Federation of Labor) or to a smaller rival federation, the Histadrut Haovdim Haleumit (National Federation of Labor). Both are independent.

Legal foreign workers and nonresident Palestinians may join Israeli trade unions and organize their own unions in Israel. Benefits and protections in Histadrut work contracts and grievance procedures extend to legal nonresident workers in the organized sector, but they cannot vote in Histadrut elections.

Labor laws apply to noncitizens. Documented foreign workers are entitled to many of the same benefits as citizens, although not national health care. Employers are legally required to provide insurance. Undocumented foreign workers receive no benefits.

b. The Right to Organize and Bargain Collectively.—Citizens exercised their legal rights to organize and bargain collectively. The law specifically prohibits anti-union discrimination, and none was reported.

Foreign workers must pay an agency fee, and can pay union dues, entitling them to employment protection and some entitlements won by collective bargaining agreements. Collective bargaining agreements extend to non-union workplaces in the same sector.

Unions have the right to strike, and workers exercised this right. If essential public services are affected by a strike, the Government may appeal to labor courts for back-to-work orders during continued negotiations. Worker dismissals and the terms of severance arrangements traditionally have been the central issues of disputes.

c. Prohibition of Forced or Compulsory Labor.—The law prohibits forced or compulsory labor, including by children, but various NGOs consider many workers to be in conditions that are tantamount to involuntary servitude. Civil rights groups have charged that unscrupulous employers exploited adult non-Palestinian foreign workers, both legal and illegal, and held them in conditions that amounted to involuntary servitude. (See Section 4.)

d. Prohibition of Child Labor and Minimum Age for Employment.—Laws protect children from exploitation in the workplace and prohibit forced or compulsory labor; the Government effectively implemented these laws.

Children at least 15 years old who have completed their education through grade nine may be employed only as apprentices. Those who are 14 may be employed during official school holidays in light work that will not harm their health. Working hours for those between 16 and 18 are restricted.

The Government received 90 reports of child labor, mostly in marketing, summer camps, restaurants, and event halls during the year. It reported no complaints of Palestinian child labor.

e. Acceptable Conditions of Work.—The minimum wage was approximately 47.5 percent of the average wage, approximately $940 (3,760 NIS) per month for a 40-hour week. The Government considered the minimum wage, supplemented by special allowances for citizens, to provide a citizen worker a decent standard of living. Some union officials, NGOs, and social commentators disputed this claim, but Histadrut stated that a noncitizen worker paid the minimum wage, even absent the special allowances for citizens, received a decent standard of living.

The law allows a maximum 43-hour workweek at regular pay.

Employers must obtain a government permit to hire non-Israeli workers who live in occupied territory. Most Palestinians from the occupied territories working legally in the country were employed on a daily basis and, unless employed on shift work, were not authorized to spend the night in the country. According to Histadrut there were very few such regular workers during the year.

Palestinian employees recruited through the Ministry of Industry, Trade, and Labor received their wages and benefits through that ministry, which deducted a union fee and contributions for NII benefits they did not receive, such as unemployment insurance, disability payments, and low-income supplements. Histadrut reported that a legal mechanism was established in 2005 for non-Palestinian migrant workers employed in the construction sector to receive benefits, but in other sectors, such as agriculture and care giving, there was no comparable mechanism. Israeli employers paid Palestinian employees not employed through the ministry directly after deducting the union fee and NII contribution; such workers received the same benefits as workers paid through the ministry.

According to an agreement between the Government and the PA, employers paid an "equalization fee" to the Israeli Treasury, in the amount of the difference in cost between employing a Palestinian and an Israeli worker. After deductions, the remainder was transferred to the PA.

A major issue contributing to a number of work stoppages was that many municipalities routinely failed to meet payrolls in recent years. Despite a variety of court orders and government interventions, the problem persisted.

Since 2000 the Government's closure policy prevented Palestinians from traveling from the occupied territories to employment in Israel. During periods of non-closure, Palestinians required Israeli permits to enter the country for a single day or for periods of several months. Frequently authorities invalidated existing permits, requiring even long-established travelers to secure new permits; accordingly, statistics on permit issuance did not reflect actual numbers of individuals allowed into the country.

The Labor Inspection Service, along with union representatives, enforced labor, health, and safety standards in the workplace, although resource constraints affected overall enforcement. There were 25 inspectors, assisted by 32 students, to enforce labor laws that affected approximately 2.5 million workers. The Government reported that it will add 34 labor inspectors and 69 student assistants. There are also 53 labor inspectors for foreign workers, and 68 work safety inspectors.

Kav LaOved charged that the ministry tolerates the forcing of workers to accept illegally low salaries, citing many complaints from Thai agricultural workers. The report alleged that these workers have to help employers "create fictitious evidence" because of fear of forced deportation and lack of alternative employment, and concluded that "as long as inspectors run inspections without interpreters, and fail to collect evidence from workers, systematic violations of minimum wage will continue."

Except for construction workers, foreign workers could not legally remove themselves from dangerous work situations without jeopardy to continued employment. In response to a 2006 Supreme Court ruling that said the policy of employer-dependent status for foreign workers led to abuse, the Government introduced a new mechanism in the nursing and agriculture sectors that allows foreign workers to remove themselves from hazardous work situations without jeopardy to continued employment.

All workers could challenge unsafe work practices through government oversight and legal agencies, but NGOs reported that employees in sectors other than construction were not provided information on how to contact the authorities, and that most agencies lacked interpreters.

The Government reported that through August, it opened 1,745 investigation files on employers of foreign workers for violations of labor laws, and issued 1,686 fines. The Government said that the MITL does not currently hold data on the number of criminal indictments filed against foreign workers' employers.

Brokers and employers are permitted to collect hiring fees from migrant workers. The Government limited such fees to approximately $650 (NIS 2,600) per worker, but NGOs charged that many foreign workers continued to pay up to $10,000 (40,000 NIS). In a significant number of cases according to NGOs, employers dismissed workers shortly after arriving. The MITL reported that through September, it had revoked 50 licenses during the year of agencies licensed to recruit foreign workers.

The MITL office for manpower agency licensing reported that it had only one full-time investigator to handle more than 350 companies. The Government hired private law firms to prosecute "thousands of employers for labor law violations" based on investigations and recommendations of the enforcement division of the Unit, and on clear guidelines.

The Government reported that it issued 88,500 permits for non-Palestinian foreign workers during the year and that there were approximately 102,000 legal foreign workers and approximately 84,000 illegal foreign workers in Israel.

According to Hotline, the Ministry of Interior announced it had received and reviewed 827 applications for permanent residency status for children of migrant workers, approved approximately 500, and that 322 appeals were filed, of which 120 were approved and 113 denied; the rest remained to be determined.

Workers may contest deportation orders in a special court, but they often lacked fluency in Hebrew, placing them at a considerable disadvantage. Hotline charged that the ombudsman was "gravely" understaffed, lacked interpreters, did not have open hours for accepting complaints, and responded very slowly even to well-documented complaints submitted via NGOs.

THE OCCUPIED TERRITORIES (INCLUDING AREAS SUBJECT TO THE JURISDICTION OF THE PALESTINIAN AUTHORITY)

Israel occupied the West Bank, Gaza Strip, Golan Heights, and East Jerusalem during the 1967 War. In 2007 the Palestinian population of Gaza was approximately 1.4 million, of the West Bank 2.3 million, and of East Jerusalem 210,000. Approximately 191,000 Israelis resided in East Jerusalem and 282,000 in the West Bank. During the 1990s, various agreements transferred civil responsibility to the Palestinian Authority (PA) for Gaza and parts of the West Bank. However, after Palestinian extremist groups resumed violence in 2000, Israeli forces resumed control over a number of these areas, citing the PA's failure to abide by its security responsibilities. During the year the terrorist group Hamas seized control of Gaza, factional Palestinian violence surged, and Israeli-imposed internal and external access restrictions increased.

The PA has a democratically elected president and legislative council, which select a prime minister and cabinet. In 2005 Palestine Liberation Organization (PLO) Chairman Mahmud Abbas won 62 percent of the vote in a presidential election regarded as generally free and fair. In January 2006 Palestinian Legislative Council (PLC) elections, Hamas won 74 of 132 seats in elections that generally met democratic standards. In February Hamas formed a national unity government (NUG) with the Fatah party, but in June Hamas staged a violent takeover of PA govern-

ment installations in Gaza and killed hundreds in the Fatah movement and PA security forces. On June 14, President Abbas dissolved the NUG and on June 17, swore in Prime Minister Salam Fayyad and a cabinet of independents. A "State of Emergency" was declared on June 14 and lifted on July 16.

President Abbas and his subordinates control PA security forces in the West Bank. Armed militias and terrorist organizations were still active in some areas. In Gaza, Hamas established its own de facto security forces, which answer to former Hamas Prime Minister Ismail Hanniyeh and which continued to kill, kidnap, and harass PA security forces and Palestinian opponents and shell civilian targets in Israel.

The Israeli Government maintained effective control of its security forces. Both Israeli and Palestinian NGOs reported that the Israeli authorities used excessive force, abused civilians and detainees, tortured Palestinian detainees, failed to take proper disciplinary actions, improperly applied security internment procedures, maintained austere and overcrowded detention facilities, imposed severe restrictions on freedom of movement, and limited cooperation with NGOs.

In 2005 the Israeli Supreme Court reaffirmed its 2004 decision that the separation barrier is permissible under both international law and Israeli law; however, the court questioned whether the segment of the barrier at issue in the case (in the West Bank, near Jerusalem) utilized the least intrusive route available, and it asked the Government to consider whether there was an alternative route. In a 2004 advisory opinion, the International Court of Justice concluded that the barrier was contrary to international law in a number of respects.

Regarding the PA authorities there were reports of torture, arbitrary and prolonged detention, poor prison conditions, insufficient measures to prevent attacks by terrorist groups, corruption and lack of transparency. Domestic abuse of women, societal discrimination against women and persons with disabilities, and child labor remained serious problems.

Palestinian terrorist organizations carried out many attacks on Israelis. Six IDF soldiers and four Israeli civilians were killed by Palestinians in the territories. During the year 346 Palestinians were killed by Palestinians and 377 were killed during Israeli military operations in the West Bank and Gaza. Five Israeli civilians were killed by Palestinians in terrorist attacks in Israel, three in a suicide bombing in Eilat and two in Sderot by Qassam rockets. No foreigners were killed.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life.—Killings by Palestinian and Israeli security forces and Palestinian terrorist groups remained a serious problem. There was a significant increase in the number of Palestinian deaths resulting from internal violence.

During Hamas' takeover of Gaza in June, armed Palestinian groups engaged in summary executions and torture and put the lives of civilians at risk. In June, 193 Palestinians were killed of which 181 were due to factional violence; 85 percent of Palestinians killed were in Gaza.

The increasing lack of law and order in Gaza eroded public confidence in security forces, and many Palestinians sought protection by turning to individual clans and family groups; consequently, family disputes were increasingly fatal, with 72 deaths between January 2006 and July 2007.

On June 11, Hamas fired mortars and missiles at the Gaza home of Jamal Abu al-Jidyan, a senior al-Aqsa Martyrs Brigade member and Fatah Secretary for northern Gaza. When neighbors tried to take Abu al-Jidyan to the hospital, Hamas members captured and killed him.

There were no further developments in the following 2006 killings: Abu Yusif, Popular Resistance Committees (PRC) military leader; Brigadier General Jad al-Tayeh of the Palestinian General Intelligence Service (GI) and his four bodyguards; the children of a senior PA intelligence officer fired upon by unknown assailants; and three children of a senior PA intelligence officer and their driver.

There were no developments in the 2005 cases of: Palestinian gunmen who attacked the Gaza Central Prison and killed three prisoners; the killing of Musa Arafat, former PA Gaza National Security Forces chief; and a Palestinian on trial for killing an Israeli soldier at the Qalandiya checkpoint.

Palestinian terrorist groups killed Israeli civilians in Israel and in the occupied territories by suicide bombs, rockets, and mortars. They frequently fired at Israeli forces from civilian areas, increasing the risk that return fire would harm noncombatants. PA President Abbas made repeated public statements calling for an end

to violence against Israel and internal violence between Fatah and Hamas, but these steps did not prevent numerous attacks.

On February 25, a Palestinian stabbed 42-year-old Erez Levanon from Bat Ayin settlement near Hebron. On May 21 and 27, Qassam rockets fired from Gaza killed 32-year-old Shirel Friedman and 36-year-old Oshri Oz.

Ido Zoldan, a leader in the movement to return to the Homesh settlement, evacuated in 2005 by Israeli Government orders, was killed by gunmen in the late hours of November 19 as he drove near Karnei Shomron settlement. Al-Aqsa Martyrs Brigade claimed responsibility; Israel arrested two Palestinian policemen.

On December 28, Israeli settlers Ahikham Amihai and David Rubin were killed by three Palestinian gunmen while hiking near the Hebron area settlement of Telem. PA security forces arrested Fatah members Ali Abd al-Hamid Dandis and Amar Badr Halim Taha.

According to Palestinian and Israeli human rights groups, during the year 377 Palestinians, compared to 660 in 2006, were killed during Israeli military and police operations. NGO B'Tselem estimated 35 percent were civilians not taking part in the hostilities at the time of their death. According to the Palestine Red Crescent Society (PRCS), IDF operations and clashes with Palestinians resulted in injuries to 583 Palestinians during the year.

In December 2006 the Israeli High Court ruled that targeted killings are not per se illegal, but each case must be meticulously examined through an independent investigation. According to B'Tselem, during the year Israeli forces targeted and killed 18 Palestinians, many affiliated with terrorist organizations.

On May 20, IDF helicopter gunfire in Gaza City killed eight family members of Hamas Palestinian Legislative Council (PLC) member Khalil al-Hayah, who was not present. On July 26, PRC members Omar Arafat Shafik al-Khatib, Khalil Mesbah Hussein al-Daifi, and Fadi Abd al-Qader Salman Abu Mustafa were killed by air strikes on their car. On October 23, air strikes also killed Mubarak al-Hasanat, a PRC military leader.

The IDF conducted numerous incursions into Palestinian areas in response to mortar, rocket, and antitank fire, and fired tank shells, heavy machine-gun rounds, and rockets from aircraft at targets in residential and business neighborhoods where they believed Palestinian gunfire originated. Palestinian gunmen fired on Israeli forces and booby trapped homes and apartment buildings. In response, the IDF raided and often destroyed buildings allegedly harboring militants. These actions often resulted in civilian casualties.

On August 29, an IDF tank killed 8-year-old Mahmoud Mousa Hassan Abu Ghazala, 11-year-old Yahya Ramadan Atiyyah Abu Ghazala, and 8-year-old Sarah Suliman Abdallah Abu Ghazala outside Beit Hanoun. The IDF said surveillance footage indicated that the children had been playing in the vicinity of Qassam rocket launchers.

Israeli security personnel operating checkpoints killed a number of Palestinians. For example, on July 26, Jihad Khalil Hussein al-Shaer was beaten, shot, and killed by IDF soldiers at a temporary checkpoint in Bethlehem. No investigation was announced. The investigation was ongoing in the 2004 case in which IDF soldiers shot and killed 13-year-old Iman al-Hams as she approached an IDF outpost in Gaza carrying a bag of schoolbooks that troops suspected contained explosives. In 2005 the girl's parents filed a lawsuit through the Jerusalem District Court demanding compensation. On November 8, the parents' petition, which had been accepted by the High Court in December 2006, was transferred to the military attorney general.

IDF soldiers fired on trespassers in or near restricted areas. Since September 2000 at least 284 Palestinians have been killed for moving within 460 feet of the Gaza perimeter fence, which Israel declared off limits to Palestinians. Of those killed, 117 were civilians, including 23 children. On June 1, 14-year-old Ahmed Sabri Suliman Ali Abu Zubeida and 13-year-old Zaher Jaber Muhammad al-Majdalawi were killed and 16-year-old Muhammad al-Atawanah was badly wounded on the beach in Gaza 100 yards from the border. According to press reports, IDF troops saw the boys crawling towards the fence, shouted a warning over a loudspeaker, fired warning shots, and then shot live fire. According to B'Tselem, they had been flying a kite.

On January 19, 10-year-old Abir Aramin died from a wound to the back of the head infliced as she was leaving school during clashes between Israeli Border Police and Palestinians. The Jerusalem District Prosecutor closed the investigation July 31 for lack of evidence. On September 25, the Israeli NGO Yesh Din appealed, alleging that according to 14 witnesses and independent Israeli pathologist Dr. Chen Kugel, she was shot with a rubber-coated bullet while running away. At year's end the Prosecutor's Office had not taken further action.

On February 26, Anan Muhammad Assad al-Tibi was killed by IDF gunfire when he went onto the roof of his house in Nablus during curfew to repair water containers. On September 17, 16-year-old Muhammad Ali Mesbah Jabarin was killed by IDF gunfire while walking in Ramallah during an Israeli operation. No investigations were opened in these cases.

On March 29, the IDF Military Advocate General began an investigation into the February 2006 death of Nafia Abu Musaid, a Palestinian shepherdess in Gaza who was shot and killed by IDF soldiers.

In November 2006 IDF artillery shelled the Gazan town of Beit Hanoun, killing 19 Palestinians and injuring others. Israeli authorities announced an investigation and on October 9, B'Tselem sent a follow-up letter to the Military Prosecutor. At years end no investigation results were released.

There was no further information about the results of an investigation into a 2006 IDF military operation in Nablus where the IDF used an U.N. Relief and Works Agency for Palestine Refugees in the Near East (UNRWA)-run girls' school in Balata Camp for 3 days as an operating base, detention center, and firing position, causing extensive damage to the school. There was also no further information about a 2006 explosion in Gaza that witnesses claimed resulted from Israeli naval artillery fire that killed eight.

There were no developments in investigations of the following 2005 IDF shooting cases: Killing an unarmed 13-year-old Palestinian boy in Askar refugee camp; killing a 14-year-old boy at Abu Holi checkpoint in Gaza; killing a 10-year-old Palestinian girl and injuring a second inside their UNRWA school in Rafah; killing three Palestinian teenagers near the border fence separating Gaza from Egypt; killing five unarmed Palestinians in Tulkarm refugee camp; killing Samir Ribhi Da'ari, a Palestinian from East Jerusalem; and killing a 15-year-old boy near the separation barrier.

According to a December study by the Israeli NGO Yesh Din, 1,091 criminal investigations were launched by the Israeli Investigative Military Police between September 2000 and June 2007 into soldiers suspected of killing, injuring, and committing criminal offenses against Palestinian civilians. Of the 239 investigations into the killing and injury of Palestinian civilians, 16 resulted in convictions. According to a June 2005 Human Rights Watch (HRW) report, Israeli military investigations were not "impartial, thorough, or timely." HRW charged the IDF had investigated less than 5 percent of civilian deaths between 2000 and 2004.

The IDF stated it conducted 130 investigations, issued 28 indictments, received seven convictions and one acquittal; the remaining 20 court cases were ongoing. The other incidents were still under investigation.

Unlike past years, no Palestinians were killed by Israeli security personnel while protesting construction of the separation barrier.

b. Disappearance.—During the year there were several reports of politically motivated kidnappings and disappearances in connection with internal Palestinian conflict. See related information in Section 2.a.

On May 26, in Nablus, Maher Halim Daoud Juri was abducted by Palestinian militants who claimed that he was a collaborator with Israel. On June 16, militants brought him to the main square and shot him in the legs several times before leaving him. Maher Juri was transferred to the hospital, where he was shot and killed by masked men.

On June 7, al-Aqsa Martyrs Brigade gunmen kidnapped Nablus deputy mayor and Hamas member Mahdi Hanbali and released him after 3 days. On June 12, al-Aqsa Martyrs Brigade gunmen kidnapped deputy Minister of Transportation Faidi Shaban from his office in Ramallah. He was released a few hours later. On June 14, al-Aqsa Martyrs Brigade commander and Preventive Security officer Samih al-Madhun was captured in central Gaza when he tried to shoot his way through a Hamas checkpoint. Madhun was beaten, stabbed, and shot to death by members of the crowd.

On January 1, Peruvian AFP photographer Jaime Razuri was kidnapped by gunmen in Gaza, and on January 23, members of the al-Aqsa Martyrs Brigade kidnapped a French vice consul and his two French guards in Nablus. Both were subsequently released.

Neither the authorities under President Abbas nor Hamas prevented or adequately investigated kidnappings of Palestinians or foreign nationals in the West Bank and Gaza.

In June 2006 PRC and Hamas militants tunneled from Gaza to Israel, killed two soldiers and abducted a third, Gilad Shalit. By year's end Shalit had not been released.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The PA Basic Law prohibits torture or use of force against detainees; however, international human rights groups stated that torture was a significant problem. Torture by PA security forces and the Hamas Executive Force reportedly was widespread and not restricted to security detainees. Documentation of abuses was very limited, due partly to fear of retribution by alleged victims. Palestinian security officers have no formal guidelines regarding interrogations; convictions were based largely on confessions.

After Hamas' takeover of Gaza in June, NGOs and the press reported widespread abuse and torture by the Hamas Executive Force and its military wing, Izz ad-Din al-Qassam Brigades, and by PA security forces in the West Bank. On July 24, Hamas Executive Force members detained Fatah member Muhammad Kamel al-Shekhrit during a demonstration and beat him at the former headquarters of the National Security Forces in Rafah. On August 18, Izz ad-Din al-Qassam Brigade members beat Yasser Ouda Joma Abu Shabab, a police officer from Rafah, and interrogated him about his ties to Fatah. On September 26, PA Military Intelligence detained and beat Hamas member Rasem Khattab Hasan Mustafa in Nablus. On September 28, PA Preventive Security officers beat Fayez al-Tarada during the arrest of his brother, Hamas-supporter Fawwaz Hisham Hussein al-Tarada and during interrogation in Hebron beat Fawwaz with a stick. There were no investigations opened.

Israeli law, as interpreted by a 1999 High Court decision, prohibits torture and several interrogation techniques but allows "moderate physical pressure" against detainees considered to possess information about an imminent terrorist attack. The law also indicates that interrogators who abuse detainees suspected of possessing such information may be immune from prosecution.

Israeli law prohibits forced confessions, but a detainee may not have legal representation until after interrogation, a process that may last weeks. Most convictions were based on confessions made during this period. Detainees sometimes stated in court that their confessions were coerced, but there were no instances in which judges excluded such confessions. In May B'Tselem and HaMoked reported that isolation from the outside world was a common Israel Security Agency (ISA) practice whereby detainees were prevented from meeting with attorneys, ICRC representatives, and their families during the initial period of their interrogation or for its duration. They also reported sleep deprivation, protracted handcuffing, insults and humiliation, threats, and naked body searches.

During the year the Israeli NGO, the Public Committee Against Torture in Israel (PCATI), submitted to the attorney general (AG) 65 individual complaints alleging torture and inhuman treatment of Palestinians by Israeli security officials. One alleged that Luwaii Ashqar, who was arrested in 2005, was abused for 4 days and upon release in May, suffered from partial paralysis of his legs. PCATI filed a complaint to the ISA on behalf of 137 detainees alleging painful handcuffing behind their backs for long periods during interrogation, and on November 21, it filed a complaint on behalf of Imad Khotri alleging he was partially paralyzed in his hands after suffering neurological damage as a result of painful handcuffing during his ISA interrogation at the Kishon Detention Center following his October 17 IDF arrest in Qalqilya. In every case the AG responded that these persons had information deemed vital for state security and no action would be taken against ISA interrogators.

Israeli human rights organizations reported that during the last few years Israeli interrogators used psychological abuse more frequently, including threats of house demolition or of questioning elderly parents, and kept prisoners in harsh conditions, including solitary confinement for long periods. For example, the ISA brought the wife and father of Hebron resident Mahmoud Abd al-Aziz Suweiti to him dressed in detainee clothing and told him they would be interrogated, causing him to attempt suicide. On March 7, the High Court ordered the ISA to inform Suweiti that his wife and father had never been detained, and had been used for interrogation purposes. On October 30, PCATI submitted a letter to the AG citing three cases since March 7 where family members were detained allegedly to put psychological pressure on detainees. In his response, the AG agreed that such actions were not appropriate, and he said that the ISA agreed to refrain from such methods.

On December 16, the newspaper Yedioth Ahronoth reported the results of an internal IDF survey that found approximately one-quarter of all soldiers serving at checkpoints in the West Bank had perpetrated or witnessed abuse of Palestinians. The IDF subsequently announced that it would require additional training for soldiers stationed in the West Bank in an attempt to reduce the frequency of abuse.

In May Israeli NGOs B'Tselem and HaMoked published a report alleging serious abuses of detainees from the occupied territories in Israeli detention facilities. The

report stated that from 2001 to 2006, the State Attorney's Office failed to launch criminal investigations into any of over 500 complaints of ill treatment by ISA interrogators. It also found that in two thirds of 73 cases examined, detainees claimed that ISA interrogators used one or more forms of abuse. In December PCATI reported that from January 2005 to July 2007 the Military Prosecutor's Office received 138 complaints of physical abuse against IDF soldiers, filed six indictments, and initiated three disciplinary actions.

According to B'Tselem, on January 10, Israeli officers on a naval ship forced fisherman Amin Saud Mahmoud Hasuna and his brother, Yasser, who were beyond the Israeli prescribed distance from the coast, to undress and swim 100 yards. The naval officers blindfolded the brothers, took them to Ashdod Port for interrogation, and 12 hours later forced them to swim at night back to their boat. Since June 2006 Israel has prevented Gazan fishermen from going beyond 500 yards from shore. According to B'Tselem, on April 13, Israeli Border Police soldiers kicked and punched Jalal al-Batsh near the Tomb of the Patriarchs (al-Haram al-Ibrahimi) in Hebron until he lost consciousness. Al-Batsh was taken to Hadassah Ein Kerem hospital and upon release was charged $250 (1,000 NIS) for bail because IDF soldiers claimed he attacked them.

On January 11, the Hebron police opened an investigation into Jewish Quarter resident Yifat Alkobi's verbal and physical assault on the Abu Aysha family, which was documented on video and broadcast on the media. At year's end there were no results. On January 27, IDF soliders allegedly watched for 15 minutes while approximately 30 Israeli settlers from Kiryat Arba beat several children from the Abu Hatah family in Hebron before intervening, and the same group threw stones at Da'ud Rateb Hussein Jabber in his grocery store. According to B'Tselem, there were no investigations into either case.

On September 28, 15 Israelis from Ma'on settlement attacked two shepherds from Mufaqara who were accompanied by four international activists. There was no investigation.

In 2006 the defense minister instructed the IDF and police to increase security for Palestinian children who were repeatedly harassed on their way to and from school near Ma'on settlement in the Southern Hebron hills; when harassment continued without police response, the inhabitants of the settlement were ordered to vacate; however, at year's end Ma'on settlement remained.

In August 2006 PCATI filed a complaint with the AG on behalf of a Palestinian resident of the West Bank village of Koud. The complaint alleged the ISA detained the Palestinian in the Kishon Detention Center for 25 days without access to a lawyer, during which time he was subjected to various means of interrogation, including simulated choking, painful positioning, sleep deprivation, beatings, and threats to arrest his family or destroy his home. According to PCATI, on January 18 the Ministry of Justice responded that the detainee was arrested based on reliable information that he was involved in or aiding the perpetration of terrorist attacks that were to take place in the near future and would have endangered human life. As a result, the AG found no grounds to pursue a criminal investigation against the ISA interrogators.

There were no further developments or investigations had not concluded in the following three 2006 claims of beatings and other abuse by IDF soldiers: At al-Fawar checkpoint, in Ramin Plain, and in Bil'in village. There were no developments in the 2005 complaint that IDF soldiers forced residents in a Tulkarm home to undress in the street or in the report that IDF soldiers assaulted Palestinian students in Hebron.

There was no investigation of the November 2006 attack by a group of Israeli settlers seriously injuring a European woman escorting Palestinian schoolchildren in Hebron.

Prison and Detention Center Conditions.—PA prison conditions were poor. Many prisons were destroyed during the Intifada and were not reconstructed. Prisoners were kept informally incarcerated. The PA generally permitted the ICRC access to detainees and regular inspections of prison conditions; however, the PA denied access to some detainees within 14 days following their arrests as required. The PA permitted independent monitoring of its prisons by Palestinian Independent Commission for Citizens' Rights (PICCR) and other Palestinian NGOs, but human rights groups, humanitarian organizations, and lawyers reported difficulties gaining access to specific detainees. Human rights organizations stated their ability to visit PA prisons and detention centers varied depending on which organization ran the facility. There were reports that beating and sleep deprivation were used to coerce confessions.

Three deaths in Gaza prisons were reported during the year. On January 4, Fatah member Ahmad Atawneh died in Rafah prison. On July 12, Fatah member Fadel

Muhammad Dahmash died in al-Saraya prison where he was held by Hamas Executive Forces. According to the Palestinian NGO PICCR, Dahmash was tortured by his jailers. According to the manager of the prison, Dahmash suffered from a heart failure and had difficulties in breathing. Hamas claimed Dahmash had committed suicide. On November 1, Samir Saleh al-Bana died in Gaza City prison while in Hamas custody.

Israeli Detention centers were less likely than Israel Prison Service (IPS) prisons to meet international standards with some, such as the Ofer detention center, providing living space as small as 15 square feet per detainee. On January 23, PCATI submitted a complaint on behalf of 388 detainees contesting crowded conditions in the three provisional detention centers, all located in the West Bank. On July 11, PCATI also submitted a complaint to the IDF and the Military Appeals Court contesting poor conditions at the Beit El (Judea) and Salem (Samaria) Courts in the West Bank.

Israel permitted independent monitoring of prison conditions by the International Committee of the Red Cross (ICRC). The Israeli Bar Association and other NGOs sent representatives to meet with prisoners and inspect prison, detention, and IDF facilities. Human rights groups reported delays and difficulties in gaining access to specific detainees, frequent, un-notified transfers of detainees, and the significantly limited ability of families of Palestinians imprisoned in Israel to visit.

According to an international organization, during the year the IPS imposed increased restrictions on the 9,800 Palestinian security prisoners held in IPS facilities. After the Hamas takeover of Gaza in June, the IPS cancelled all family visits to Israel for the approximately 900 Palestinian detainees from Gaza. NGOs and prisoners associations also reported that for the first time in approximately 30 years, the IPS prohibited the distribution of traditional sweets during Ramadan, and greatly restricted the transfer of "cantina" money from prisoners' relatives. The IPS also failed to distribute winter clothing for many detainees.

Unlike in the previous year, the IPS complied with its regulations that require separation of minors and adults in prisons. According to the PA Ministry of Prisoners' Affairs (MPA), Palestinian minors in IPS custody were barred from taking high school graduation exams in science-related subjects, after the IPS claimed these subjects posed a security threat. According to the NGO Palestinian Prisoners Club, Israel held 15 Palestinian prisoners in some form of solitary confinement during the year.

Palestinian prisoners in Israeli custody 16 years and older were treated and housed as adults. B'Tselem reported that at year's end, the IPS held 296 Palestinians under the age of 18, including 27 minors age 15 or younger. The IDF held 18 Palestinian minors in its two Provisional Detention Centers as of November 26, according to B'Tselem. An international organization reported that most Palestinian minors were held in Hasharon prison, while the remainder were housed at Damoun and Ofek prisons; all were being held as security prisoners. Minors in IPS custody were separated from adults and had access to organized education provided by the Ministry of Education. Minors in the two IDF facilities, where detention is limited to 21 days, were not separated from adults.

According to the PA MPA, there were approximately 150 critical medical cases of Palestinians in Israeli prisons. Since 2004 Israel authorized several private doctors to visit and increased medical attention; however, prisoners continued to claim inadequate medical attention.

d. Arbitrary Arrest or Detention.—Palestinian law prohibits arbitrary arrest and detention. It allows police to hold detainees without charges for 24 hours, and with court approval for up to 45 days. A trial must start within 6 months or the detainee must be released. In practice the PA detained many without charge for months.

Israeli law prohibits arbitrary arrest and detention, and the Government generally observed these prohibitions. Palestinian security internees were under the jurisdiction of military law which permits 10 days detention without seeing a lawyer or appearing before court. There is no requirement that a detainee have access to a lawyer until after interrogation, a process that may last weeks. The ICRC is notified of arrests within 12 days after they occur, and is allowed to visit detainees within 14 days after arrest.

Role of the Police and Security Apparatus.—In PA-controlled areas of the West Bank, Palestinian police were normally responsible for law enforcement for Palestinians and other non-Israelis. In Gaza, Hamas enforced laws selectively according to its priorities.

PA security forces included the National Security Forces (NSF), the Preventive Security Organization (PSO), the General Intelligence Service (GI), the Presidential Guard (PG), and the Police. Quasi-military security organizations, such as the Mili-

tary Intelligence, exercised the equivalent of law enforcement powers. The PSO, the civil police, and civil defense fall under the legal control of the interior minister, who reports to the prime minister. President Abbas has legal authority over the NSF, PG, and GI, although all PA security branches have been put under the interior minister's operational control. International assistance efforts were underway to build PA security forces that are fully accountable to the Ministry of Interior and that operate in accordance with PA law and internationally recognized standards for human rights. The interior and justice ministries investigate complaints regarding conduct of the PA security forces.

Criminal gangs and clan-based militias abused Palestinians' human rights and engaged in criminal acts. Hamas-aligned militias provided local security and abused human rights in Gaza.

Israeli authorities maintained effective control over West Bank security forces that consisted of the IDF, the (ISA or Shin Bet), the Israeli national police (INP), and the Border Police. Israeli authorities investigated and punished abuse and corruption, although there were reports of failures to take disciplinary action in cases of abuse.

During the year, B'Tselem submitted 63 cases of Israeli violence to the Israeli police. At year's end, 15 were under investigation, two were closed for lack of information, six were dropped since no complaint was submitted, and 40 cases received no response. Yesh Din assisted Palestinians in submitting 83 cases of alleged Israeli civilian violence to the Israeli police.

A June 2006 Yesh Din study, A Semblance of Law, claimed that more than 90 percent of complaints submitted alleging abuse by Israeli civilians against Palestinians in the occupied territories between 2002 and 2006 were closed without an indictment. According to Yesh Din, in more than half, complaints and testimony were written in Hebrew rather than in Arabic. Police visits to the scene and lineups were rare, eyewitness testimony was not taken, and alibis were not verified.

Arrest and Detention.—PA security forces often ignored laws by detaining persons without warrants and without bringing them before judicial authorities. PA security forces also occasionally disregarded court decisions calling for release of alleged security criminals. Suspects often were held without evidence and denied access to lawyers, families, or doctors. The law provides for a prompt judicial determination of the legality of detention and was observed in practice. Detainees were informed of the charges against them, although sometimes not until interrogation. There was a functioning system of bail. Palestinian sources estimated that during the year the PA imprisoned dozens of Palestinians suspected of collaboration with Israel and a few hundred suspected of supporting Hamas.

After the June takeover of Gaza by Hamas, PA security forces arrested approximately 1,000 Hamas members in the West Bank for membership in Hamas' military wing or possession of firearms and explosives. At year's end, 300 to 350 remained in custody. In Gaza, Hamas forces arrested approximately 1,000 Fatah members. At year's end 12 were sentenced by Hamas-controlled courts and most others remained in Hamas custody.

On November 28, Hisham al-Baradi was killed and dozens of Hizb al-Tahrir members were detained for several hours in Hebron, Nablus, and Ramallah by PA security forces during demonstrations protesting the Annapolis conference.

Under applicable occupation orders, Israeli security personnel may arrest without warrant or hold for questioning a person suspected of having committed or being likely to commit a security-related offense. Israeli Military Order 1507 permits detention for 10 days, before detainees see a lawyer or appear before court. Administrative security detention orders can be issued for up to 6-month periods and renewed indefinitely by judges. The law expressly authorizes an appeal of the circumstances of each security detention order to the Supreme Court. No detainee successfully appealed a detention order.

Israeli Military Order 1369 provides for a 7-year prison term for anyone not responding to a summons in security cases. Suspects are entitled to an attorney, but this right can be deferred during interrogation, which can last up to 90 days. Israeli authorities stated that policy is to post notification of arrests within 48 hours, but senior officers may delay notification for up to 12 days. A military commander may request a judge to extend this period indefinitely. Evidence for administrative detentions in security cases was often unavailable to the detainee or his attorneys due to security classification, but it was made available to the court. (Also see discussion of a June 2006 temporary law in Israel Report.)

Palestinians claimed that security detainees held under military orders were in fact political prisoners.

According to Palestinian and Israeli NGOs, there were approximately 11,500 Palestinian prisoners and detainees, including 1,800 common law criminals, in IPS

prisons and the three IDF detention centers in Israel and the West Bank. This number also included 300 minors and 800 to 850 administrative detainees.

Ziyad Hmeidan, an employee of Al-Haq, a Palestinian NGO, arrested in 2005 and released almost 2 years later on March 18, was never informed of any charges against him, nor the reasons for his arrest and detention at Ketziot prison. On November 15, Hassan Zaga, field worker for PCATI, was released after his January 11 arrest and detention without charge.

Israel conducted some mass arrests in the West Bank; however, most arrests targeted specific persons. According to the U.N. Office for the Coordination of Humanitarian Affairs (OCHA), the number of IDF search and arrest campaigns increased during the first half of the year. During the year the IDF arrested an average of 96 persons weekly in the West Bank. At year's end, 45 of the 132 members of the PLC remained in jail in Israel, including 40 from the terrorist group Hamas, four from Fatah and one from the terrorist group Popular Front for the Liberation of Palestine. Of those, 35 were awaiting trial, seven remained in administrative detention, and three were serving sentences.

Palestinians transferred to prisons in Israel had difficulty obtaining legal representation because only Israeli citizens or Palestinian lawyers with Jerusalem identification cards were permitted to visit them. Israeli authorities in some instances scheduled appointments but then moved the prisoners to other prisons reportedly to delay lawyer-client meetings.

The Israeli Government often failed to notify foreign consular officials in a timely manner after detaining their citizens.

During the year Israel did not transfer any Palestinians from the West Bank to Gaza. At year's end approximately 40 persons previously deported from the West Bank awaited Israeli permission to return.

e. Denial of Fair Public Trial.—The PA court system is based on PA legal codes as well as Israeli military orders and Jordanian and Ottoman Law that predate the 1967 occupation. A High Judicial Council maintained authority over most court operations. In 2005 PA President Abbas ordered retrials for those sentenced to death by the state security courts; no retrials were held during the year. Military courts, established in 1995 and guided by the 1978 PLO Penal Code, have jurisdiction over security personnel as well as crimes by civilians against security forces. They do not provide the same rights as nonmilitary courts and generally apply longer sentences. In 2005 President Abbas established a nine-judge court for election issues. Following the 2006 elections, it examined petitions but took no action that changed results.

On September 26, former Hamas Prime Minister Ismail Hanniyeh named a de facto High Judicial Council for Gaza. Hamas-affiliated members replaced PA prosecutors and judges. The PA declared the council illegal; however, it continued to function in Gaza.

PA courts were inefficient, lacked staff and resources, and often did not ensure fair and expeditious trials. A severe shortage of funds and judges and an absence of lawyers and witnesses, due in part to travel restrictions, curfews, and closures, resulted in a backload of 54,103 civil cases and 3,900 criminal cases in the West Bank. PA executive and security services frequently failed to implement court decisions and otherwise inhibited judicial independence.

Continued violence adversely affected PA administration of justice. On November 26, Hamas militants took over the Judicial Compound in Gaza City and required all personnel to leave the premises after recording their names and IDs.

Israeli law provides for an independent judiciary, and the Government generally respected civil court independence in practice. The IDF tried Palestinians accused of security offenses in military courts, except the 2004 trial of Marwan Barghouti, which was conducted in a civilian court. The law defines security offenses to include charges as varied as rock throwing or membership in terrorist organizations. Israeli military courts rarely acquitted Palestinians charged with security offenses; sentences occasionally were reduced on appeal.

Trial Procedures.—The Independent Judiciary Law, passed by the PLC in 2004, provides for the right to a fair trial, and an independent judiciary generally enforced this right. Juries are not used.

Trials are public, except when the court determines privacy is required by PA security, foreign relations, a party's or witness's right to privacy, or protection of a victim of a sexual offense or honor crime. The law provides for legal representation, the right to question and present witnesses, to review government-held evidence, and to appeal. Authorities generally observed these rights in practice. Human rights organizations reported delayed hearings due to an extensive backlog and a lack of legal representation.

PA law allows the death penalty for certain offenses, including types of treason and murder. There is no judicial appeal, but the PA president has authority to ratify or alter the sentence. If he does not ratify the sentence, the individual remains in jail; the president took no action during the year to ratify or alter any death penalty sentences.

Israeli military courts provide many of the rights granted in Israeli civil criminal courts. (See Israel Report.)

The Israeli Government sometimes delayed trials for extended periods, occasionally for years, because security force witnesses did not appear, the defendant was not brought to court, files were lost, or travel restrictions delayed attorneys. Palestinian legal advocates claimed that delays were designed to pressure defendants to settle their cases, including crowded facilities, poor arrangements for scheduling and holding attorney-client consultations, and confessions prepared in Hebrew that hindered defense efforts.

Israelis living in settlements in the West Bank and in East Jerusalem were tried under Israeli law in the nearest Israeli district court.

According to a June 2006 study by Yesh Din, more than 90 percent of complaints relating to offenses allegedly committed by Israeli civilians against Palestinians between 2002 and 2006 were closed without indictments (96 percent of investigations of trespassing; 100 percent of investigations of property offenses; and 79 percent of assault investigations).

Political Prisoners and Detainees.—Palestinian sources estimated the PA imprisoned less than 100 persons suspected of collaboration with Israel during the year. Many of those held in Gaza as Israeli "collaborators" reportedly were released after Hamas took over. In the West Bank, the PA continued to hold persons arrested in 2006 and made new arrests of persons suspected of collaboration with Israel; in total, several dozen persons were imprisoned. (See also section 1.d.)

Civil Judicial Procedures and Remedies.—Civil suits are handled by the PA civil and magistrate courts. A citizen can file a suit against the Government. The execution of court orders was not systematic.

Palestinians were permitted to file cases in the Israeli court system but generally chose to use an Israeli lawyer or NGO because travel to Israel by Palestinians was restricted.

In a December 2006 ruling, the Israeli High Court struck down part of a 2005 amendment to the Civil Wrongs Law prohibiting Palestinians residing in the occupied territories from seeking compensation for death, injury, or property damage at the hands of the IDF. The ruling held illegal a Section 5c, which prevented Palestinians from suing for actions of security forces. During the year no cases were brought to Israeli courts.

Property Restitution.—Israeli authorities confiscated Palestinian property for construction of the separation barrier or military installations. In some cases, the IDF offered some compensation; however, Palestinians largely declined due to concern that this would legitimize the confiscations. Due to documentation issues dating from the Ottomans and a land tenure system with communal, family, and individual rights commingled, Palestinians have had difficulty attempting to prove ownership in Israeli courts. (See also section 1.f.)

On September 18, by military order the IDF confiscated over 62 acres from the Palestinian villages of al-Khadar and Artas near Bethlehem for construction of the separation barrier. In October OCHA reported that this restricted farmers from al-Khadar from accessing their land. On September 24, the IDF issued orders to confiscate 279 acres of land adjacent to Jerusalem belonging to Palestinian residents of Abu Dis, al-Sawahira, Nabi Musa, and Telhin al-Hamar.

In an October 2006 study based on official data, the Israeli NGO Peace Now concluded that 38.7 percent of the 15,271 acres occupied by Israeli settlements, outposts, and industrial zones in the West Bank was privately owned Palestinian property, and that West Bank settlements violated Israeli law and juridical decisions. The Israeli Yesha settlement council condemned the report on technical and substantive grounds.

A July OCHA report on the humanitarian impact of Israeli settlements concluded that 40 percent of West Bank land includes Israeli infrastructure including 1,032 miles of roads, military bases, nature reserves, settlements, and outposts). It added that the population of Israeli settlements grew 4.6 percent in 2003–04, while Israel's population grew 1.8 percent.

On March 30, the Israeli Ministry of Finance transferred to the Government of Israel ownership of 7.5 acres of olive orchard known as "Mufti's Grove" in East Jerusalem's Shaykh Jarrah neighborhood. On April 1, the Israeli Government leased the land to the Ateret Cohanim settler group. On December 6, responding to an August

3 petition submitted by Arab Hotels Company Limited contesting ownership of Mufti's Grove, the Israeli High Court of Justice set a September 26, 2008 hearing date.

In November 2006, the Israeli Committee for the Preservation of Historic Sites made a recommendation to demolish the historic Shepherd Hotel in East Jerusalem, which was owned by the Husseini family from 1945 to 1967, confiscated as absentee property by the Government of Israel in 1967, and privately purchased in the 1980s. At year's end plans to build six eight-story apartment buildings remained in dispute.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The PA required the AG to issue warrants for entry and searches of private property; however, Palestinian security services frequently ignored these requirements. Between August and November, PSO and intelligence officers forcibly entered homes and offices and beat dozens of suspected Hamas activists and seized property and documents. There were no reports during the year of punishment by the PA of family members for alleged violations by individuals.

Under occupation orders, IDF lieutenant colonels or above could authorize entry into private homes and institutions without a warrant, based upon military necessity. Israeli authorities stated these were punishable violations, but there were no known cases of IDF soldiers punished for this behavior.

Israeli forces are prohibited from using "human shields" by law, High Court rulings, and an IDF order, but the prohibition was not always observed. On February 25, television broadcasts showed soldiers in Nablus forcing 24-year-old Samah Amira at gun point to serve as a human shield as they searched houses. On October 18, IDF Chief of Staff Gabi Ashkenzi initiated a disciplinary proceeding against Brigadier-General Yair Golan for authorizing the operation. In July 2006 B'Tselem claimed that during a July 2006 incursion in northern Gaza, IDF soldiers seized control of two buildings and used six residents as human shields. The IDF informed B'Tselem that investigation was ongoing; however, at year's end there were no developments.

Israeli authorities limited Palestinian home construction, notably in East Jerusalem. According to B'Tselem, as of December 15, 68 houses were demolished in East Jerusalem because they were defined by the Israeli Government as illegal; 81 buildings (63 residential) were demolished in 2006. Israeli authorities generally restricted Palestinian home building elsewhere in the West Bank and near Israeli settlements. According to B'Tselem, 37 homes were demolished for military purposes in the West Bank and Gaza, leaving 145 Palestinians homeless. An additional 36 homes were demolished in the West Bank by the IDF, because they were built without a permit, leaving 209 Palestinians homeless. In September the IDF demolished one building and two houses in Ayn Beit al-Ma Camp and one building in Nablus Old City, displacing 77 Palestinians, including 23 children.

During the year the IDF destroyed numerous citrus, olive, and date groves and irrigation systems in Gaza, stating that Qassam rockets were being fired from those areas. For example, between September 19 and 25, the IDF carried out land-leveling operations in Gaza, uprooting 25 acres of olive trees east of al-Bureij Camp.

According to the Foundation for Middle East Peace, an IDF report stated that Israeli civilians vandalized 643 olive trees belonging to Palestinians in the first half of the year. In May, residents of Adei Ad outpost uprooted 300 olive trees belonging to Palestinian farmer Muhammad Mukbal and replanted about half of them near their homes. The Israeli civil administration ordered the Israelis to replant the trees on Mukbal's property, and about 120 trees were returned. On September 27, Israeli settlers from Alfe Manashe cut down and burned 90 olive trees belonging to Palestinian farmers from Asla; no action was taken.

The IDF cleared and took control of privately owned Palestinian land to construct the separation barrier. According to OCHA, at year's end 254.2 miles of the 449.4 mile-barrier had been constructed, and 8,887 acres of West Bank land confiscated in the process. According to Israel it sought to build the barrier on public lands where possible, and where private land was used, provided opportunities for compensation. Numerous cases were filed in Israeli courts challenging barrier route. (Also see Section 2.d.)

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The PA does not have laws providing for freedom of press; however, the Basic Law permits every person the right to freedom of thought, conscience, and expression, orally, in writing, or through any other form. A 1995 press law enjoins criticizing the PA or the president, but it was not applied. The climate of violence induced self-censorship, and both the PA security forces in the West Bank and members of the Hamas security apparatus in Gaza restricted

freedoms of speech and press. Individuals criticizing the authorities publicly risked reprisal, and during the year PA security forces and Hamas Executive Forces closed media offices, confiscated equipment, prevented the delivery of newspapers, and assaulted journalists during demonstrations.

There were three Palestinian daily and several weekly newspapers, several monthly magazines, and three tabloids. The PA operated one television and one radio station. There were approximately 30 independent television and 25 independent radio stations. Violence between Hamas and Fatah resulted in polarization of the Palestinian press. Working conditions for journalists in the West Bank and Gaza deteriorated noticeably during the year; however some international news outlets maintained offices in Gaza.

The NGO Reporters Without Borders (RSF) reported that after the takeover of Gaza, Hamas leaders announced that they would apply a 1995 press law that was never passed, under which journalists can be imprisoned for up to 6 months and newspapers closed for reports liable to "jeopardize national unity or incite crime, hatred, division or sectarian dissention or for criticizing the police and security forces." Pro-Hamas journalists in the West Bank were exposed to threats. Only pro-Hamas broadcast media operated in Gaza since June. According to RSF, at least nine news media outlets stopped operating in Gaza, three of which were state-owned and six privately owned.

Numerous incidents against journalists included assaults, intimidation, and abduction in retaliation for reporting. Since June, there were at least a dozen assaults on pro-Fatah journalists and over 20 arrests by Hamas Executive Forces in Gaza. On August 24, Hamas Executive Forces beat journalists covering a demonstration held by 3,000 Fatah members in Gaza City, briefly arresting three and confiscating their equipment.

On September 3, Hamas dissolved the Gaza branch of the Union of Palestinian Journalists (most of whose members were affiliated with Fatah) and, on October 31, announced that no journalist could continue working in Gaza without obtaining a Hamas-issued press card. Many journalists refused to comply and were barred from covering Hamas press conferences.

On March 12, British BBC correspondent Alan Johnston was kidnapped by the Army of Islam in Gaza City and held for 114 days. On July 4, Johnston was released to Hamas officials and was freed.

On June 14, masked gunmen in the West Bank prevented delivery of the pro-Hamas Filastin and Al-Risala newspapers. In August the NGO Palestinian Press Media Network reported that Filastin and al-Risala were banned from being printed and distributed in the West Bank for over 5 months. On June 15, unknown assailants broke into the Palestinian Journalists Syndicate headquarters in Gaza and confiscated computers and files. On June 15, Fatah supporters broke into the pro-Hamas Sana Local television station in Nablus and confiscated files. On July 24, head of the pro-Hamas Afak television station Issa Youssef Abou al-Izz received telephone threats after broadcasting a report that blamed unrest at al-Najah University on Fatah supporters, and unknown gunmen attacked the Afak office in Nablus, forcing staff to leave and damaging equipment. On November 24, Ma'an news journalist Hafez Asakreh was kidnapped in Bethlehem and held for 11 hours by five gunmen who demanded the password to Ma'an's Web site. The PA police opened an investigation with no results at year's end.

Israeli authorities limited freedom of expression, ordering that in East Jerusalem displays of Palestinian political symbols were punishable by fines or prison, as were public expressions of anti-Israeli sentiment and of support for terrorist groups. Israeli authorities censored coverage of the Intifada and reviewed Arabic publications for security-related material.

As a general rule, Israeli media covered the occupied territories, except for combat zones where the IDF temporarily restricted access.

Closures, curfews, and checkpoints limited the ability of Palestinian and foreign journalists to do their jobs. (See Section 2.d.) For several days in June, the IDF prevented delivery to Gaza of three daily newspapers, printed in Jerusalem and Ramallah.

On several occasions IDF soldiers beat, detained, or confiscated the press cards of journalists covering weekly protests in Bil'in village over construction of the separation barrier. On January 12, soldiers shot Associated Press journalist Eimy Leo with a rubber bullet in his foot, and on April 13, Agence France Presse (AFP) journalist Abbas Moumani was injured with a rubber bullet in his leg while they were covering these demonstrations.

RSF reported that at least nine Palestinian journalists were shot by IDF soldiers; on January 4, al-Ayyam reporter Fadi al-Arouri was critically injured in Ramallah during an IDF operation when soldiers shot him in the waist and leg. On July 5,

al-Aqsa TV cameraman Imad Ghanem was shot by IDF soldiers while covering an IDF operation in al-Barij Camp in Gaza and subsequently lost both legs. RSF called for an investigation, but at the year's end there were no results.

On May 21 and 22, the IDF raided several Palestinian TV and radio stations in Nablus and Qaqilya, confiscating equipment and personnel files before closing the stations indefinitely.

Rising levels of lawlessness in the Gaza Strip subjected international journalists to harassment and kidnappings. In March RSF reported that 14 foreign journalists had been kidnapped in Gaza since 2005. (Also see Section 1.b.) No further information was available on the 2005 incident in which Majdi al-Arabid, a journalist working for Israeli Channel 10 TV in Gaza, was shot near Bayt Lahia while reporting on IDF operations against Palestinians suspected of firing rockets into Israel. An IDF spokesperson stated soldiers were unaware journalists were in the area; the IDF reportedly opened an investigation.

Internet Freedom.—There were no PA restrictions on access to the Internet or reports that the PA monitored e-mail or Internet chat rooms. Individuals and groups could engage in the peaceful expression of views via the Internet, including by e-mail. According to a 2006 Palestinian Central Bureau of Statistics survey, 18 percent of Palestinians knew how to use the Internet and 16 percent of households had access to the Internet.

Academic Freedom and Cultural Events.—There were no PA restrictions on academic freedom and cultural events. During the year Palestinian authorities did not interfere with education; however, violence and restrictions on movement adversely affected academic institutions. (See Section 2.b.) In Gaza, to remove Fatah-affiliated employees from all sectors, Hamas fired several principals and teachers. Israeli authorities also prohibited Palestinians from undergraduate university study in Israel.

b. Freedom of Peaceful Assembly and Association.

Freedom of Assembly.—PA law permits public meetings, processions, and assemblies, within legal limits. It requires permits for rallies, demonstrations, and large cultural events but authorities rarely denied them. The PA prohibited calls for violence, displays of arms, and racist slogans, although it rarely enforced these provisions. Following November 11 Fatah-Hamas clashes in Gaza, Hamas banned rallies, impeded freedom of assembly, and the carrying of arms by Fatah members. Hamas members were permitted to hold demonstrations and display weapons in public in Gaza.

On April 17, Hamas Executive Force members forcibly removed approximately 100 journalists who demonstrated in front of the Gaza PLC Headquarters to express solidarity with kidnapped BBC correspondent Alan Johnston. On August 13, Executive Force members used clubs and rifle butts to stop 300 persons from demonstrating at a pro-Fatah rally, arrested several individuals, and confiscated equipment from journalists.

On November 12, nine Fatah members were killed and 60 injured after Hamas police fired on a Gaza City commemoration of Yasser Arafat's death. On November 13, nine other Fatah supporters were killed after Hamas police fired on and beat protesters, claiming that Fatah snipers on rooftops had triggered the violence.

The PA announced a ban on demonstrations and news conferences without permits during a November international conference. On November 28, dozens of Hizb al-Tahrir members were arrested and released several hours later in Hebron, Nablus, and Ramallah by PA security forces during demonstrations against the conference.

Israeli security forces used force against Palestinians and others involved in demonstrations, and military orders banned public gatherings of 10 or more persons without a permit. Since February 2005 Palestinian, Israeli, and international activists demonstrated each week in Bil'in village to protest the construction of the separation barrier. On several occasions, soldiers tear gassed, beat, or injured them with rubber bullets.

Freedom of Association.—PA law allows for the freedom of association, but it was limited in practice.

On June 20, President Abbas issued a decree requiring all NGOs to reapply for registration. On August 31, the PA Ministry of Interior closed 103 charitable associations and NGOs in the West Bank, alleging administrative, financial, or legal violations.

Prominent Palestinian centers in East Jerusalem, such as the Chamber of Commerce and Orient House, remained closed by Israel on grounds they operated under PA supervision.

c. Freedom of Religion.—The Basic Law provides for religious freedom, and the PA generally respected this right in practice.

The Basic Law states that Islam is the official religion and that the principles of Islamic law shall be the main source of legislation, but also calls for respect and sanctity for other "heavenly" religions (Christianity and Judaism). Religion must be declared on identification papers, and personal status legal matters must be handled in ecclesiastical courts.

The PA's Ministry of Religious Endowments and Religious Affairs (Waqf) constructed and maintained mosques and paid salaries of imams. Christian clergymen and charitable organizations received limited financial support. The PA did not provide financial support to any Jewish institutions or holy sites in the occupied territories; these areas were generally under Israeli control. The PA required that religion be taught in PA schools and provided separate instruction for Muslims and Christians.

In previous years, there were credible reports that PA security forces and judicial officials colluded with criminal elements to extort property from Christians. Also in previous years several attacks against Christians in Bethlehem remained unaddressed by the PA, while attacks against Muslims in the same area were investigated.

On October 6, Rami Khader Ayyad was abducted and killed by unknown men on his way home from work at the Baptist-affiliated Holy Bible Association in Gaza. His body was found on October 7 in a field in Gaza City. According to Palestinian sources, Ayyad had received three death threats and owned a bookstore previously targeted by the Army of Islam. A relative of Ayyad told the press on October 8 that Ayyad was being pressured to convert to Islam and that the Holy Bible Association offices were attacked with an explosive device several months before.

On October 26, unknown arsonists set fire to a synagogue near the Dolev settlement in the West Bank. The attack marked the second time the synagogue was set afire.

Israeli authorities generally respected religious freedom and permitted all faiths to operate schools and institutions. Religious workers from Christian organizations in Jerusalem, the West Bank, and Gaza found it increasingly difficult to obtain or renew visas from the Israeli Government. In October the interior ministry announced it had cancelled all re-entry visas for Christian clergy in the occupied territories. Clergy who wished to return to or visit their parishes in the occupied territories were required to apply for new, single-entry visas at Israeli consulates abroad, a process which could take months. On October 26, the interior ministry told the newspaper Ha'aretz that the unannounced mass visa revocation was conducted at the request of security officials, and that the ministry was "trying to coordinate a means of operation that would make it easier for clergymen and women to travel." According to the President of the Holy Land Christian Ecumenical Association, quoted in the October 26 Ha'aretz report, some clergy refused to leave the occupied territories, fearing that they would not be allowed to return, while others remained outside the country after being turned back by border officials while trying to return home. The shortage of foreign clergy impeded the functioning of Christian congregations and other religious and educational institutions.

The construction of the separation barrier by Israel, particularly in and around East Jerusalem, limited access to mosques, churches, and other holy sites, and seriously impeded the work of religious organizations; however, at times the Israeli Government made efforts to lessen the impact on religious communities. For security reasons, the Israeli Government frequently prevented nearly all West Bank Palestinians and most male Muslim worshippers with Jerusalem identification cards under the age of 45 from attending Friday prayers inside the Haram al-Sharif/Temple Mount, the third holiest site in Islam. Israeli authorities restricted most West Bank and virtually all Gaza residents from entering Jerusalem during Ramadan.

On September 13, the IDF prevented Muslim worshippers from accessing al-Haram al-Ibrahimi Mosque (Tomb of the Patriarchs) in Hebron but made it accessible to Jewish worshippers celebrating Rosh Hashana.

Israeli police escorted tourists to the Haram al-Sharif/Temple Mount in Jerusalem to assert the right of non-Muslims to visit. However, non-Muslims were not permitted to worship publicly at the shrine. The administration of the shrine accused Israeli police of permitting Jewish groups to worship publicly there.

Societal Abuses and Discrimination.—Palestinian media frequently published and broadcast material that included anti-Semitic content. Rhetoric by Palestinian terrorist groups included expressions of anti-Semitism, as did sermons by some Muslim religious leaders carried on the official PA television. Some Palestinian religious leaders rejected the right of Israel to exist. Hamas' al-Aqsa television station carried shows for preschoolers extolling hatred of Jews and suicide bombings.

The PA Ministry of Education and Higher Education (MOEHE) completed the revision of its primary and secondary textbooks in 2006 and began a process to consider further revisions. International academics concluded the textbooks did not incite violence against Jews, but showed imbalance, bias, and inaccuracy. The new textbooks did not show Israel on its maps and often ignored historical Jewish connections to Israel and Jerusalem.

On December 31, Israeli settlers from Elazar and Newe Daniyyel burned a 700-year-old mosque in Khirbet Humeida village near Bethlehem.

For more detailed discussion, see the 2007 International Religious Freedom Report.

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons.—The PA generally did not restrict freedom of movement. The IDF restricted the movement of Palestinians, and frequently heightened these restrictions citing military necessity. These restrictions on movement affected virtually all aspects of life, including access to places of worship, employment, agricultural lands, schools, hospitals, and the conduct of journalism and NGO activities.

The Israeli Government continued construction of a separation barrier along parts of the Green Line (the 1949 Armistice line) and in the West Bank. By year's end, 56.6 percent of the route of the separation barrier was completed, 9.2 percent was under construction, and 34.3 percent was not yet constructed. The route of the barrier separated approximately 134,578 acres, including East Jerusalem, from the rest of the West Bank. Areas near the barrier or its projected route are designated military zones where Palestinians were not able to obtain permits to build.

A July 2004 International Court of Justice advisory opinion concluded that construction of the barrier was in a number of aspects contrary to international law. In September 2005 the Israeli Supreme Court reaffirmed its 2004 decision that the barrier is permissible under both international and Israeli law if properly routed; however, it questioned whether a segment near Jerusalem in the West Bank utilized the least intrusive route available and asked the Government to consider an alternative. At year's end, 56.6 percent of the alternative route of the separation barrier approved by Israel in April 2006 was completed.

During the year Israeli authorities required thousands of Palestinian schoolchildren who resided on the eastern side of the barrier to transit gated checkpoints to attend school in East Jerusalem. In September students from Bir Nabala, which is surrounded by the barrier, were prohibited from crossing near their homes; instead, they were forced to take hour-long detours of 7 to 10 miles to pass Rafat/Masyion and Qalandiya checkpoints to reach school.

Palestinians filed a number of cases with the Israeli Supreme Court challenging the route of the barrier. At year's end, 39 remained active. On April 25, the High Court rejected a petition by residents of Dir Kadis opposing the route of the barrier near the West Bank settlement of Modi'in Illit and claiming that the barrier separated them from 420 acres of their farmland. On July 24, responding to a petition by the Association for Civil Rights in Israel (ACRI), the High Court ordered the dismantling of a 28 mile-long concrete barrier near Hebron that had isolated 21 Palestinian villages from the rest of the West Bank and restricted access for 2,000 farmers to 24 rural roads. By August the barrier was dismantled. On September 4, the High Court ordered the IDF to redraw, partially dismantle and rebuild the route of a 1.1 mile section of the barrier around Bil'in that separated Palestinian residents from much of their farmland. The High Court ordered that pending relocation the gate in the existing barrier remain open every day from 6 a.m. to 8 p.m. At year's end the barrier had not been rerouted.

On October 8, the High Court rejected a petition submitted by residents of al-Nueman village asking the state to move the security barrier because it cut off the 200 residents from the rest of the West Bank.

In "seam zone" communities in the West Bank, located between the separation barrier and the Green Line, Israel requires Palestinians to obtain residency permits to remain in their homes. Services for these communities are generally located on the east side of the separation barrier, so children, patients, and workers must pass through barrier gates to reach schools, health services and workplaces. Gates are not open around the clock nor are ambulances allowed free access. An OCHA–UNRWA survey from 2006 found that most closed area communities did not have 24-hour access to emergency health services.

According to a February 27 U.N. report citing the Palestinian Ministry of Health, from 2000 to 2006, 45 pregnant women in the West Bank and 14 women in Gaza had been unable to access hospitals and subsequently gave birth at checkpoints. Five of these women died and 35 miscarried.

In the aftermath of terrorist attacks or during military exercises, Israeli authorities prohibited travel between some or all West Bank towns. Such "internal clo-

sures" were supplemented, during periods of potential unrest and during major Israeli, Jewish, and Muslim holidays, by "comprehensive, external closures," which precluded Palestinians from leaving the West Bank. The IDF imposed temporary curfews confining Palestinians to their homes during arrest operations; during the year, the West Bank was under curfew a total of 873 hours.

Periodic restrictions were imposed on Palestinians between the ages of 16 and 36 exiting from the Nablus, Jenin, Tubas and Tulkarm governorates and traveling south. OCHA estimated 32 percent of the population of the four governorates was affected.

Several Gaza crossing points were simultaneously closed for months, severely restricting trade and movement of persons. Goods entering Gaza decreased 73 percent since June and, according to a November OCHA report, only 41 percent of Gaza's food import needs were met at year's end. Following the June 9 closure of Rafah crossing, an estimated 6,000 Palestinians were left on the Egyptian side for nearly 2 months. U.N. agencies said they were impeded from implementing $213 million in donor-funded humanitarian projects, and the World Health Organization stated that 22 percent of essential pharmaceuticals and 32 percent of medical supplies were unavailable in Gaza as of year's end.

In response to Qassam rocket fire, the IDF announced in 2005 that Palestinians should keep a distance of 460 feet from the Gaza perimeter fence and declared the former northern settlement block a "no-go" zone. Entry into this area for the 250 Palestinian residents requires prior coordination with the IDF. According to OCHA, since May, due to ongoing IDF military activities, Palestinian farmers have been unable to reach their farms in the area.

Israeli authorities reduced the number of crossings into the West Bank. By the end of the year, the number of commercial crossings into the West Bank was reduced from 12 to five. A sixth crossing was still under construction at year's end.

According to Palestinian Central Bureau of Statistics (PCBS) figures, approximately 66,800 West Bank workers depended on daily employment in Israel, the settlements, and Jerusalem in the third quarter of the year.

During the year Israeli forces delayed the movement of, and occasionally fired upon, medical personnel and ambulances. In August, Physicians for Human Rights (PHR) reported that 70 percent of PRCS ambulances carrying Palestinians to East Jerusalem for medical treatment were refused entry. PRCS reported 36 cases in which ambulances and medical teams were subjected to IDF gunfire and physical and verbal abuse, and 492 cases of delays and denial of access at checkpoints.

In November pursuant to a 2005 Memorandum of Understanding between PRCS and Magen David Adom, Israel approved the operation of five PRCS ambulances from East Jerusalem. The ambulances were not permitted to serve Palestinian patients in nine communities located within the Jerusalem municipality but isolated by the separation barrier.

HRW and PHR reported that Israel allowed only the most severely wounded Palestinians in Gaza to enter Israel for treatment. According to the World Health Organization, permits were issued for most Palestinians in Gaza who applied for entry into Israel for medical treatment. However, not all were permitted access; some died or suffered injuries due to lack of proper treatment.

According to OCHA, there were an average of 86 staffed checkpoints and 462 nonstaffed physical roadblocks during the year. In the West Bank, there were 561 obstacles to movement, including 67 fully manned checkpoints, 20 occasionally manned checkpoints, 210 earth mounds, 70 cement roadblocks, 85 road gates, 25 earthen walls, 17 trenches, and 67 road protection fences. In 2006 of the 117 gates along the separation barrier, 38 were accessible to Palestinians in possession of permits. Operating hours of the accessible gates were limited and although schedules were announced, openings and closings were erratic.

Between January and August, OCHA recorded 5,858 "temporary" checkpoints in the West Bank, a weekly average of 113, due to arrests or other operations. Over the same period Israeli forces made 4,977 arrests in the West Bank and 1,105 in Gaza. Palestinians entering Jerusalem at Qalandiya faced daily delays up to 45 minutes in the pedestrian lane.

In April Israel announced that nonresidents of the Jordan Valley were only permitted to enter by means of public transportation or on foot. In September the IDF announced that only Palestinians with Jericho, Hebron or Bethlehem residency or Jerusalem ID-holders could exit Jericho through the main checkpoint. Others had to travel on an older road to reach the rest of the West Bank.

Palestinians in the Israeli-controlled section of Hebron (H2), according to OCHA, faced 84 significant obstacles to movement. Access for Palestinians to the Old City was limited to six IDF-controlled gates. Since 2000, legal and physical segregation between Israeli settlers enforced by the IDF in Hebron's commercial center has led

to extensive restrictions on Palestinian movement. According to a November/December 2006 B'Tselem survey, these policies have resulted in Palestinians abandoning more than 1,000 homes (40 percent of all Palestinian homes) and at least 1,829 (over 76 percent) businesses in H2.

West Bank and Gaza residents can enter Jerusalem only with an Israeli-issued travel permit. During the year Israeli authorities prohibited passage between Gaza and the West Bank, except for a very limited number of Palestinians holding Israeli permits.

During the month of Ramadan, only Palestinian men over 50 and women over 40 were permitted to enter Jerusalem without a permit. Palestinians under the age limit had to obtain a special "prayer permit." Overall, the checkpoints were better organized than in 2006.

Following the June 9 closure of Rafah crossing in Gaza, on August 16, the IDF announced it would operate a shuttle service to allow students and holders of long-term visas, residency, or citizenship of a foreign country to leave Gaza. The shuttle system operated four times, and 550 people were allowed to leave, but after Israel declared Gaza a "hostile entity" on September 19, the shuttle service was discontinued. In response to a petition by the Israeli NGO Gisha, the High Court on October 2 ordered that it be renewed, and in December the shuttle service transported 484 students and their families. On December 11, it again stopped operating. At year's end, approximately 625 students and their families remained in Gaza waiting to leave.

The IDF banned Gazan students from studying in the West Bank and limited West Bank Palestinians from university study in East Jerusalem and Israel. (See also section 2.a.)

The PA issued passports for Palestinians in the West Bank and Gaza. Because there were no commercial flights from the territories and permits to use Ben Gurion airport were not available, travelers departed by land into Jordan or Egypt. NGOs claimed that Israeli authorities harassed their representatives who landed at Ben Gurion airport. Foreign citizens of Palestinian ethnicity had difficulty obtaining or renewing visas permitting them to enter the West Bank and Israel both from Ben Gurion airport and land entry points. A June study by the NGO Campaign for the Right of Entry/Re-Entry found that 30 percent of applicants were denied visa extensions to the West Bank.

Palestinians with Jerusalem identification cards issued by the Israeli Government needed special documents to travel abroad. Upon the individual request of Palestinians, the Jordanian Government issued passports to Palestinians in the West Bank and East Jerusalem.

Residency restrictions affected family reunification. Israeli authorities did not permit Palestinians who were abroad during the 1967 War, or who subsequently lost residence permits, to reside permanently in the occupied territories. It was difficult for foreign-born spouses and children of Palestinians to obtain residency. Palestinian spouses of Jerusalem residents must obtain a residency permit and reported delays of several years before being granted residency. According to B'Tselem, in October 2005 there were 120,000 outstanding requests to permit Palestinians to live with foreign spouses in the occupied territories; some have been outstanding for years. Palestinians in East Jerusalem also reported delays in registering newborn children.

On September 24, the Israeli High Court ordered reconsideration of the freeze on family unification in the West Bank. On October 10, Israel approved 3,500 West Bank residency applications, legalizing over 8,000 Palestinians who were either residing in the West Bank without permits or were stranded outside the West Bank. Israel did not act on the 1,500 residency applications for Gaza.

Neither the Israeli Government nor the PA forcibly deported anyone from the occupied territories during the year.

UNRWA was not consistently permitted by Israel government to provide humanitarian assistance to refugee communities in Gaza and parts of the West Bank. UNWRA's mandate is to provide direct relief and services to registered Palestinian refugees, 70 percent (nearly 1 million) of Gaza's population and 30 percent (687,000) of the West Bank's population.

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

Elections and Political Participation.—In January 2006 the 132-member Palestinian Legislative Council (PLC) was elected in a process that international observers concluded generally met democratic standards. Due to factional violence, the PLC only met once, on March 17. (Also see Section 1. d.)

The November 2005 primary elections to determine Fatah candidates for the January 2006 PLC elections were marred by violence, allegations of fraud, and never

completed in some areas. Israeli authorities restricted campaigning for the PLC elections in Jerusalem. Hamas candidates participated in the 2006 PLC elections, but only under the name "Reform and Change Movement," not "Hamas," and won 74 of 132 seats. Fatah won 45 seats; independents and candidates from third parties won the remaining seats.

In January 2005 Palestinians elected Mahmud Abbas as PA president. Seven candidates competed in a vigorous election campaign. In both the 2005 presidential election and the PLC election, the Israeli Government and the PA followed the 1996 parameters for Palestinians residing in East Jerusalem to vote, but inadequate arrangements kept turnout in Jerusalem low.

While Palestinians with residency permits were eligible to vote in Jerusalem municipal elections, most did not recognize Israeli jurisdiction in Jerusalem and did not participate. There were no Palestinians on the Jerusalem City Council.

There were 17 women in the 132-member PLC and three women in the 16-member cabinet formed in June. There were seven Christians in the PLC and two in the cabinet.

Government Corruption and Transparency.—The law provides criminal penalties for official corruption; however, the Government did not implement the law effectively.

There was a widespread public perception of corruption, notably within the PA security forces and the Hamas Executive Force. Many social and political elements called for reform. PA ministers were subject to financial disclosure laws and the PA Attorney General's Office is responsible for combating government corruption. However, at year's end there were no proceedings at any of the PA courts on corruption charges.

The law requires official PA institutions to "facilitate" acquisition of requested documents or information to any Palestinian, but it does not require PA agencies to provide such information. NGOs sought to make this provision mandatory.

Section 4. Governmental Attitudes Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

Palestinian human rights groups and several international organizations monitored the PA's human rights practices. According to the PA Ministry of Interior, as of December, 361 NGOs were registered.

PA officials usually cooperated with human rights organizations, but since the beginning of the Intifada, several NGOs voluntarily deferred criticism of the PA's human rights performance, and documentation of abuses was very limited. NGOs, however, criticized the PA's inadequate security performance.

On November 12, Hamas Executive Forces raided the home and confiscated the computer and car of Dr. Kamal Shirafi, Human Rights Advisor to the PA president in Gaza.

The General Intelligence Service in the West Bank and the police appointed liaisons with human rights groups.

Israeli, Palestinian, and international NGOs monitored the Israeli Government's practices in the occupied territories and published their findings, although the security situation, including closures, increasingly made it difficult to carry out their work. The Israeli Government permitted human rights groups to publish and hold press conferences and provided the ICRC and other groups with access to detainees. During the year the Interior Ministry, operating under a 2002 order, barred entry to some foreign nationals affiliated with certain Palestinian human rights and solidarity organizations.

In 2005 an IDF court sentenced IDF Sergeant Wahid Taysir to 8 years in prison for killing Thomas Hurndall, a British International Solidarity Movement (ISM) activist. In February 2006 the military prosecution appealed, requesting a 20-year sentence instead. At year's end there was no decision.

During the year PA security forces in the West Bank attacked UNRWA facilities twice and Palestinians stole two UNRWA vehicles. On March 16 in Gaza, Palestinian militants attacked a U.N. convoy and on 15 occasions, forcibly entered and sometimes fired weapons inside UNRWA installations.

The PICCR serves as the PA's ombudsman and human rights commission. Its annual report details violations in the occupied territories by Palestinian and Israeli authorities. The report documents complaints received and the recommendations made.

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

The law states that all Palestinians are equal without discrimination because of race, gender, color, religion, political views, or disability. There was societal dis-

crimination against women, persons with disabilities, and homosexuals; child abuse also persisted.

Women.—PA law does not explicitly prohibit domestic violence, but assault and battery are crimes. According to HRW, few cases were successfully prosecuted. According to the Domestic Violence Survey 2005 of the Palestinian Central Bureau of Statistics, violence against wives, especially psychological, was common in the West Bank and Gaza Strip at 73.5 percent and 53.4 percent respectively. A woman must provide two eye-witnesses, not relatives, to initiate divorce on the grounds of spousal abuse. Rape is illegal, but its legal definition does not address spousal rape.

According to the U.N. Children's Fund (UNICEF), conditions in Gaza caused increased levels of violence against women. During the year two in five women in Gaza reported being victims of violence, up from one in five in 2006. There were a handful of NGO-funded women's shelters in the West Bank; there were no shelters in Gaza. Women generally approached village or religious leaders for assistance.

Human rights groups reported that during the year family members killed 12 women in "honor crimes." In October the PA Ministry of Women's Affairs director general said that over decades fewer than 12 men were jailed for honor killings. The ministry reported there were 51 honor killings from 2004 to 2007.

In July three women of the same family were killed in an incident linked to a family honor crime in Deir al-Balah in Gaza. On October 25, the bodies of Siman Muhammad Ali al-Adel and her sister, Eman, were found in their home in Qalqilya, and the PA General Intelligence announced the arrest of the victims' brother, who reportedly confessed to the honor killing of his sisters. There were no arrests in the 2006 case in which PA police discovered the bodies of two Palestinian women in the Gaza Strip, nor in the 2006 case of a body of an unidentified woman found in abandoned water well near Qalqilia.

Prostitution is illegal. There was no openly practiced prostitution.

Palestinian labor law states that work is the right of every capable citizen and regulates the work of women. However, the rate of female participation in the workforce did not exceed 14 percent compared to 67 percent for males. In September the World Bank reported that Palestinian women were relegated increasingly to the informal employment market. Women endured prejudice and repression. Cultural restrictions associated with marriage occasionally prevented women from completing mandatory schooling or attending college. Families often disowned Muslim and Christian women who married outside their faith. Local officials sometimes advised such women to leave their communities to prevent harassment.

For Muslims personal status law is derived from Shari'a (Islamic law). Shari'a pertaining to women is part of the governing 1976 Jordanian Status Law, which includes inheritance and marriage laws. Women can inherit, but not an equal share. Men may take more than one wife, but rarely do. Women may make marriage contracts to protect their interests in divorce and child custody, but rarely did so. Children often stayed with the mother; men paid child support and alimony. Ecclesiastical courts rule on personal status issues for Christians.

Children.—Israel registers births of Palestinians in Jerusalem. The PA registers Palestinians born in the West Bank and Gaza and must pass this information to the Israeli Civil Administration.

Education and health care professionals judged that the violence produced lack of focus, nightmares, and behavioral problems. During the year UNICEF reported that 40 percent of children in Gaza suffered from insomnia and 34 percent from anxiety.

According to the Jerusalem-based NGO Ir Amim, 48 new classrooms were built in East Jerusalem between 2001–06 after a 2001 Israeli High Court order that the municipality build 245 new classrooms within 4 years. UNICEF reported that schools in Gaza ran out of paper and spare parts for copiers.

Child abuse was reported to be a widespread problem. A November 2006 HRW study cited a PCBS survey indicating high levels of domestic violence, aggravated during times of political violence. The Basic Law prohibits violence against children; however, PA authorities rarely punished familial violence.

International and domestic NGOs promoted educational, medical, and cultural services for children, and other groups specialized in the needs of children with disabilities.

OCHA reported that during the year, the IDF arrested 700 children. At year's end 311 were held, 192 were pending trial, 101 were serving sentences, and 18 were serving administrative detention terms. Upon their release, most Palestinian children were transported to an Israeli checkpoint near the prison where they were held and left to contact their families and find their own way home.

The IDF used minors as human shields; Palestinian terrorist groups used minors to conduct attacks, smuggle weapons, and act as human shields. On February 28, IDF soldiers used 11-year-old Jihan Dadush as a human shield during a search operation in Nablus. In December OCHA reported that IDF soldiers in Gaza were responsible for 31 percent of Palestinian child deaths during the year; 23 percent of the children died as a result of factional violence in Gaza, 15 percent by IDF soldiers in the West Bank, and 7 percent by unexploded ordnance left by the IDF in Gaza. OCHA also reported that 345 Palestinian children were injured during the year, 33 percent less than in 2006.

Trafficking in Persons.—Palestinian law does not specifically prohibit trafficking in persons; however, there were no reports that persons were trafficked to, from, or within the occupied territories.

Persons with Disabilities.—The Basic Law states all Palestinians are equal without discrimination because of disability. Access to public facilities was not mandated. There was societal discrimination against Palestinians with disabilities. In 2005 the Health, Development, Information, and Policy Institute estimated 2,900 of the Palestinians injured in the past 5 years would have permanent disabilities.

Poor quality care for Palestinians with disabilities was a problem. The PA depended on NGOs to care for those with physical disabilities and offered substandard care for mental disabilities.

Other Societal Abuses and Discrimination.—There was no legal discrimination against homosexuals. However, cultural and religious traditions reject homosexuality, and Palestinians alleged that PA security officers harassed, abused, and sometimes arrested homosexuals due to orientation.

Section 6. Worker Rights

a. The Right of Association.—The law permits workers to form and join unions of their choice and was respected in practice.

The two most active unions were the General Union for Palestinian Workers and the Palestine General Federation of Trade Unions (PGFTU). The PGFTU was a member of the International Trade Union Confederation. Both were registered with the PA Ministry of Labor and Social Affairs.

Workers in Jerusalem may establish unions but may not join West Bank federations; however, this restriction was not enforced. Workers holding Jerusalem identity cards may belong simultaneously to West Bank unions and the Israeli General Federation of Labor (Histadrut).

Palestinians working in Israel or Jerusalem prior to 2000 were partial members of Histadrut; 1 percent of their wages were withheld. Partial membership entitled them to limited benefits. Histadrut and West Bank union officials negotiated an agreement in 1995 to transfer half of their dues to the PGFTU.

Responding to a petition filed by Kav La Oved, the High Court on October 10 ruled that Israeli labor laws apply to relations between Palestinian workers and Israeli employers in settlements and in the occupied territories. The ruling granted Palestinian workers the same rights and benefits as workers in Israel.

b. The Right to Organize and Bargain Collectively.—PA law provides for the right to strike. In practice, however, strikers had little protection from retribution. Moreover, prospective strikers must provide written warning 2 weeks in advance of the basis for the strike (four in the case of public utilities), must accept ministry arbitration, and are subject to disciplinary action if they reject the result. If the ministry cannot resolve a dispute, it can be referred to a special committee and, eventually, to a court. Accordingly, in practice, the right to strike remained questionable.

PA employees launched general strikes against the Hamas-led government during the year to protest its failure to pay salaries. PA officials reported that collective bargaining was protected and was freely practiced during the strike. Individual offices within the ministries conducted strikes and work stoppages for short periods early in the year. After June salaries were paid in full, including most arrears, and major strikes did not occur. In December when brief work stoppages took place among PA employees at the Ministry of Health, unions conducted their activities without interference, and the Government protected this right.

There are no Export Processing Zones.

c. Prohibition of Forced or Compulsory Labor.—The law states that work is a right and that the PA will strive to provide it to any capable individual. The ministry interpreted this statement to prohibit forced and compulsory labor, including by children.

d. Prohibition of Child Labor and Minimum Age of Employment.—The minimum employment age is 15, and there are special conditions for employment under 18. The law states that children shall not be allowed to perform work that might dam-

age their safety, health, or education, and prohibits working at night, hard labor, and travel beyond their domicile. However, many underage children worked in family farms and shops, as street vendors, or in small enterprises. Israel estimated that 16,800 Palestinians worked in West Bank settlements and industrial areas, but it was unclear how many were minors.

The PA had eight child labor inspectors for the West Bank and Gaza. The Ministry of Labor and Social Affairs stated that Palestinian children working in Israeli settlements faced security problems, exploitation, and harassment since there was no enforceable law to monitor and protect child laborers, and there were no Israeli inspectors in West Bank settlements and industrial zones.

e. Acceptable Conditions of Work.—There was no minimum wage. Prior to 2000, average wages for full-time workers provided a decent living standard; however, living standards dropped significantly over the past 6 years.

According to PCBS, the unemployment rate in the third quarter of the year was 32.9 percent in Gaza and 18.6 percent in the West Bank. In September the World Bank reported that two-thirds of Palestinians lived below the official poverty line and were unable to support themselves and their families without international assistance. In July OCHA reported that 87 percent of the Gaza population lived in poverty and depended on international assistance.

The Ministry of Labor and Social Affairs reported that most employees work at least 50 hours each week; the maximum official workweek is 48 hours. The PA observed religious holidays, but they were not incorporated in labor law. Employers are required to allow Christians to attend church on Sunday if the employee desires. Some employers offered Christians the option of taking Sunday off, rather than Friday.

The ministry was responsible for safety standards, but its enforcement ability was limited. The ministry stated new factories and workplaces met international health and safety standards, but older ones did not. Palestinians who worked in Israel must contribute to the National Insurance Institute and received limited benefits.

JORDAN

The Hashemite Kingdom of Jordan is a constitutional monarchy ruled by King Abdullah II bin Hussein with a population of approximately 5.9 million. The Constitution concentrates executive and legislative authority in the king. The Parliament consists of the 55-member House of Notables (Majlis al-Ayan), appointed by the king, and a 110-member elected lower house, the Chamber of Deputies (Majlis al-Nuwwab). On November 20, nationwide multiparty parliamentary elections were held, which by and large went smoothly; however, local observers alleged some irregularities. Authorities generally maintained effective control over the security forces, although there were some instances in which domestic and international nongovernmental organizations (NGOs) accused members of the police and security forces of committing human rights abuses.

While the Government respected human rights in some areas, its overall record continued to reflect problems. The Government restricted citizens' right to change their government. Domestic and international NGOs reported torture, arbitrary arrest, and prolonged detention. Impunity, denial of due process of law, and limited judicial independence remained problems. Infringements on citizens' privacy rights continued. The Government harassed members of opposition political parties and restricted freedoms of speech, press, assembly, association, movement, and some religious practices. Legal and societal discrimination existed against women and persons of Palestinian origin. Restrictions on labor rights and abuse of foreign workers remained problems.

During the year the Government enacted legislation aimed at protecting human rights. On August 1, the Government enacted into law the Convention on the Elimination of Discrimination Against Women (CEDAW). On October 9, the Government amended Article 208 of the penal code, redefining the statute to include psychological harm, broadening its applicability to all public officials, and increasing the penalties for torture.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life.—There were no reports that the Government or its agents committed politically motivated killings; however, on May 10, Firas Zeidan died in police custody in Aqaba after a 4-day detention. Although

forensic examiners initially claimed he died of a drug overdose, Zeidan's family brought the case to the attention of the Government, which ordered an investigation and a new autopsy. According to the final of four autopsy reports, Zeidan's lung collapsed, and 15 to 20 percent of his body was covered with bruises and contusions. During an August visit, Human Rights Watch (HRW) interviewed six prisoners formerly detained with Zeidan, who stated both that prison guards beat him and that current prison staff intimidated prisoners not to testify if called upon. The Government investigated the case, removed the prison director, arrested and charged three prison guards, and suspended one guard from duty. The trial remained ongoing at year's end.

On August 23, guards in the Swaqa prison reportedly beat and killed prisoner Ala Abu Tair. Autopsy results confirmed that his body was heavily bruised but stated that the proximate cause of death was a heart attack. In response, the Government removed the prison director and opened an investigation into the alleged beatings, which remained ongoing at year's end.

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 domestic and international NGOs alleged torture and mistreatment of prisoners in police and security detention facilities.

On October 9, the Government amended Article 208 of the penal code, thereby redefining the statute to include psychological harm; broadening its applicability to all public officials, including prison wardens and police officers; and increasing the penalties for torture used to extract information from 6 months to 3 years' imprisonment including hard labor if serious injury occurs. At year's end no official had been tried under the revised statute.

On January 5, Manfred Nowak, U.N. Special Rapporteur on Torture and Other Cruel and Inhuman or Degrading Treatment or Punishment, submitted his final report to the U.N. based on his July 2006 visit to the country. Nowak described police and security forces as practicing "widespread" torture based on "consistent and credible allegations," which he stated were substantiated by forensic medical evidence.

On April 11, the Arab Organization for Human Rights issued a report complaining of torture in government detention facilities.

On May 24, Amnesty International (AI) published a report alleging torture and ill-treatment in government detention centers.

Following visits to five prisons in late August, HRW cited interviews with more than 100 prisoners who claimed they were beaten with electrical cables and truncheons and hung in iron cuffs for several hours. The report also stated that "Jordanian jailers routinely subject prisoners to illegal beatings that sometimes turn into torture." Other NGOs alleged that guards kicked prisoners with boots. Several sources reported that prison guards shaved the beards of inmates, including prisoners who maintain beards for religious beliefs. According to HRW, prisoners reported that self-mutilation was a common form of protest against alleged mistreatment because in the prisoners' view the official complaints mechanism was not adequate. For example, on August 26, according to HRW, more than 360 inmates slashed themselves with sharp implements during a surprise HRW visit to the Swaqa prison.

During the year defendants in several cases before the State Security Court claimed that they were tortured while in custody. An April 10 report covering 2006 by the National Centre for Human Rights (NCHR) reported 46 complaints of mistreatment or torture at prisons and detention centers administered by the Public Security Directorate (PSD); in 2005 there were 70 reported complaints, and in 2004 there were 250. The NCHR report recounted allegations of mistreatment and abuse in General Intelligence Directorate (GID) facilities, although it did not provide specific information on these complaints. Government officials denied many allegations of abuse or testimonies under duress, asserting that many defendants claimed abuse in order to shift the focus away from their crimes.

During the year human rights activists alleged a number of cases of abuse in police custody.

On March 1, the Jordan Times reported that five witnesses testified before the State Security Court that they saw marks of torture on two defendants' bodies. The defendants subsequently retracted confessions that they claimed were given under duress.

On May 23, Nidal Momani, Tharwat Draz, and Sattam Zawahra claimed they were beaten and psychologically pressured to confess to participating in plots to kill a foreign leader during the leader's November 2006 visit to the country. The State Security Court granted the accused 2 additional weeks to provide new testimony. At year's end the court had not returned a verdict.

On August 23, guards in the Swaqa prison reportedly beat several hundred inmates on the orders of new prison warden Majid al-Rawashda, resulting in the death of one prisoner. On August 27, the government-funded NCHR visited Swaqa, interviewed the prisoners, and subsequently issued a report criticizing the prison administration and documenting evidence of beatings and mistreatment. On August 27, the Government removed Rawashda and launched an investigation, the results of which had not been made public at year's end.

On August 29, five individuals abducted former Islamist lawmaker Ali Utoum, threw him in a van while he was walking to a mosque outside his home in Irbid, and beat him. The Associated Press reported that Utoum was beaten because he was "outspoken against government policies." A PSD spokesperson denied government involvement and promised a full investigation, which was ongoing at year's end.

Prison and Detention Center Conditions.—Prisons were overcrowded and understaffed with poor sanitary conditions and inadequate food and health care, according to the NCHR and other NGOs. The Government permitted independent local and international human rights observers to conduct private interviews in prisons.

On July 16, the Arab Organization for Human Rights released a report criticizing prison conditions, citing the lack of cold drinking water, the ambient temperature, and the treatment of juveniles.

On December 24, the NCHR released its annual report on prison conditions, criticizing poor prison conditions and the Government for not responding to previous recommendations. The report counted 867 prison riots throughout the year, primarily to protest poor treatment and conditions.

On April 1, the PSD relocated 700 men from the Jweideh prison in response to overcrowding.

The Government generally held men, women, and juveniles in separate prison and detention facilities. The GID held some persons detained on national security grounds in separate detention facilities, and the Government held other security detainees and prisoners in regular prisons. Security prisoners often were separated from common criminals in prisons but not in pretrial detention centers, and conditions for such prisoners did not differ significantly.

The Government permitted local and international human rights observers to visit prisons. During the year International Committee of the Red Cross (ICRC) visited prisoners and detainees in all prisons, including those held by the GID and the military intelligence directorate, according to standard ICRC modalities. During the year the NCHR made 53 visits to prisons. On March 26, PSD opened two of its correctional facilities (Swaqa and Muwaqqar) to local journalists. In late August HRW, the Adaleh Center, and the Human and Environment Observatory visited five correctional centers and the GID detention facility.

d. Arbitrary Arrest or Detention.—The law prohibits arbitrary arrest and detention; however, the Government did not always observe these prohibitions. The law provides that citizens are subject to arrest, trial, and punishment for the defamation of heads of state or public officials and dissemination of "false or exaggerated information outside the country that attacks state dignity."

Some human rights groups continued to voice concern over the 2006 Prevention of Terrorism Act, complaining that its definition of terrorism might lead nonviolent critics of the Government to be arrested or detained indefinitely under the provisions of the act. At year's end the Government had not made use of the act.

Role of the Police and Security Apparatus.—The PSD controlled general police functions. The PSD, GID, and the military shared responsibility for maintaining internal security and monitored security threats. The PSD reports to the interior minister with direct access to the king when necessary, and the GID in practice reports directly to the king. Security and policing activities were effective.

Corruption within the PSD was not a significant issue, and there were mechanisms in place to investigate police abuses. There were allegations of police impunity for both the PSD and GID. The PSD's preventative security office investigated officers' performance. Incidents of poor officer performance ultimately were reported to the PSD director's office. Citizens may file complaints of police abuse or corruption to one of the PSD's eight offices of complaints and human rights. The head of each office reported directly to the PSD director. During the year citizens filed 96 complaints against PSD personnel. New officers in training received special instruction on preventing corruption and human rights abuses.

Arrest and Detention.—Criminal laws generally require warrants; however, in most cases, suspects may be detained for up to 48 hours in the absence of a warrant. Police made several arrests during the year prior to obtaining warrants. The criminal code requires that police notify legal authorities within 48 hours of an ar-

rest and that legal authorities file formal charges within 10 days of an arrest; however, the courts routinely granted requests from prosecutors for 15-day extensions, as provided by law. This practice generally extended pretrial detention for protracted periods. The penal code allows for a functional bail system of conditional release. Detainees were not always allowed prompt access to a lawyer of their choice but were generally permitted visitation by family members. There were allegations of incommunicado detention, particularly in GID facilities.

The State Security Court gives the judicial police authority to arrest and keep persons in custody for a period of 7 days, when necessary, in any crimes under the jurisdiction of the court, which includes many misdemeanors. In cases involving state security, the security forces arrested and detained citizens without warrants or judicial review. The authorities frequently held defendants in lengthy pretrial detention, did not provide defendants with the written charges against them, and did not allow defendants to meet with their lawyers, at times until shortly before trial. Defendants before the State Security Court usually met with their attorneys only 1 or 2 days before their trial. The criminal code prohibits pretrial detentions for certain categories of misdemeanors. At year's end, according to the NCHR, 707 inmates were in detention without charge.

On June 7, the head of the Jordanian Professional Associations sent a letter to the prime minister to investigate complaints by the families of four individuals he claimed had been detained for more than 3 years without charge. At year's end there was no public response to this letter.

There have been no developments in the case of extremist Issam al-Barqawi, also known as Abu Muhammad al-Maqdisi, who has remained in detention without trial since 2005. At year's end the State Security Court reported that it continued to prepare his case for prosecution. In 2005 Maqdisi was arrested and detained for 6 months following his acquittal on charges of plotting subversive acts and possessing explosives as part of an alleged terrorist plot. Later in 2005 he was rearrested and charged for allegedly contacting terrorist groups and charged with plotting subversive acts.

In the past, human rights activists reported that the Government detained journalists and Islamists for varying amounts of time for what appeared to be political reasons. Detainees were kept in solitary confinement and were denied access to lawyers.

Local governors have the authority to invoke the Crime Prevention Law, which allows them to place individuals in administrative detention (in prison), or under house arrest, for up to 1 year without formally charging them. House arrest may require persons to report daily to a local police station and impose a curfew. Persons who violate the terms of their house arrest may be imprisoned for up to 14 days. NCHR objected to the increasing number of administrative detentions, noting that 11,597 persons were detained in 2006.

On May 24, AI reported that tens of individuals were arrested and detained incommunicado during the preceding year for political reasons. In its April report, the Arab Organization for Human Rights (ACHR) alleged that the Government conducted late night raids on homes and made arbitrary arrests between the hours of 7 p.m. and 7 a.m.

e. Denial of Fair Public Trial.—The law provides for an independent judiciary. In practice there was an independent decision-making body; however, the judiciary's independence was compromised due to family and tribal influence. The Judicial Council, a committee led by the president of the Court of Cassation, is comprised of other high-ranking judges from various courts and the Ministry of Justice (MOJ). This council approves judicial appointments after the initial nominations by the MOJ and assigns and evaluates judges. The Judicial Council lacks the internal capacity that would ensure its independence.

The judicial system consists of civil, criminal, commercial, security, and religious courts. Most criminal cases are tried in civilian courts, which include the Court of Appeal, the High Court of Justice, and the Court of Cassation. The State Security Court, composed of both military and civilian judges, has jurisdiction over offenses against the state and drug-related crimes. Penal laws grant the same rights to defendants arrested by the security agencies as others who are arrested. The religious courts are subdivided into Shari'a (Islamic law) courts and tribunals for non-Muslims. Shari'a courts have jurisdiction over all matters relating to the personal status of Muslims, including marriage, divorce, and inheritance. Christian courts have jurisdiction over marriage and divorce cases among Christians, but Shari'a law is applied in inheritance cases.

Trial Procedures.—The law provides that all civilian court trials are open to the public unless the court determines otherwise. Juries were not used. Defendants

were entitled to legal counsel, could present witnesses on their behalf and question witnesses presented against them, and had the right to appeal. Public defenders were provided if the defendant was unable to hire legal counsel. All citizens were accorded these rights. Civil, criminal, and commercial courts accord equal weight to the testimony of men and women; however, in Shari'a courts the testimony of two women was equal to that of a man in most circumstances. Defense attorneys were guaranteed access to government-held evidence relevant to their clients' cases.

The State Security Court consisted of a panel of three judges, two military officers and one civilian. Approximately 20 cases were tried or were ongoing in the State Security Court during the year. As with the civilian courts, proceedings of the court were open to the public. Defendants tried in this court were often held in lengthy pretrial detention and were refused access to legal counsel until just before the trial. State Security Court judges inquired into allegations that defendants were tortured and allowed the testimony of physicians regarding such allegations. The Court of Cassation previously ruled that the State Security Court may not issue a death sentence on the basis of a confession obtained as a result of torture. Defendants who claimed to have given testimony under torture were permitted to give new testimony. Defendants in the State Security Court have the right to appeal their sentences to the Court of Cassation, which is authorized to review issues of both fact and law, although defendants convicted of misdemeanors in the State Security Court had no right of appeal. Appeals were automatic for cases involving the death penalty.

Political Prisoners and Detainees.—During the year, there were reports of political detainees.

On June 6, the opposition Islamic Action Front (IAF) claimed that the Government arrested seven activist members in Zarqa while preparing for the upcoming municipal elections. The men were charged with belonging to Hamas, an organization deemed illegal in the country. In September authorities released four of the men.

On September 24, according to IAF press statements, police arrested and detained two IAF members in Aqaba. The IAF claimed that this was an effort to pressure the Islamic movement before the November elections.

Civil Judicial Procedures and Remedies.—There is an independent judiciary in civil matters. The Supreme Court of Justice hears administrative complaints. The courts are open to all residents. Courts also have jurisdiction over any person in a civil or criminal matter, including in lawsuits where the Government is a plaintiff or a defendant.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The law prohibits arbitrary interference; however, in practice the Government did not respect this prohibition. The law requires that security forces obtain a warrant from the prosecutor general or a judge before conducting searches or otherwise interfering with these rights; however, in security cases, authorities obtained pre-approved warrants. Security officers reportedly sometimes monitored telephone conversations and Internet communication, read private correspondence, and engaged in surveillance of persons considered to pose a threat to the Government or national security without a court order. During the year human rights activists reported that security personnel stormed into the houses of suspects in the middle of the night, arrested them, and placed them in GID facilities without pressing charges.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech and press; however, the Government imposed significant restrictions on these rights in practice. Citizens generally were able to criticize the Government openly, although journalists exercised caution in regard to the king, the royal family, the GID, and sensitive topics such as religion. Government intimidation and the threat of fines and detention led to self-censorship of journalists during the year.

On March 21, the Parliament revised the Press and Publications Law to remove provisions that explicitly called for imprisonment of journalists, while substantially increasing fines that the Government may levy on journalists from $14,000 (10,000 dinars) to $40,000 (28,000 dinars). The law limits significantly the Government's power to order shutdowns of printing presses, allows journalists to cover court proceedings unless the court ruled otherwise, and requires publications to be licensed. It also gives the courts the right to withhold publication of any printed material and imposes strict limits on publications, which allows the Government broad leeway to impose sanctions. The law maintains restrictions on the operation of newspapers, and the power to withdraw licenses remains with the judiciary.

The penal code imposes restrictions on insulting the king and stirring sectarian strife and sedition. Any journalist can be punished for such actions. According to the penal code, the punishment for defamation of the king or royal family is 3 years in prison and a fine not exceeding $700 (500 dinars). Additionally, citizens may be prosecuted for slandering the Government or foreign leaders and for offending religious beliefs.

For example, on October 9, the State Security Court convicted and sentenced former member of Parliament (MP) Ahmad Abbadi to 2 years' imprisonment on charges of undermining the country's reputation, membership in an illegitimate organization, and distributing illegal pamphlets. On April 30, Abbadi published an open letter to a foreign official on a foreign Web site accusing senior Jordanian officials of corruption, challenging the Government's commitment to reform, and criticizing the Government's respect for human rights. Abbadi named the minister of interior personally in the letter. On May 3, the minister of interior filed a personal complaint alleging slander. At year's end, Abbadi also faced charges of slander, libel, and misuse of electronic media in the Amman Court of Conciliation.

Journalists, like all citizens, may be prosecuted before the State Security Court for criminal and security violations. There were no such cases during the year. Although historically some cases have been dismissed before trial, other cases have lingered in the courts for years. According to the National Center for Defending the Freedom of Journalists (CDFJ), the Government used detention and prosecution or the threat of prosecution to intimidate journalists into practicing self-censorship during the year.

Some human rights groups continued to criticize the 2006 Prevention of Terrorism Act for limiting free speech, alleging that the act's broad definition of terrorist speech and opinion could lead to arrest and detention of government critics. However, the Government has not to date used the act.

During the year there were several reported instances of arrest and government harassment of journalists.

On January 10, Al-Ghad and CDFJ reported that security forces detained three journalists while covering reports of Al-Qaeda activities in Irbid. They were released after several hours.

On February 6, according to the Jordanian Press Association, the PSD arrested Al-Rai reporter Khalid Khawaja after criminal prosecutors charged him with assaulting a police officer. Khawaja previously filed a complaint against three police officers who he claimed beat him while he was covering a story the preceding week. Results of the investigation were not made public at year's end.

On May 11, ammonnews.net reported that authorities prevented Al-Jazeera journalists from covering a rally in Amman supporting former MP Abbadi, and that they were instructed to stop posting comments related to Abbadi's detention on ammonnews.net.

On November 1, the Amman Court of First Instance dropped all charges against editors Jihad Momani and Hashem al-Khalidi. In May 2006 Amman's conciliation court sentenced the two editors to 2 months imprisonment for "attacking religious sentiment" over their publication of the controversial Danish cartoons of the Prophet Muhammad.

During the year the Government used informants and de facto censors at printing presses to supply the Government with articles for preapproval and inform it if particularly objectionable material was slated for print. Media contacts also reported that the Government appoints editors-in-chief at major publications, whether directly by virtue of officials' positions on the boards of directors of publications, in which the Government has an ownership stake, or indirectly through nondisclosed contacts by government employees, further contributing to censorship. On at least one occasion during the year, government officials delayed publication at the printer.

On April 21, authorities confiscated the videotapes of an Al-Jazeera interview with Prince Hassan, during which the prince allegedly criticized a foreign country's policies.

In the April 29 edition of the weekly Al-Majd, the Government halted publication of an article discussing Jordanian training of Palestinian security forces, claiming that it would harm the country's relations with its neighbors. The Government permitted the story to be published the following week after publishers made several edits and relocated it from the front page to the inside pages.

According to a 2006 Committee to Protect Journalists report, authorities pressured printers to delay publication of several newspapers until editors agreed to remove critical articles. According to the report, editors reportedly received telephone calls from security officials instructing them how to cover events.

High taxes on media and tariffs on paper caused journalists to reduce the size of their publications. Publishers of weekly editions criticized the Sales and Income Tax Department's July 9 decision to require them to pay sales tax on advertising revenue as an attempt to "marginalize their role in the community." Journalists also criticized the Government for advertising predominantly in newspapers in which the Government owned shares.

The law provides foreign media operations freedom of expression, which was generally respected in practice.

Radio and television news broadcasts remained more restricted than the print media. Jordan Television reported only the Government's position on controversial matters. International satellite television and Israeli and Syrian television broadcasts were available and unrestricted. Some foreign films were edited prior to release.

The Press and Publications Department continued to enforce bans on the publication of selected books for religious, moral, and political reasons.

Internet Freedom.—During the year there were no reports of government restrictions on access to the Internet, although citizens and activists widely assumed that the Government monitored electronic correspondence. Al-Jazeera estimated Internet usage rates of 30 percent during the year. The Government permitted Internet news sites to operate in the country, including some that presented news critical of the Government.

Academic Freedom and Cultural Events.—The Government limited academic freedom. Some academics claimed that they received threats of dismissal or were dismissed for their political views. During the year members of the academic community claimed that there was an ongoing intelligence presence in academic institutions. The University of Jordan continued to grant its president authority to appoint half of its 80-member student council, including the chair. This measure was viewed widely as an effort to curb the influence of campus Islamists. Many students, including non-Islamists, continued to object to the university's policy.

On March 21, Al-Ghad reported that security officials interrogated two Islamist students at the University of Jordan for distributing leaflets on campus without a license.

On May 10, Zarqa Private University dismissed 14 Islamist professors. The Chronicle of Higher Education and local media reported IAF claims that the Government pressured the university to dismiss the professors. Both the Government and the university denied the allegations.

On June 6, while collecting student signatures on a petition on a university campus, the Follow-up Committee for the National Campaign for Student Rights announced that security forces detained two members for 12 hours.

b. Freedom of Peaceful Assembly and Association.

Freedom of Assembly.—The Constitution provides for freedom of assembly; however, the Government restricted this right. Citizens must obtain permits for public gatherings including demonstrations, workshops, seminars, and some meetings. The Government generally granted permits for protests it found objectionable only after extensive negotiations with the organizers. The law requires that the organizers of rallies and demonstrations request permission from provincial governors at least 2 days prior to any event. Under the law no protest may be held without the governor's consent, and violators face imprisonment from 1 to 6 months and a fine not to exceed $4,230 (3,000 dinars). In some cases the Government granted approval at the last moment, making it difficult for organizers to plan the demonstrations.

Other requests were denied outright. In their annual reports, AI, HRW, and the Arab Organization for Human Rights accused the Government of denying permission and being stringent in issuing permits for peaceful demonstrations.

The IAF claimed that on July 8 the Governorate of Amman refused its request to hold a protest across from the Prime Ministry. Police broke up the subsequent unlicensed but peaceful protest held at IAF offices in Amman.

On December 14, the IAF claimed that 20 supporters were incarcerated for trampling the country's flag during a licensed protest. The State Security Court placed a university student in custody for 14 days pending further investigation, charging him with "fuelling national discord, inciting sectarianism, and dishonoring the national flag."

The Prevention of Terrorism Act provides for punishment of those involved in peaceful demonstrations which could be interpreted as "disrupting of public order," or "endangering public safety," which fall under the definition of "terrorist acts" in the law.

Freedom of Association.—The Constitution provides for the right of association; however, the Government limited this freedom in practice. The law prohibits the use

of associations for the benefit of any partisan organization. The Government required organizations to receive approval for all conferences, workshops, seminars, and some meetings, by the governor at least 48 hours before the event. Several civil society groups complained that the governor denied them permission to host workshops, conferences, or other public gatherings with limited notice and often without reason.

On May 1, the Council of Ministers issued new regulations for nonprofit organizations registered with the Ministry of Industry and Trade requiring organizations to seek prior approval from the council before receiving foreign funds. Affected civil society organizations claimed that they were not consulted by the Government prior to enactment. During the year, according to charitable societies and civil society organizations registered with the Ministry of Social Development, the ministry regularly issued regulations and instructions that restricted their efforts.

On October 26, the governor of Amman denied the NGO Al-Urdun Al-Jadid Research Center permission to hold a workshop regarding the role of civil society in monitoring elections less than 48 hours before the workshop. The governor subsequently granted approval for the workshop, but the organization had too little time to reorganize the event.

On December 17, HRW released a report criticizing the Government's restrictions on freedom of association. HRW alleged that the Government ousted the leadership of two large NGOs, the General Union of Voluntary Societies and the Islamic Center Society, both of which were accused by the Government of financial impropriety. HRW alleged that the Government violated the law by not subsequently holding new elections to replace the leadership and by changing Islamic Center Society's membership criteria.

c. Freedom of Religion.—The Constitution provides for freedom to practice the rites of one's religion, provided that religious practices are consistent with "public order and morality;" however, the Government continued to impose some restrictions on freedom of religion.

The state religion is Islam. The Government does not officially recognize all religious groups. Groups must obtain recognition with the approval of the prime minister. In order to be recognized, the group must have citizens among its constituency, and the Ministry of the Interior (MOI) must also conduct a background investigation. Islam, Judaism, and Christianity are the religions formally recognized by the Government. Recognition allows a religious group to purchase land with a tax exemption. The Government did not accord the Druze or Baha'i faiths the status of officially recognized religions but did not prohibit the practice of these faiths. The Government did not record the bearer's religion on national identity cards issued to Baha'is and categorized Druze as Muslims on these documents.

Iraqi Christians and Sunni Muslims freely practiced their faiths at existing churches and mosques. However, the Government reportedly refused Iraqi Sabean-Mandaeans permission to congregate in public places to perform their baptismal rites.

The Government did not recognize Jehovah's Witnesses, the Church of Christ, or the Church of Jesus Christ of Latter-day Saints, but each of these denominations conducted religious services and activities without interference. Some religious groups, while allowed to meet and practice their faith, complained of societal and official discrimination. The Government has not accorded legal status to all Christian denominations.

Unlike other faiths, the Government did not permit Baha'is to hold religious councils, did not recognize marriages by the Baha'i Assembly, and did not permit Baha'is to register properties or endowments in the name of the Baha'i community.

In November 2006 the Parliament approved a law requiring preachers and teachers in mosques to have licenses issued by the Ministry of Religious Affairs.

The Government prohibits non-Muslims from proselytizing Muslims, and government policy requires that foreign missionary groups refrain from public proselytizing. The Government deported, detained, or refused residency renewal to approximately one dozen Christian pastors, priests, and other religious activists of varying nationalities after questioning them about their religious activities and work with Muslims or converts. As in previous years, the Government took action against Christian proselytizers in response to the complaints of recognized Jordanian Christian groups, which charged that the activities of these missionaries are disruptive to society.

The Jordan Evangelical Theological Seminary (JETS), a training school for Christian pastors and missionaries, had not been accredited as an educational institution by year's end, although the Government granted it "registration," allowing it to operate as a cultural center. The Government did not allow JETS to accept Muslim students.

Conversion to Islam was allowed; however, a Muslim may not convert to another religion. Muslims who convert to other faiths documented and experienced social and official discrimination, including death threats from family members. Under Shari'a converts are regarded as apostates and legally may be denied their property and other rights. Converts from Islam to another faith faced possible loss of civil rights, loss of child custody, and economic hardship.

Converts from Islam are still considered Muslims under Shari'a in matters of personal status. The Constitution provides that religious community trusts, or "awqaf," and matters of personal status fall within the exclusive jurisdiction of the Shari'a courts for Muslims, and separate non-Muslim tribunals exist for each religious community recognized by the Government. Civil marriage is not recognized by the Government. The head of the department that manages Shari'a court affairs (a cabinet-level position) appoints Shari'a judges, while each recognized non-Muslim religious community selects the structure and representatives for its own tribunal. All judicial nominations are approved by the prime minister and commissioned officially by royal decree. The Protestant denominations registered as "societies" come under the jurisdiction of one of the recognized Protestant church tribunals. There are no tribunals assigned for atheists or adherents of unrecognized religions. These persons must request one of the recognized courts to hear their personal status cases.

Men may divorce their spouses more easily than women; however, since 2005 Shari'a courts have granted more divorces sought by women. Some Christians are unable to divorce under the legal system because they are subject to their denomination's religious court system, which does not allow divorce. Such individuals sometimes convert to another Christian denomination or to Islam to divorce legally.

The legal system regards minor children of a male Muslim who converts to another religion to remain Muslims. Adult children of a male Christian who has converted to Islam become ineligible to inherit from their father if they do not themselves convert to Islam. Muslim converts to Christianity and minor children of male converts to Christianity are not recognized legally as Christians and continue to be treated as Muslims in matters of family and property law.

Apart from unrecognized religious groups, the Government noted individuals' religions (except for Druze, Baha'is, and other unrecognized religious groups) on the national identity card and "family book" (a national registration record issued to the head of every family that serves as proof of citizenship) for all citizens. Atheists must associate themselves with a recognized religion for official identification purposes.

Societal Abuses and Discrimination.—Relations between Muslims and Christians, including those of Iraqi origin, generally were amicable. However, Iraqi Mandeans residing in the country complained that individuals who did not understand their faith sometimes interfered in their baptismal rituals.

Anti-Semitism in the media was present and editorial cartoons, articles, and opinion pieces sometimes depicted negative images of Jews in the newspapers Al-Rai, Al-Dustur, and Al-Ghad during the year. There was no government response to these pieces.

On March 9, Al-Dustur, a privately owned paper with partial government sponsorship, published an article by Rakan Al-Majali that stated, "The war of annihilation and ruin in Palestine and Lebanon opened the eyes of the Arabs and of the entire world to the racism of Zionism and to the traits of the Jewish personality based on resentment, desire for revenge, and non-recognition of anyone who is not Jewish . . ." The same article compared Zionism to Nazism.

Aside from expatriates, there was no resident Jewish community in the country.

Muslims who convert to other religions often faced social ostracism, threats, and abuse from their families and Muslim religious leaders. Families usually strongly discouraged interfaith romantic relationships. Such relationships may lead to ostracism and, in some cases, violence against the couple or feuds between members of the couple's families. Baha'is faced some societal and official discrimination. Unlike other faiths, the Government does not permit Baha'is to have religious councils, does not recognize marriages by the Baha'i Assembly, and does not permit Baha'is to register properties or endowments in the name of the Baha'i community.

For a more detailed discussion, see the 2007 International Religious Freedom Report.

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons.—The law provides for freedom of movement within the country, foreign travel, emigration, and repatriation; however, there were some restrictions. The law requires that all minors obtain written permission from their father to apply for a passport. Consular officers and activists encountered cases of mothers who reported that they were prevented from departing with their children because

authorities enforced requests from fathers to prevent their children from leaving the country. The GID sometimes withheld passports from citizens for security reasons.

Local governors may use the Preventing Crimes Law to place citizens under house arrest for up to 1 year without formally charging them. House arrest may involve requiring persons to report daily to a local police station while under curfew. Persons who violate the terms of house arrest may be imprisoned for up to 14 days.

Citizens receive passports that are valid for 5 years. Some persons of Palestinian origin living in the country were citizens and received passports; however, the Government reported that there were approximately 130,000 Palestinian refugees, mostly of Gazan origin, who did not qualify for citizenship. Approximately half received 2-year passports valid for travel but which do not connote citizenship. West Bank residents without other travel documentation are eligible to receive 5-year passports which do not connote citizenship.

Human rights activists continued to charge that the Government did not consistently apply citizenship laws, especially in cases in which passports were taken from citizens of Palestinian origin. The Government maintained this policy was in line with its efforts to implement the Government's disengagement from its former claims to the West Bank. However, activists complained that the process was not transparent and the appeal process was virtually nonexistent. Claimants or families filed appeals with the MOI, which were not resolved to their satisfaction. The Government asserted that all cases it closed involved persons without valid claims to citizenship or travel documents.

Human rights activists claimed that approximately 10,000 to 12,000 former residents of Palestinian origin remained outside the country, and that the Government refused to renew their passports at Embassies overseas.

The law prohibits internal and external forced exile, and the Government did not use forced exile in practice.

Protection of Refugees.—The Government is not a party to the 1951 U.N. Convention relating to the Status of Refugees or its 1967 protocol and does not have any national legislation pertaining to the status and treatment of refugees. It generally cooperated with the office of the U.N. High Commissioner for Refugees (UNHCR) and the U.N. Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) in assisting refugees and asylum seekers. The Government respected the UNHCR's eligibility determinations regarding asylum seekers, including those who entered the country clandestinely. A 1998 memorandum of understanding between the Government and the UNHCR contains the definition of a refugee, confirms the principle of non-refoulement, and allows recognized refugees a maximum stay of 6 months during which period a durable solution must be found. In practice the Government provided protection against refoulement, the return of persons to a country where there is reason to believe they feared persecution. However, during the year some Iraqis detained for alleged criminal offenses were returned to Iraq or Syria before UNHCR could determine their refugee status. UNHCR reported several instances in which it successfully intervened to prevent the deportation of persons issued UNHCR asylum seeker cards.

The UNRWA and the Government continued to provide assistance to Palestinian refugees during the year. At year's end approximately 1.9 million Palestinian refugees were registered with the UNRWA. The Government granted nationality to approximately 700,000 persons displaced from former Jordanian territories during the 1967 war. An additional 120,000 persons displaced during the 1967 war held temporary residency permits. An additional 200,000 Palestinian refugees were also estimated to be living in the country without any direct assistance.

Since 1991 many Iraqis have applied for refugee status and received legal and material assistance from the UNHCR. According to a Jordanian Government technical team cited in a survey conducted by the Norwegian research institute Fafo in May, an estimated 450,000 to 500,000 Iraqis were living in the country. By the end of the year, approximately 52,000 had registered with UNHCR as refugees or asylum seekers. The Government tolerated the prolonged stay of many Iraqis beyond the expiration of the visit permits under which they entered the country.

The Government generally recognized UNHCR's requests that states continue to grant temporary protection for all Iraqi asylum seekers, including new arrivals, rejected cases, and recognized refugees whose cases had been suspended by resettlement countries. However, during the year the Government began to restrict admission of many Iraqis at its ports of entry. According to UNHCR figures, at year's end, approximately 52,000 persons, primarily Iraqis, were seeking asylum. During the year 6,467 persons, primarily from Iraq, Russia, Somalia, Syria, and Sudan were recognized as refugees awaiting resettlement. The Government allowed an additional 90 Chechens to remain indefinitely pending repatriation.

The Government continued to provide temporary protection to recognized refugees formerly resident in a UNHCR camp in Ramadi, Iraq, who fled Iraq in 2003 and relocated to Ruweished following the Government's closure of a UNHCR reception camp in the area between Jordanian and Iraqi frontier posts at the Trebil-Karama border. In September all 108 Palestinian-Iraqi refugees departed the UNHCR-managed camp in Ruweished for resettlement in Brazil. By year's end the camp remained vacant, awaiting final closure by the Government.

On July 26, the Government announced that Iraqi students, regardless of residency status, could attend public schools. Some schools ran second shifts to accommodate Iraqis and the Government worked closely with the U.N. Children's Fund, UNHCR, and NGOs to develop a program to waive textbook costs and mandatory school fees for Iraqis who could not afford them.

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

The law does not provide citizens the right to change their government peacefully. Citizens may participate in the political system through their elected representatives in Parliament; however, the king may use his discretion to appoint and dismiss the prime minister, cabinet, and upper house of Parliament; dissolve or extend Parliament; and establish public policy. The prime minister appoints the mayors of the capital Amman, Wadi Musa (Petra) and Aqaba, a special economic zone. The mayors of the other 93 municipalities are elected.

Elections and Political Participation.—After appointment by the king, a prime minister is required to submit his cabinet to a parliamentary vote of confidence, if there is a seated Parliament. Executive power is vested in the king (or, in his absence, the regent), who exercises his power through his ministers in accordance with the provisions of the Constitution.

The king proposes and dismisses extraordinary sessions of Parliament and may postpone regular sessions for up to 60 days. If the Government amends or enacts a law when Parliament is not in session, it must submit the law to Parliament for consideration during the next session; however, such "provisional" laws do not expire and, while technically subject to action by Parliament when it returns to session, in practice remain in force without legislative approval.

On July 31, nationwide multiparty municipal elections were held. Several domestic activists and the opposition IAF alleged a number of election irregularities. The NCHR's September 12 municipal election report charged serious violations, including exploiting armed forces personnel to vote en masse for pro-government candidates. There were no local or international observers present.

On November 20, multiparty parliamentary elections were held. The Government permitted 150 local observers under the umbrella of NCHR to monitor the elections and granted them full access inside the polling stations. Other coalitions of civil society organizations organized thousands of volunteers to monitor the election process outside the polling stations. Local observers alleged a number of irregularities, including vote buying, multiple voting, and transfer of votes. An international NGO partnered with a local research center to conduct the first ever election day exit polling of approximately 4,000 voters in six electoral districts.

The Government routinely licensed political parties and other associations but prohibited membership in unlicensed political parties. During the year there were 35 licensed political parties. On March 31, Parliament passed the Political Parties Law, which, in an effort to consolidate political parties, stipulated a minimum of 500 founding members from five governorates. Existing parties have until April 2008 to meet these criteria or lose their licenses. The Government may deny licenses to parties that it decides do not meet the political and other criteria contained in the law. The High Court of Justice may dissolve a party if it violates the Constitution or the law.

The election law significantly underrepresented urban areas. For instance, Amman's second district has more than 200,000 constituents and was granted four representatives, while Karak's sixth district has approximately 7,000 constituents and was granted three representatives. Analysts considered electoral districting unfair, claiming that it was intended to reduce the representation of areas heavily populated by citizens of Palestinian origin and because of a lack of balance between the population and the number of seats per district. The law allows voters to choose one candidate in multiple-seat districts. In the largely tribal society, citizens tended to cast their vote for extended family members.

Citizens of Palestinian origin, estimated to be more than half of the total population, comprised five of the 28 ministers in the Nader Dahabi government sworn in on November 25. In Parliament, 10 of 55 senators and 16 of 110 lower house deputies were of Palestinian origin. There were no Palestinian-origin leaders in any of

the country's 12 governorships, nor any Palestinian-origin secretaries general in any of the ministries.

The election law requires judiciary verification of polling results, and establishes the number of lower house seats at 110, with six reserved for women, nine for Christians, and three for either the Circassian or Chechen ethnic minorities. The voting age is set at 18 years for all citizens. Citizens may freely nominate themselves and register as candidates if they have a "certificate of good conduct" issued by the GID. Persons who have been sentenced to more than 1 year in prison are ineligible for election.

Women have the right to vote. Seven women serve in the senate, seven in the Chamber of Deputies (six elected through a quota system), and four in the cabinet. On March 21, Parliament approved the Municipalities Law, which provides a 20 percent quota for women in municipal council seats. During the November 20 parliamentary elections, a woman was elected to a parliamentary seat for the first time, and during the July 31 municipal elections, a woman was elected to a mayoral term for the first time. On January 9, the cabinet appointed the country's first female governor, Rabeha Dabbas.

During the year there were 36 female judges, an increase of 11 from 2006. On May 28, the Judicial Council appointed Ihsan Barakat to the post of chief of the West Amman Court of the First Instance, the first woman to hold this position. During the year, the MOJ set a minimum membership quota of 15 percent for women in the Judicial Institute of Jordan; such membership is a prerequisite to becoming a judge.

Government Corruption and Transparency.—The law provides criminal penalties for official corruption. The Worldwide Governance Indicators of the World Bank reflect that corruption was a problem. Influence peddling and a lack of transparency have been alleged in government procurement and dispute settlement. The use of family, business, and other personal connections to advance personal business interests was widespread.

The law requires certain government officials to declare their assets in a sealed envelope to the Financial Disclosure Department of the MOJ to be opened by the chief justice in the event of a complaint. During the year the press reported the status of public officials' submissions to the MOJ. At year's end 1,300 of the 3,300 required officials complied.

On March 24, a special committee of Parliament found former minister of municipalities Abdul Razzaq Thbeshat innocent on charges of corruption. In November 2006 the Parliament brought charges against the former minister due to a 2002 purchase of waste-management vehicles from Germany, which an audit bureau later found to be faulty. In March the Amman Court of First Instance subsequently acquitted four other men charged in the case.

In December 2006 the Parliament created the Anti-Corruption Commission. At year's end the commission had not heard any cases. The committee enjoys a free mandate to pursue current and former officials suspected of involvement in corrupt activities. The law provides that this body is autonomous and its officials are immune from prosecution, although some commentators questioned its actual independence and efficacy. Individuals who submit baseless claims to the commission are subject to civil and criminal prosecution. Two members of the commission resigned, one due to an ongoing corruption investigation.

The law provides for public access to government information once it becomes a matter of legal record, and the Government enforced this law in practice. On June 17, the Parliament endorsed the Access to Information Law, outlining the procedures for journalists, researchers, and citizens to obtain information from the Government and its ministries. A number of journalists and civil society organizations criticized the law, claiming it would impede their access to information by creating a process that would delay the Government's required time to respond and permit the Government to deny requests without justification.

Section 4. Governmental Attitudes Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

Several domestic and international human rights groups generally operated with restricted permission from the Government and publicly reported allegations of human rights abuses in the country throughout the year. Major local human rights observers included the government-funded NCHR and several independent organizations: The Amman Centre for Human Rights Studies, the Arab Organization for Human Rights, the CDFJ, and the Adaleh Center for Human Rights Studies. The Government sometimes met and often responded publicly to charges and reports issued by these organizations. These observers often claimed that the Government did not rectify the problems they identified.

On April 11, the Arab Organization for Human Rights charged in a press release that the Government responded to only four of its 111 inquiries and claimed that the Government does not take NGOs seriously.

On four separate occasions in August, the Government permitted the Adaleh Center and the Human and Environment Observatory to accompany an HRW researcher on prison visits, including the GID detention center, to investigate allegations of torture. This marked the first time local or international NGOs were granted access to these facilities together.

The Government generally cooperated with international NGOs, but some human rights observers claimed that they were unable to meet with some security detainees because they were held incommunicado.

The Government also generally cooperated with international governmental organizations.

The Government cooperated with and funded the NCHR, which some human rights activists complained was influenced by the Government. On April 10, the NCHR issued its third annual report on the state of human rights in the country, covering 2006. The report addressed the Government's actions to improve the legal human rights framework and its implementation, as well as NCHR investigations into alleged violations, criticisms of the legal framework, and suggestions for improvement. Although the Government formed a ministerial committee following the release of the 2005 report, at year's end it had not produced a formal response as planned.

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

The Constitution does not distinguish between citizens on the basis of race, disability, language, or social status; however, the law treats women unequally, and minorities faced discrimination in employment, housing, and other areas.

Women.—Women experienced legal discrimination in pension and social security benefits, inheritance, divorce, ability to travel, child custody, citizenship, and in certain limited circumstances, the value of their Shari'a court testimony. On August 1, the Government published its ratification of the Convention of the Elimination of Discrimination Against Women (CEDAW in the official gazette, thereby giving it the status of law.

Widespread violence and abuse against women continued, including honor crimes and spousal rape. In rural areas violence against women was reported more frequently than in major cities; however, women's rights activists speculated that many incidents in cities went unreported.

Although in recent years the Government has taken steps to increase the resources available to help abused women, including opening a safe house for women, cultural norms continued to discourage victims from seeking medical or legal assistance. On January 17, Dar al-Wafaq, a government-run shelter for victims of domestic violence, opened with a capacity to support between 35 and 50 women. During the year this shelter assisted 290 women.

Women may file a complaint in court against their spouses for physical abuse; however, in practice familial and societal pressures discouraged them from seeking legal remedies. Spousal rape is not illegal. The NGO Jordanian Women's Union maintained a telephone hotline for victims of domestic violence, but the extent of the problem remained widespread. During the year the PSD Family Protection Unit reported and investigated cases of sexual assault and domestic violence. Spousal abuse is technically grounds for divorce, but husbands may seek to claim religious authority to strike their wives.

During the year authorities prosecuted all 17 reported instances of honor crimes that resulted in death of the victim, although activists reported that additional unreported cases likely occurred. A November U.N. Development Fund for Women study stated that 25 percent of honor crime victims in the country were killed merely because they were suspected of involvement in an illicit relationship, while 15 percent were killed after such a relationship was allegedly proven. In ordinary cases the maximum penalty for first-degree murder is death, and the maximum penalty for second-degree murder is 15 years in prison; however, the law is lenient for perpetrators of honor crimes. While the defendants are almost universally found guilty, defendants often received token sentences, with the charges often reduced from premeditated murder to manslaughter. Many men convicted of an honor crime received minimal prison sentences, usually no more than 6 months.

On October 2, a 27-year-old man was sentenced to 10 years in prison after being convicted of the 2006 murder of his four sisters, one of whom was 6 months' pregnant, in Salt. Authorities sentenced him to life imprisonment, but the tribunal reduced his sentence because the victims' family dropped the charges. The tribunal

acquitted four other male family members, including the victims' father, from complicity in murder charges and instigating murder.

On April 10, the Jordan Times reported that a Jordanian man murdered his daughter after forcing her to undergo an abortion for a pregnancy out of wedlock. The criminal prosecutor charged the 68-year-old suspect with premeditated murder after he shot and killed his 26-year-old daughter reportedly for reasons related to family honor.

The police regularly placed potential victims of honor crimes in involuntary protective custody in Jweideh Correctional and Rehabilitation Center, a detention facility where some have remained for up to 20 years. Activists estimated that at year's end more than 15 women were in protective custody.

One NGO continued to work with the Government to provide a temporary but unofficial shelter where the women could live in relative anonymity as an alternate to protective custody.

Prostitution is illegal, although it occurred in limited circumstances.

According to the law, sexual harassment is strictly prohibited and subject to criminal penalties including fines and imprisonment.

The Government provided men with more generous social security benefits than women. The Government continued pension payments of deceased male civil servants but discontinued payments of deceased female civil servants to their heirs. Laws and regulations governing health insurance for civil servants do not permit women to extend their health insurance coverage to dependents or spouses. However, divorced and widowed women may extend coverage to their children.

Under Shari'a as applied in the country, female heirs receive half the amount that male heirs receive, and non-Muslim widows of Muslim spouses have no inheritance rights. A sole female heir receives half of her parents' estate; the balance goes to designated male relatives. A sole male heir inherits both of his parents' property. Male Muslim heirs have the duty to provide for all family members who need assistance. The existing permanent divorce law allows women to seek divorces and retain their financial rights only under specific circumstances, such as spousal abuse. In these cases the woman has the burden of proof. Special courts for each denomination adjudicate marriage and divorce matters for Christians.

The law states that women have the right to obtain passports without the written permission of their husbands, although in practice the husband's permission is often required. Married women do not have the legal right to transmit citizenship to their children; however, female citizens married to noncitizen men can pass citizenship to their children upon the permission of the council of ministers. In practice this permission was usually granted, except in cases where the father was of Palestinian origin. Women may not petition for citizenship for their noncitizen husbands. The husbands themselves must apply for citizenship after fulfilling a requirement of 15 years of continuous residency. Once the husbands have obtained citizenship, they may apply to transmit the citizenship to their children. However, in practice such an application may take years, and in many cases citizenship may be denied to the husband and children. Such children become stateless and, if they do not hold legal residency, lose the right to attend public school or seek other government services.

Civil law grants women equal pay for equal work; however, in practice this was not consistently enforced. Traditional social pressures discouraged many women from pursuing professional careers, especially after marriage. At year's end the unemployment rate for women was 31 percent, compared to 14.3 for the country as a whole.

Children.—The Government was committed to children's rights and welfare in the areas of education and health; however, government efforts in these areas were constrained by limited financial resources.

Education is compulsory from ages 6 through 16 and free until age 18; however, no legislation exists to enforce the law or punish guardians for violating it. Absence from school goes without penalty, especially for girls. The overall school attendance and total secondary school attendance rates was 92 percent. Several domestic and foreign religious groups operated private schools throughout the country. Unlike previous years, on July 26, the Government announced that all Iraqi children may be admitted to public schools regardless of their residency status. At year's end approximately 24,000 Iraqi children attended school, with thousands of others enrolled in informal education programs. Some remained out of the system.

The Government granted food and transportation supplements to families with many children and to very poor families. Students must obtain a good behavior certificate from the GID to be admitted under the university quota system. Activists reported that the GID sometimes withheld these certificates from deserving students due to a family member's allegedly problematic record.

The Government provided free inoculation programs typically administered through the school system for children. In addition, both boys and girls had equal access to government-subsidized public clinics, which offered reduced fees for most services.

The National Council for Family Affairs coordinated all issues concerning family safety. Since 2005 the government-funded "Dar al Amman," the country's first child protection center, has provided temporary shelter, medical care, and rehabilitation for abused children age 6 to 12.

During the year authorities received and investigated complaints of physical abuse and sexual abuse of children. The law specifies punishment for abuses against children. Conviction for rape or sodomy of a child less than 15 years of age potentially carries the death penalty.

The current minimum age for marriage is 18 years. However, with the consent of a judge and a guardian, children as young as 15, in most cases girls, may be married. In most cases the guardian made the decision that the child should be married, and it was not the child's choice. One partner, almost exclusively the man, is often significantly older than the 15-year-old.

Although the law prohibits most children under the age of 16 from working, children worked as street vendors and as carpenters, blacksmiths, and painters in Amman, Zarqa, and Irbid. Economic conditions and social disruption caused the number of these children to increase in the last 10 years. However, NCHR's annual report stated that police arrested 710 children for begging in 2006, a decrease of 30 percent from the 1,011 children that were arrested in 2005.

Trafficking in Persons.—The law does not specifically prohibit all forms of trafficking in persons, but the Government prohibits trafficking in children. Other statutes governing kidnapping, assault, rape, and fraud could also be used to prosecute trafficking offenses.

There were reports that persons were trafficked to Jordan primarily from Bangladesh, China, India, Sri Lanka, and Pakistan to work in the Qualifying Industrial Zones (QIZs), according to the May 2006 report released by the National Labor Committee.

During the year the NCHR received an increased number of complaints from migrant workers regarding potential violations, including nonpayment of wages, long working hours and forced overtime, withholding of passports, threats, and physical abuse. Some domestic workers experienced conditions that amounted to involuntary servitude, including restrictions on movement, nonpayment of wages, excessive hours, and withholding of passports. There were reports that workers who complained of these conditions were repatriated to their home countries or otherwise intimidated into not making official complaints.

The Government did not offer protection services for victims of trafficking. Some foreign workers who fled from abusive employers or who have faced sexual assault were falsely charged with crimes by their employer or put into "protective custody." Many others sought refuge in their countries' Embassies.

Persons with Disabilities.—The law provides persons with disabilities equal rights. NCHR received some complaints from disabled persons regarding employers who discriminated against them on the grounds of disability. While there were no explicit reports of official discrimination against persons with disabilities, access to education in rural areas for persons with disabilities remained a problem.

During the year the Government passed a new disabilities law, which mandates that companies reserve 4 percent of their positions for persons with disabilities. According to education officials, there are 4,000 blind teachers currently employed. The Government generally enforced accessibility provisions, although many private and public office buildings still have limited or no access for persons with disabilities.

High unemployment restricted job opportunities for persons with disabilities, who officially numbered 150,000, although U.N. estimates placed the number closer to 500,000. The Government provided monetary assistance to citizens with severe mental and multiple physical disabilities whose families earned less than $352 (250 dinars) per month. The Special Building Code Department oversees the retrofitting of existing buildings to make them accessible to disabled persons as required by the 2006 Special Buildings Code.

National/Racial/Ethnic Minorities.—There were three groups of Palestinians residing in the country. Those that migrated to the country and the Jordan-controlled West Bank after the 1948 Arab-Israeli war were given full citizenship. Those still residing in the West Bank after 1967 were no longer eligible to claim citizenship but were allowed to obtain temporary passports without national numbers, provided they did not also carry a Palestinian Authority travel document. In 1995 King Hussein announced that West Bank residents without other travel documentation would

be eligible to receive full-validity passports, although still without national numbers. Refugees who fled Gaza after 1967 were not entitled to citizenship and were issued temporary passports without national numbers.

Human rights activists maintained that despite the codified passport issuance procedures, interior ministry employees revoked national numbers of many citizens of Palestinian origin. Others claimed that their temporary passports were confiscated after spending time in the West Bank. Human rights activists claimed Palestinians were underrepresented in Parliament and appointments to many senior positions in the Government and the military, as well as admittance to public universities, and limited access to university scholarships.

During the year there were reports of societal discrimination against Iraqis living in the country. Some employers reportedly refused to pay or underpaid Iraqis working illegally, and some landlords reportedly would not rent or sell to Iraqis.

Other Societal Abuses and Discrimination.—Societal discrimination against homosexuals existed. There were reports of individuals leaving the country out of fear they would be harmed by their family for being homosexual.

HIV/AIDS was a taboo subject in society, and public awareness was limited. Many citizens assumed the disease was a problem exclusively of foreigners due to government requirements that only foreigners be tested for HIV annually.

Section 6. Worker Rights

a. The Right of Association.—The law provides workers in the private sector, in some state-owned companies, and in certain professions in the public sector the right to form and join unions, and in practice the Government allowed them to form unions in these sectors. Unions must be registered to be legal. The labor law limits membership to citizens, effectively excluding the country's 313,495 registered foreign workers. However, some unions represented the interests of foreign workers informally.

According to official figures, more than 30 percent of the workforce was organized into 17 unions. Although an international NGO put the actual number closer to between 10 and 15 percent, the number approaches 30 percent including professional associations. Unions are required by the Government to be members of the General Federation of Jordanian Trade Unions (GFJTU), the sole trade union federation. The Government subsidized and audited the GFJTU's salaries and activities. Union officials are elected by secret ballot to 5-year terms, when elections actually take place. Members have 3 days to file a nomination application, which is reviewed by the union. Elections are only held if there are more candidates than seats, and more often than not, the number of candidates equals the number of seats. In recent election cycles, when the number of candidates exceeded the number of seats, the Government persuaded some candidates to withdraw. The Government monitors the elections in the event of a complaint to ensure compliance with the law.

The Constitution prohibits antiunion discrimination, but the International Confederation of Free Trade Unions, now called the International Trade Union Confederation, claimed in 2005 that the Government did not protect adequately employees from antiunion discrimination. Workers may lodge complaints of antiunion discrimination with the Ministry of Labor (MOL), which is authorized to order the reinstatement of employees discharged for union activities. There were no complaints of antiunion discrimination lodged with the MOL during the year.

b. The Right to Organize and Bargain Collectively.—Unions have the right to bargain collectively, and in practice the Government respected this right.

Labor laws mandate that workers must give the employer 14-day prior notice before striking. If a strike violates other provisions of the law, the workers would be fined. Unions generally did not seek approval for a strike, but workers used the threat of a strike as a negotiating tactic. Strikes are prohibited if a labor dispute is under mediation or arbitration.

In a labor dispute, if a settlement is not reached through mediation, the MOL may refer the dispute to an industrial tribunal with agreement of both parties. The tribunal is an independent arbitration panel of judges appointed by the MOL. The decisions of the panel are legally binding. If only one party agrees, the MOL refers the dispute to the council of ministers and then to Parliament. Labor law prohibits employers from dismissing a worker during a labor dispute.

At year's end nearly 70 percent of the workers in the QIZs were noncitizens. By law they were not permitted to form or participate in unions, although some unions advocated on their behalf. Some foreign workers have reportedly suffered from unfair labor practices in some factories. MOL inspections have identified problems at certain factories regarding delayed payment of wages, length of overtime, and physical abuse of workers. In such cases, MOL issued warnings and fines, and placed the factories on intensive surveillance.

c. Prohibition of Forced or Compulsory Labor.—The Constitution prohibits forced or compulsory labor, except in a state of emergency such as war or natural disaster; however, there were reports throughout the year that such practices occurred.

Foreign domestic servants, almost exclusively women, were subject to coercion and abuse and, in some cases, worked under conditions that amounted to forced labor.

Some factories in the QIZs allegedly delayed payment of wages, held passports, and forced overtime, amounting to indentured servitude. However, during the year the allegations decreased substantially due to more rigorous MOL inspections. During the year the MOL regularly investigated allegations of forced labor, required violators to pay fines when appropriate, and publicized the outcomes of their findings.

In August the MOL began to regularize the process of worker registration through the issuance of temporary identification cards to more than 6,000 foreign workers in the QIZs. Workers cannot receive annual employment or residency permits without payment of accrued overstay fines of $2.12 (1.50 dinars) per worker for each day out of legal status. A worker can fall out of legal status for reasons such as incomplete paperwork presented by factory management or failure by the Government to process the paperwork in a timely manner after transferring workers from closed factories. Government ministries worked together and with the NCHR to repatriate foreign workers who could not afford to pay overstay fines related to their status, although in some cases waited 3 to 4 months for waivers to be processed.

The law does not prohibit specifically forced or compulsory labor by children; however, such practices were not known to occur.

d. Prohibition of Child Labor and Minimum Age for Employment.—The labor law forbids employment for children under the age of 16, except as apprentices; however, there were reports of child labor throughout the country, mostly in urban areas. Children under the age of 18 may not work for more than 6 hours continuously between the hours of 8 p.m. and 6 a.m., or during weekends, religious celebrations, or national holidays. Children under 18 may not work in hazardous occupations. Provisions in the labor laws do not extend to children in the informal sector, which consists of agriculture, domestic labor, and small family businesses.

The law provides that employers who hire a child under the age of 16 must pay a fine ranging from $140 to $710 (100 to 500 dinars), which is doubled if the offense is repeated. The government, however, provided little training on child labor to the 85 MOL inspectors responsible for enforcing the relevant laws. At year's end, no fines had been issued, as the Government continued to work to put in place a database to monitor violations.

The MOL's Child Labor Unit received, investigated, and addressed child labor complaints (although it has no formal mechanism for doing so) and coordinated government action regarding child labor. According to a December 2006 International Labor Organization-funded Center for Strategic and International Studies study of 387 working children aged 9 to 17, 55 percent of those surveyed were employed in the fields of carpentry, blacksmiths, or painting and 13.4 percent were employed as street vendors. Survey respondents indicated that 60 percent worked longer than 10-hour days and 63 percent replied that they were paid below the minimum wage. Of the sample, 12.7 percent claimed their guardian compelled them to work.

e. Acceptable Conditions of Work.—On January 1, the Government's 5.7 percent national minimum wage increase raised wages from $127 to $154 (95 to 110 dinars) per month. The minimum wage applies to all workers except domestic servants, those working in small family businesses, and those in the agricultural sector. MOL inspectors largely enforced the minimum wage, but due to limited resources were unable to ensure full compliance. The national minimum wage did not provide a decent standard of living for a worker and family. The Government estimated that the poverty level was at a monthly wage of approximately $47 (33 dinars) per month, per capita.

In some cases, the law requires overtime pay for hours worked in excess of the 48-hour standard workweek, provided that overtime does not account for more than 30 days per year. Employees were entitled to 1 day off per week. In previous years, some workers in the QIZs reportedly were forced to work 7 days a week and in excess of 48 hours per week without overtime pay, though NCHR and MOL inspectors reported that these practices had ceased.

On February 10, the National Labor Committee (NLC) informed the Government of allegations of worker rights violations, including nonpayment of wages, 7-day workweeks, withholding of passports, and not sponsoring residence permits, at the Concord Garment Factory. MOL inspectors confirmed the allegations; visited the factory in February, April, and June; placed the factory on the intensive inspection

surveillance list; and threatened closure. Subsequent MOL inspections determined that management corrected previous violations.

The labor law does not apply to small family businesses, domestic servants, and nonprofessional and nontechnical workers in the agriculture sector. However, it does apply to citizen and noncitizen workers in other sectors. There is a separate civil service law. The law specifies a number of health and safety requirements for workers, which the MOL is authorized to enforce.

On January 15, the MOL closed five factories in four industrial estates for violating safety and occupational health laws.

The law requires employers to report industrial accidents to the ministry within 48 hours. Although employers are not required to report occupational diseases to the ministry, the law stipulates that if the medical authority determines that a worker suffers an occupational accident or disease as a result of his work, the employer is liable for compensation. The ministry mediates disputed amounts of compensation in cases of occupational disease. Workers do not have a statutory right to remove themselves from hazardous conditions without risking the loss of their jobs.

According to the MOL, there were 313,495 registered noncitizen workers in the country, the majority of whom were engaged in low-wage, low-skill activities in the textile, agriculture, construction, and industrial sectors. According to government and independent surveys, more than 36,000 of these workers were employed in the QIZs. Foreign workers in the QIZs were recruited through a vetted process involving registered recruitment agencies. However, sending countries typically recruited subagents who are unregistered and who feed workers into registered recruitment agencies, collecting illegal fees.

During the year the MOI and MOL instituted a system to regularize Egyptian laborers, many of whom were living in the country under expired residence or work permits. In collaboration with the Egyptian Government, the MOL granted more than 12,400 permits to Egyptians though this process. In mid-July, after a 1-month grace period, the police arrested more than 3,800 illegal workers (mostly Egyptian), of whom the Government repatriated more than 1,000. The Government released some on humanitarian grounds.

A May 2006 report by the NLC brought the QIZs under international scrutiny, as the NLC claimed that foreign workers were subject to conditions that amounted to human trafficking. During the year the NLC issued several follow-up reports alleging new violations in individual factories. MOL and NCHR inspectors investigated the allegations and published their findings and reports on their Web sites. More often than not, the allegations were not substantiated by government labor inspectors and monitors from NCHR. In response the Government conducted immediate inspections of all factories, addressed concerns raised, referred cases to local authorities or the NCHR, and fined or threatened closure.

On April 23, the MOL assisted six workers in filing a legal case against three supervisors who slapped them. On May 24, a court found the supervisors guilty and fined them, marking the first time the judicial system found employers guilty in a case of physical abuse. On June 11, police arrested the previous owner of Cotton Craft factory for unpaid fines due to labor violations that occurred in 2006.

Abuse of domestic servants, most of whom were foreign, reportedly continued, although it was not thoroughly documented. Employers routinely limited their domestic employees' freedom of movement, did not allow them a day off, and often illegally confiscated travel documents. Victims feared losing their employment and being returned to their home country.

KUWAIT

Kuwait is a constitutional, hereditary emirate ruled by the Al-Sabah family with a population of 3.32 million, of whom approximately 1.02 million are citizens. The 1962 Constitution grants the emir executive authority and authorizes the emir to appoint a crown prince and a prime minister, who selects a cabinet for emiri approval. The Government and an elected National Assembly share legislative authority. According to the Constitution, the emir may dissolve the elected National Assembly by decree but must call elections within 2 months. While political parties are not technically illegal, the Government effectively barred them in practice. Local observers and the press generally considered the June 2006 parliamentary elections free and fair, although there were reports of vote-buying by the Government and certain candidates. Civilian authorities generally maintained effective control of the security forces.

The Government limited citizens' right to change their government and form political parties. Security forces abused prisoners and detainees. The judiciary lacked independence. The Government restricted freedoms of speech, press, assembly, association, religion, and movement for certain groups. Corruption and trafficking in persons remained problems. The status of stateless Arab residents ("Bidoons") remained unresolved. Women did not enjoy equal rights. Expatriate workers faced difficult conditions in the domestic and unskilled service sectors.

The Government allowed the licensing of six new daily Arabic-language newspapers for the first time since 1977.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life.—Unlike the previous year, there were no reports that the Government or its agents committed arbitrary or unlawful killings.

There were no developments in the 2006 cases of a Pakistani man who died in police custody shortly after calling his family to say that he was being beaten, or of an Asian man arrested on drug charges who died in police custody.

There were no updates on the 2005 case of Amer Khlaif al-Enezi, who died in custody after his terrorist group, the Peninsula Lions, carried out a violent attack.

b. Disappearance.—There were no reports of politically motivated disappearances.

The fate of 544 citizens and 61 other residents taken prisoner during Iraq's occupation of the country in 1990–91 remained a highly emotional issue. Of the 605 missing persons, the remains of 227 were identified by DNA tests, the majority exhumed from mass graves in Iraq after the fall of the Saddam Hussein regime. Since 2003 Iraqi authorities have participated in the Tripartite Commission on Gulf War Prisoners of War and Missing Persons.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The law prohibits torture and other cruel, inhuman, or degrading treatment or punishment; however, some police and members of the security forces reportedly abused detainees. Police and security forces were more likely to inflict such abuse on noncitizens, particularly non-Gulf Arabs and Asians. The Government stated that it investigated all allegations of abuse and punished at least some of the offenders; however, in most cases the Government did not make public either the findings of its investigations or punishments it imposed.

There were reports of torture while in custody or during interrogation during the year.

On August 18, two journalists reported that security officials beat them while in custody. Reportedly, one of the journalists, Bashar Al-Sayegh, posted comments on his Web site that the authorities deemed inappropriate and that "infringed on the emir." Security services arrested Al-Sayegh's colleague, Jassem Al-Qames, because he took photographs of the arrest. Both men claimed that they were blindfolded and beaten en route to the security services building and again when they arrived.

Several foreign nationals provided verifiable claims that security forces abused them during the year.

For example, on August 30, according to press reports, police abused two Egyptian workers. According to the detainees' brothers, the workers were in custody at the Shuwaikh Immigration Department for forging official immigration documents. According to a representative from the Egyptian Embassy who visited them in the hospital 1 day following their detainment, medical records indicated that they had been abused. According to sources, the attorney general interrogated several employees at the Immigration Department as well as police officers from the General Patrols Department and the Deportation Department about the forged documents.

According to Human Rights Watch (HRW), the friends of several men arrested in December under a new law criminalizing any person from publicly imitating the appearance of the opposite sex reported that the detainees were "physically and psychologically abused" during detention in Tahla prison. Friends of the men stated that three men were beaten, and one was left unconscious. Al-Rai newspaper reported that the prison administration ordered guards to shave the men's heads as a form of punishment under the new law. At year's end the men remained in custody.

In March 2006 news sources reported that a police sergeant raped a Filipina woman, and that the policeman was remanded into custody pending results of an investigation. During the year the Court of Cassation sentenced the rapist to 10 years in prison and two other defendants who witnessed the rape each to 7 years in prison.

In 2005 a journalist claimed security officers beat him with sticks after he was arrested in 2005 on charges of spreading news that harmed the national interest. The reporter was later acquitted by the Court of Appeals.

There were no public developments in the 2005 case of six Islamic militants, suspected of engaging in deadly gun battles with security forces, who alleged they had been tortured and abused.

Defendants have the right to present evidence in court that they were mistreated during interrogation; however, the courts frequently dismissed abuse complaints because defendants were unable to provide physical evidence of abuse. Members of the security forces routinely concealed their identities during interrogation, complicating confirmation of abuse.

Prison and Detention Center Conditions.—Prison conditions varied, and some were poor. In its 2005 report, the most recently issued, the National Assembly's Human Rights Defense Committee reported severe overcrowding, poor sanitation, inadequate containment of infectious diseases, and lack of sufficient medical staff as common problems in the old prison complex.

A new men's prison building that opened in 2006 reduced previously severe overcrowding conditions. The new facility met all international standards for prisons.

There were reports that authorities mistreated prisoners and failed to prevent inmate-on-inmate violence. During the year foreigners at the deportation facility in Shuwaikh were incarcerated between 10 days and 2 months, on average, awaiting deportation. Some were held there for much longer periods, often due to delays in the court system or bureaucracy.

The Government permitted visits by independent human rights observers. During the year the Government did not prevent the International Committee for the Red Cross (ICRC), which maintains an office in the country, access to inmates. However, the ICRC did not carry out prisoner monitoring during the year.

The nongovernmental organization (NGO) Kuwait Human Rights Society visited some prison and detention centers throughout the year, including several visits to the Deportation Center, which houses persons waiting to be deported from the country.

On December 19, the minister of interior conducted surprise visits to several correctional institutions to check on conditions. During his visits he met with prisoners to listen to their requests and demands. The minister claimed there were no problems.

d. Arbitrary Arrest or Detention.—The law prohibits arbitrary arrest and detention, and the Government generally observed these prohibitions. In general police officers must obtain an arrest warrant from state prosecutors or a judge before making an arrest, except in cases of hot pursuit. There were credible reports of police arresting and detaining foreigners without a warrant, based on accusations by third parties. However, the courts generally do not accept cases without warrants issued prior to arrests.

Role of the Police and Security Apparatus.—The police have sole responsibility for the enforcement of laws not related to national security. The Kuwait State Security oversees intelligence and national security-related matters. Both are under the purview of civilian authorities of the Ministry of Interior (MOI). The military is responsible for external security.

The police force is organized in a strict, military-style hierarchy. Overall the police were effective in carrying out core responsibilities. However, there were frequent reports of corruption, especially when one party to a dispute had a personal relationship with a police official involved in a case.

There were also reports that some police stations did not take the requests of complainants, especially foreigners, seriously and obstructed their access to the justice system.

During the year there were credible reports of police corruption and abuse of detainees during interrogation. Unlike in the past, no security officials were relieved of their duties as a result of credible allegations of abuse of detainees during interrogation. In cases of alleged police abuse, the district chief investigator examines abuse allegations and refers worthy cases to the courts for trial. There were no reported government efforts during the year to reform the police or security forces.

Arrest and Detention.—According to the penal code, suspected criminals may be held at a police station for up to 4 days without charge, during which security officers may prevent lawyers and family members from visiting them. In such cases lawyers are permitted to attend legal proceedings but are not allowed to have direct contact with their clients. If charges are filed, prosecutors may remand a suspect to detention for an additional 21 days. Prosecutors also may obtain court orders for further detention pending trial. There is a functioning bail system for defendants

awaiting trial. Detainees were allowed prompt access to a lawyer of their choice after the initial 4-day waiting period. The bar association provided lawyers for indigent defendants.

Of the approximately 3,500 persons serving sentences or detained pending trial, approximately 150 were held in the "state security ward" on security grounds, including some held for collaborating with Iraq during the 1990–91 occupation. Arbitrarily lengthy detention before trial was a problem, and approximately 10 percent of the prison population consisted of pretrial detainees.

Amnesty.—The emir's February 24 amnesty freed 472 prisoners (172 citizens), reduced sentences for 1,333 prisoners, and canceled deportation orders for 112 foreigners. This amnesty included a larger number of beneficiaries than in previous years and accorded more leniency to foreigners serving sentences for drug use than in previous years.

e. Denial of Fair Public Trial.—The law provides for an independent judiciary and the right to a fair trial and states that "judges shall not be subject to any authority;" however, the emir appoints all judges, and the renewal of judicial appointments is subject to government approval. Judges who are citizens have lifetime appointments; however, many judges are noncitizens who hold 1- to 3-year renewable contracts. The Ministry of Justice (MOJ) may remove judges for cause but rarely does. Foreign residents involved in legal disputes with citizens frequently claimed that the courts showed bias in favor of citizens.

The secular court system tries both civil and criminal cases, all of which originate with the court of first instance, composed of a three-judge panel. Both defendants and plaintiffs may appeal a verdict to the high court of appeals, with a three-judge panel, which may rule on whether the law was applied properly as well as on the guilt or innocence of the defendant. High court of appeals decisions may be presented to the Court of Cassation, which conducts a limited, formal review of cases by five judges to determine only whether the law was applied properly. The emir has the constitutional authority to pardon or commute all sentences.

Sunni and Shi'a Shari'a (Islamic law) courts have jurisdiction over family law cases for Muslims. Secular courts allow anyone to testify and consider male and female testimony equally; however, in the family courts the testimony of a man is equal to that of two women. The constitutional court has the authority to issue binding rulings concerning the constitutionality of laws and regulations. The court, whose members are senior judges from the civil judiciary, also rules on election disputes. The martial court convenes in the event the emir declares martial law. The law does not specifically provide for a military court or provide any guidelines for how such a court would operate. The military operates tribunals that can impose punishments for offenses within the military.

Trial Procedures.—By law criminal trials are public unless a court or the Government decides that "maintenance of public order" or "preservation of public morals" necessitates closed proceedings. There is no trial by jury.

Defendants who enjoy a presumption of innocence have the right to confront their accusers and appeal verdicts. Defendants in felony cases are required by law to be represented in court by legal counsel, which the courts provide in criminal cases. The bar association is obligated upon court request to appoint an attorney without charge for indigent defendants in civil, commercial, and criminal cases, and defendants utilized these services. Defendants and their attorneys generally have access to government-held evidence relevant to their cases. The law affords these protections to all citizens.

Political Prisoners and Detainees.—There were no official reports of political prisoners or detainees.

Civil Judicial Procedures and Remedies.—The law provides for an independent and impartial judiciary in civil matters; however, enforcement of rulings has been a significant problem. For example, collecting on punitive financial judgments is nearly impossible. Individuals can bring suits against other individuals for a wide array of offenses. Administrative punishments in civil matters are available, such as travel bans. However, there were widespread, reliable reports that it was extremely difficult for those awarded monetary compensation in courts to collect such awards.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The law provides for individual privacy and the sanctity of the home, and the Government generally respected these rights in practice. The law generally requires police to obtain a warrant to search both public and private property; however, it permits searches without a warrant in cases of hot pursuit. The security forces occasionally monitored the activities of persons and their communications.

The law forbids marriage between Muslim women and non-Muslim men and requires male citizens serving in the military to obtain government approval to marry foreign nationals. In practice the Government only offered nonbinding advice in such matters.

When a Bidoon resident applies for citizenship, the Government considers security or criminal violations committed by his or her family members as a barrier to that resident getting citizenship.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech and the press "in accordance with the conditions and in the circumstances defined by law." In practice the Government sometimes did not respect these rights. Journalists and publishers practiced self-censorship.

Individuals were able to criticize the Government freely in private and informal gatherings. Individuals were able to criticize the Government in public gatherings as long as they did not attack Islam, the emir, or the crown prince. Pointed criticism of ministers and other high-ranking government officials was widespread, and individuals were not subjected to punishments as a result. The Government did not attempt to impede criticism through monitoring or other intimidation tactics.

The country had nine Arabic and three English-language daily newspapers, all of which were privately-owned and four of which began publication during the year as a result of the 2006 Press and Publications Law, which eased the process of licensing new newspapers. Print media generally exhibited independence and diversity of opinion, although there were reports that they practiced self-censorship at times. In addition, in September the Government banned the import and circulation of several Egyptian newspapers over articles it deemed injurious to Kuwait.

The Government owned nine local radio and four television stations. A private satellite television news channel, Al-Rai, was affiliated with its sister newspaper, Al-Rai. International media outlets operated bureaus in the country, including Al-Jazeera, which the Government permitted to reopen in 2005.

A large contingent of international media representatives generally covered the June 2006 parliamentary elections without restriction. During the elections the Government attempted to shut down several satellite channels that started broadcasting election-related programming in support of particular political blocs.

The Press and Publications Law prohibits the publication of material that criticizes Islam, the emir, the Constitution, or the neutrality of the courts or public prosecutor's office. It also forbids incitement to acts that will offend public morality. Revealing classified information or secret government communications is illegal, as is trying to undermine the country's currency, economic stability, or external relations through the media. Slandering or revealing the secrets of individuals or groups is also against the law. Depending on which provision of the law is broken, punishments range from 1 year imprisonment and a fine of $69,000 (20,000 dinars) for criticizing Islam to $1,725 (500 dinars) for less serious offenses. The law widened the scope of protection and strengthened the punishments for criticism of Islam. The court can impose administrative punishments, including confiscation, closure, and withdrawal of licenses. The criminal law also contains an array of press-related charges, such as offense to religious sensibilities, public morality, and the "basic convictions of the nation."

The law mandates jail terms for journalists who "defame religion." The law provides that any Muslim citizen may file criminal charges against an author whom a citizen believes has defamed Islam, the ruling family, or public morals. Citizens often filed such charges for political reasons.

On August 18, authorities arrested two journalists on suspicion of criticizing the emir on a web log and detained them at the Kuwait State Security Building. Authorities released the journalists on August 20 and 21, respectively.

In May 2006 authorities jailed Hamid Buyabis for having quoted direct criticism of the emir in an article he wrote in a daily newspaper. In November 2006 authorities jailed Khalid Obaysan al-Mutairi for 1 day for writing an article that seemed to support Saddam Hussein as the legitimate leader of Iraq. Also in November 2006 a journalist was found guilty under the new Press and Publications Law of questioning the independence of the judiciary. She was given a 3-month suspended sentence and 3 years' probation.

During the year citizens and government officials filed numerous law suits claiming slander against local newspapers, but the courts frequently ruled in favor of the newspapers.

Satellite dishes were widely available and operated without restriction. However, the MOI censored all books, films, periodicals, videotapes, and other imported publi-

cations deemed morally offensive. The MOI controlled the publication and distribution of all informational materials.

According to the March 2006 Press and Publications Law, publishers must obtain an operating license from the MOI to begin publishing a newspaper. If the MOI refuses to grant the license, the publisher may appeal to the courts. Publishers may lose their license if their publications do not appear for 3 months in the case of a daily newspaper or 6 months in the case of a less-frequent publication, a stipulation preventing publishers from publishing sporadically. Individuals also must obtain permission from the MOI before publishing any printed material, including brochures and wall posters.

Internet Freedom.—There were approximately 700,000 users of the Internet in the country. Since 2005 the Ministry of Communications (MOC) has blocked Web sites that the Government considered to "incite terrorism and instability." For example, during the year the Government closed down the Web site of a citizen seen to support terrorism. Also during the year the Government shut down a Web site run by Mohammed Al-Jassem, a vocal critic of the Government, because the Web site was seen to be too critical of the Government. In 2005 the Government also blocked the Web site of a citizen seen to be too critical of the Government. The Government required Internet service providers to block some political sites and Web sites deemed immoral. Internet cafe owners were obligated to obtain the names and civil identification numbers of customers and to submit the information to the MOC upon request.

Academic Freedom and Cultural Events.—The law provides for freedom of opinion and of research; however, academic freedom was limited by self-censorship, and the law prohibited academics from criticizing the emir or Islam.

The MOI reserved the right to approve or reject public events. It rejected events it deemed politically or morally inappropriate. The ministry reported that it rejected many applications for events, but did not release the names of these events. Some hotels and performance halls reported increased hesitation to host musical functions because of what they perceived as a rise in the power of cultural conservatives.

The MOI's Technical Compilations Department-Cinema Censorship Section censored movies shown in theaters based on objectionable content such as sexual scenes, extreme violence, and profanity.

b. Freedom of Peaceful Assembly and Association.

Freedom of Assembly.—The law provides for freedom of assembly. A 1979 law on public gatherings restricts this right in practice, however, by requiring groups to apply for a permit from the MOI in order to hold a public gathering of more than 20 people. The Government issued such permits routinely. In May 2006 the Court of Cassation struck down the public gatherings law as unconstitutional in reviewing a case in which two lawyers held a meeting to criticize the Government. Organizers must continue to inform the ministry of their plans, but they no longer need permission. The law also protects "diwaniyas" (informal weekly social and political gatherings). Many adult male citizens, including members of the Government and of the National Assembly, and increasing numbers of female citizens, hosted or attended diwaniyas to discuss current economic, political, and social issues. Women also held diwaniyas of their own, but such diwaniyas were uncommon; a few diwaniyas were open to both sexes.

Freedom of Association.—The law provides for freedom of association; however, the Government restricted this right in practice. The law prohibits officially-licensed groups from engaging in political activities. Political parties are not addressed by the law but in effect are forbidden. Several unofficial parliamentary blocs existed and acted in the National Assembly as loosely-organized parties.

The Government used its power to license associations as a means of political control. There were 73 officially licensed NGOs in the country, including a bar association, professional groups, and scientific bodies. The Ministry of Social Affairs and Labor (MOSAL) licensed one new NGO during the year, compared to seven NGOs during the previous year and 19 the year before. At year's end there were 149 NGOs pending licensing by MOSAL; many have been waiting years for approval.

The 45 NGOs licensed prior to 2004 continued to receive an annual government subsidy of $41,400 (12,000 dinars) for their operating expenses, including travel to international conferences. NGOs licensed since 2004, when MOSAL began issuing licenses after a long period of refusing to do so, do not receive financial assistance. MOSAL rejected some license requests on the grounds that established NGOs already provided services similar to those proposed by the petitioners. MOSAL also can reject an NGO's application if it deems that the NGO does not provide a public service. The minister has discretion to change a proposed NGO's name prior to licensing, and sometimes did so on the grounds that the name was too close to that

of an already existing NGO. Members of licensed NGOs must obtain permission from MOSAL to attend international conferences as official representatives of licensed NGOs.

There were many unlicensed civic groups, clubs, and unofficial NGOs in the country. These unofficial associations did not receive government subsidies and had no legal status.

c. Freedom of Religion.—The Constitution provides for freedom of religion; however, the Government limited this right. The Constitution protects the freedom to practice religion in accordance with established customs, provided that it does not conflict with public policy or morals. The Constitution declares that Islam is the state religion and that Shari'a is "a main source of legislation." Non-Muslim religious groups unanimously reported that freedom of belief is respected, but non-Muslim religious organizations had more difficulty operating. Shi'a faced some disadvantages in comparison with Sunnis.

The Ministry of Awqaf and Islamic Affairs (MAIA) officially oversees religious affairs. Many religious groups gathered informally for worship without societal or governmental interference. Officially recognized Christian churches must deal with a variety of governmental entities, including MOSAL (for visas and residence permits for clergy and other staff) and the local municipality (for building permits). While reportedly there was no official government "list" of recognized churches, seven Christian churches had some type of official recognition enabling them to operate openly. These churches—Anglican, Armenian Orthodox, Coptic Orthodox, Greek Catholic (Melkite), Greek Orthodox, National Evangelical (Protestant), and Roman Catholic—were allowed by MOSAL to have resident visas for expatriate staff.

Four denominations were widely understood to benefit from full government recognition and were allowed to operate compounds officially designated as churches: Anglican, Coptic Orthodox, National Evangelical, and Roman Catholic (including Latin Catholic, Maronite, and other groups). However, there were quotas on the number of clergy and staff they could bring into the country, which some churches found sufficient and others found insufficient. Most existing facilities were inadequate to serve their respective communities.

Members of religions not sanctioned in the Koran, such as Baha'is, Buddhists, Hindus, and Sikhs, may not operate official places of worship, but they were allowed to worship in their homes without government interference.

There is no specific law banning the establishment of non-Muslim places of worship; however, in practice the Government denies permission to the few groups that applied for licenses to build new places of worship. This deterred some religious groups from applying for a license during the year.

Most Christian groups have found it impossible to build new churches to serve the growing community of expatriate Christians in the country, who number over 400,000. The Greek Catholic (Melkite) Church continued a protracted struggle with the Municipal Council to secure land on which to build a new church. After it received an initial offer in 2005, the Municipal Council eventually denied its request in July 2006. The debate within the council's technical committee left little doubt that the problem was more religious than technical. The issue caused a number of prominent parliamentarians and religious figures to vociferously condemn the idea of building more churches in the country. The church appealed the council's decision through legal channels.

Whereas Shi'a were estimated at approximately 30 percent of the population, there were fewer than 40 Shi'a mosques and over 1,000 Sunni mosques. The MAIA stated that it would license and pay for Shi'a mosques on the condition that the MAIA would control the religious donations paid by Shi'as, as it does with the Sunnis. Shi'a resisted this requirement. According to the MAIA, the Shi'a preferred to practice their religion in their "husseiniyas" (religious meeting places for Shi'a) in order to avoid government interference. The MAIA also said that new residential areas in the country will all be allocated Shi'a mosques.

Unlike previous years, the Government did not allow Shi'a to reenact the martyrdom of Husayn, the Prophet Muhammad's grandson, on the occasion of Ashura, and it did not permit public marches for the commemoration. However, the Government provided security to Shi'a neighborhoods and allowed worshipers to gather peacefully in public spaces to participate in other Ashura rituals.

Muslims who wished to convert from Islam to another religion faced intense societal pressure and generally had to hide their new religious affiliation.

The Government prohibited non-Muslim missionaries from proselytizing to Muslims, although they may serve non-Muslim congregations. The Islamic Presentation Committee, under the authority of the MAIA, actively proselytized to non-Muslims.

Islamic religious instruction is mandatory in all government schools and in any private school that has one or more Muslim students. The law prohibits organized

religious education other than Islam; however, in practice the Government allowed non-Muslim religious instruction as long as no Muslim students were taking part in the education. The Government did not interfere with religious instruction inside private homes. Government inspectors reportedly visited public and private schools outside church compounds periodically to ensure that no religious teaching other than Islam took place. Government inspectors monitored religious worship services for possible antigovernment, extremist, or proselytizing rhetoric.

The Government does not permit the establishment of non-Islamic religious publishing companies. A private company, the Book House Company Ltd., was permitted to import a significant number of Bibles and other Christian religious materials, including videotapes and compact discs, for use solely by government-recognized church congregations. The Book House Company Ltd. was the only company that had an import license to bring in such materials, which requires approval by government censors. The company supplied only bookstores operating within the Christian compounds.

In April the Government again banned several books from display at an Islamic book festival organized by the Social Reform Society, a religiously-conservative NGO affiliated with the Kuwaiti Muslim Brotherhood. The banned books were authored by or contained the writings of individuals associated with the Wahhabi/Salafi movement in Islam.

A 1980 law prohibits the naturalization of non-Muslims; however, citizens who were Christians before 1980 were allowed to transmit their citizenship to their descendents.

The law forbids marriage between Muslim women and non-Muslim men. A non-Muslim woman is not required by law to convert to Islam to marry a Muslim man. In practice, however, many non-Muslim women faced tremendous economic and societal pressure to convert. Failure to convert may mean that, should the couple later divorce, the Muslim father would be granted custody of any children. Failure to convert may also result in a wife not being eligible to inherit her husband's property or be naturalized.

Societal Abuses and Discrimination.—Shi'a were free to worship without government interference; however, the Shi'a minority remained disadvantaged in the provision of mosques, access to Shi'a religious education, and representation in higher levels of the Government.

There were no facilities in the country to educate Shi'a imams. The Ministry of Education made no progress in reviewing a 2005 Shi'a proposal to establish a private college to train Shi'a clerics in the country. Similarly, there were no further developments to the 2005 call by a Shi'a leader to remove references declaring Shi'a as nonbelievers from high school Islamic education textbooks, which are based on the Sunni interpretation of Islam.

While discrimination based on religion reportedly occurred on a personal level, most observers agreed it was not widespread. Sunni-Shi'a relations were good overall. Tensions from regional conflicts led to increased attention to the issue. However, no tangible problems resulted.

There was institutionalized discrimination against Shi'a. Some Shi'a reported that they had been passed over for promotions and suspected their religious affiliation was the reason. Shi'a were underrepresented in certain branches of the military and security apparatuses.

Unlike previous years, Muslim converts to Christianity did not report harassment and discrimination by employers. There was a perception among some domestic employees and members of the unskilled labor force that there would be better treatment from employers as well as from society as a whole if they converted to Islam; however, others did not see conversion to Islam as a factor in this regard.

There were no reports of anti-Semitic acts sponsored by or endorsed by the Government. Unofficial anti-Semitic commentary from parliamentarians, the media, and from mosque preachers occurred. The Government took no action to enact laws relating to the protection of the rights to religious freedom of Jews. There were no known Jewish citizens and very few expatriate workers. In the previous year there were examples of anti-Semitic rhetoric in government-sponsored education curricula, specifically in reference to the Arab-Israeli conflict.

The MAIA continued to promote its "moderation" project, which aimed to discourage extremism among Muslims and improve the image of Muslims among non-Muslims. During the year MAIA's World Moderation Center funded a major research project to analyze the factors that cause individuals to become religious extremists. The study's goal was to enable policymakers to take measures that would prevent religious extremism in the country.

For a more detailed discussion, see the 2007 International Religious Freedom Report.

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons.—The Constitution forbids the constraint of any resident's freedom of movement or choosing their place of residence except "in accordance with the provisions of law." However, the Government placed some limits on freedom of movement in practice.

During the year some laborers claimed that they were not allowed to leave the residential camps where they lived.

While not sanctioned by law, MOI regulations restrict women from obtaining passports; enforcement is lax. Unmarried women must be 21 years of age or older to obtain a passport and travel abroad without permission of a male relative. Married women must obtain their husbands' permission to apply for a passport. A married woman with a passport does not need her husband's permission to travel. Immigration authorities, at the husband's request, may prevent her departure from the country by a 24-hour travel ban, after which a court order is required to prevent the wife from leaving the country. During the year there were reports of travel bans lasting longer than 24 hours without a court order.

All children under 21 years of age require their father's permission to travel outside the country.

The law permits the Government to place a travel ban on any citizen or foreigner who has a legal case pending before the courts. The law also permits any citizen to petition authorities to place a travel ban against any other person suspected of violating local law. In practice this resulted in citizens and foreigners being prevented from departing the country without investigation or a legal case going before a court of law. Persons who believe a travel ban has been issued against them can bring a civil suit against the person who initiated the travel ban request.

Although illegal, many employers routinely confiscated the travel documents of foreign employees, forcing them to remain in the country against their will. On July 18, MOSAL issued a ministerial decree prohibiting the withholding of travel documents of workers in the Government and private sectors however the decree was not enforced. The courts can require an employer to return an employee's passport, but in practice many foreign workers did not use the court system due to financial reasons and a language barrier. Embassies of labor source countries reported that retention of passports by employers was a major problem.

Members of licensed NGOs must obtain government approval to attend international conferences as NGO representatives. The Government severely restricted the ability of its Bidoon population to travel abroad. However, the Government permitted some Bidoon to travel to Saudi Arabia during the year for the annual hajj.

The law prohibits the deportation or forced exile of citizens, and there were no reports of such practices during the year. The penal code stipulates that noncitizens convicted of felonies be deported after finishing their jail terms. Under this provision, citizens can lose their citizenship if sentenced for a felony during the first 10 years of obtaining citizenship, discharged from a public job for "acts against integrity" during the first 10 years after obtaining citizenship, or determined to have established residence in a foreign country and have joined an authority designed to undermine the country.

Unlike previous years, the MOI issued a limited number of passports to Bidoon and allowed them to keep them. The passports are valid for 5 years, and unlike travel documents issued in the past (referred to as "article 17" passports), the passports are not confiscated until the traveler returns to the country. In addition, during the year the Government issued more than 15,000 article 17 passports. In previous years Bidoon residents who were able to obtain travel documents surrendered these documents on their return to the country from abroad. In order to travel again outside the country, they had to obtain permission from the ministry to collect their passports.

The state can revoke citizenship, and the law states that issues of citizenship cannot be appealed to a court of law. In practice revocation did not occur during the year.

Protection of Refugees.—The laws do not provide for the granting of asylum or refugee status in accordance with the 1951 U.N. Convention relating to the Status of Refugees and its 1967 protocol, which the country has not signed. The Government has not established a system for providing protection to refugees. The Government did not grant refugee status or asylum. In practice the Government provided protection against refoulement, the return of persons to a country where there was reason to believe they feared persecution. The Constitution prohibits the extradition of political refugees. The Government stated that it did not deport persons who claimed to fear persecution in their home countries; however, it often kept such persons in detention rather than grant them permission to live and work in the country. The Government cooperated with the office of the U.N. High Commissioner for Refugees

and other humanitarian organizations in assisting refugees and asylum seekers. The Government permitted approximately 10,000 Palestinian refugees to live and work in the country and adopted some provisions to make it easier for them to stay in the country than for other noncitizens.

The Government did not permit the ICRC to verify whether deportees objected to returning to their countries of origin and detained those with objections until they either changed their minds or made alternative travel arrangements.

Stateless Persons.—Citizenship is derived entirely from the father. The legal status of tens of thousands of Bidoon residents, persons with residency ties to the country who lack or conceal documentation of any nationality or citizenship, remained unresolved. The exact number of Bidoon residents was unknown. The Executive Committee on Illegal Residents, an administrative body that is part of the MOI, is charged with dealing with Bidoon affairs. The committee held files on approximately 90,000 Bidoon, but the numbers total more than 100,000, according to most estimates. A report released in June from the Ministry of Planning put the number of Bidoon at 104,424 at the end of 2006. Since the mid-1980s, the Government actively discriminated against the Bidoon in areas such as education, employment, medical care, and freedom of movement. The children of male Bidoon inherit their father's undetermined legal status, even if born to citizen mothers.

Bidoon children are barred from public schools. In 2004 a member of the royal family initiated a charitable fund to pay for Bidoon children to attend private schools; however, according to Bidoon contacts and activists, the fund was insufficient to cover the needs of many Bidoon children.

Unlike in previous years, in November the Government began accepting applications from Bidoon to join the police. Beginning in the mid-1980s, and especially after the country's liberation in 1991, the Government did not allow Bidoon to work in most government jobs. The Bidoon freely worked in all government ministries before that period, with especially high concentrations in the Ministries of Interior and Defense. Some served in the nonofficer ranks of the armed forces, although Bidoon are now barred from enlisting. The Government made it difficult for Bidoon to obtain official documents necessary for employment, such as birth certificates, civil identification cards, driving licenses, and marriage certificates. In March 2006 the Government allowed Bidoon to renew their identity documents. Many Bidoon had not been able to renew these cards in 5 or more years. Some Bidoon complained that the card in itself did not allow the Bidoon to work or obtain other documents and that the issuing of the cards was a way for the Government to track them.

On January 6, the Government began accepting applications for driving licenses from the Bidoon; however, many were concerned because the licenses listed the Bidoon bearer's nationality as "illegal resident." Bidoon worried that this would later be used as evidence that they were not citizens. The controversy caused the Government to stop issuing the licenses. On June 30, the Government began to issue special passports to certain categories of Bidoon, such as those needing medical treatment abroad and those in certain professions.

On December 31, the Government granted citizenship to 573 Bidoons. In 2006 the Government granted citizenship to approximately 400 Bidoon and 1,800 in 2005. Only Bidoon registered by 2000 could begin the process to gain citizenship. According to the law, Bidoon who were able to prove sufficient ties to the country (their presence, or the presence of their forebears, in the country prior to 1965) were eligible to apply for citizenship directly. In recent years a total of 10,600 Bidoon received citizenship. There were 89,779 Bidoon citizenship requests pending at year's end.

Many Bidoon were unable to provide documentation proving sufficient ties to the country or present evidence of their original nationality, as they were truly stateless. However, the Government maintained that the vast majority of the Bidoon—the Government claimed approximately 26,000 over the past several years—concealed their true identities, and that most were citizens of Iraq, Saudi Arabia, Syria, and Iran who wanted to enjoy the country's social benefits.

Once documented, Bidoon were able to obtain residency permits and other official papers. However, Bidoon who declare another nationality lose the opportunity for citizenship, as do their family members. During the year many Bidoon were caught with forged passports from countries such as the Dominican Republic and Nigeria. They claimed they were from countries they had no connection to in order to facilitate obtaining documentation and work. There were no reports during the year of the Government deciding the nationality of any Bidoon without a hearing. There continued to be reports of Bidoon obtaining false documents in order to apply for citizenship.

The issue of extending citizenship to Bidoon was highly divisive in society due to the political, economic, and long-term budgetary implications associated with extending citizenship, and the generous welfare benefits that come with it. Some ob-

servers noted that tribal rivalries also explained why some citizens opposed naturalization of the Bidoon.

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

The Constitution states that "the system of government in Kuwait shall be democratic, under which sovereignty resides in the people, the source of all powers." Citizens had the right to change their representatives in the legislative branch of government but not the executive branch. The Constitution stipulates that the country is a hereditary emirate, and that the emir will be a descendant of Mubarak Al-Sabah, the country's ruler from 1896 to 1915. The elected National Assembly must approve the emir's choice of crown prince (the future emir). If the assembly rejects the emir's nominee, the emir then submits three names from which the assembly must choose. The assembly may remove the emir from power if it declares him unfit. In January 2006 the National Assembly exercised this power for the first time in the country's history.

Under the law the emir holds executive power and shares legislative authority with the elected National Assembly. The emir appoints the prime minister. The prime minister chooses a cabinet (Council of Ministers) of up to 16 ministers, which is subject to approval by the emir. At least one of the cabinet members must be an elected member of Parliament.

The law empowers the emir to suspend the National Assembly's provisions and rule by decree in a state of emergency when martial law is declared, although the National Assembly must approve the emir's decision to declare martial law. The Constitution provides that cabinet members sit in the National Assembly and vote on legislation. There are 50 elected National Assembly members, each of whom serves a 4-year term. The appointed cabinet members also serve as ex officio members. The National Assembly must approve all legislation. If the emir promulgates a law while the assembly is not in session, it must be approved when the assembly returns to work.

Members regularly require ministers to appear before the full National Assembly for formal interpellations, known as "grillings," when members of Parliament (MPs) are dissatisfied with a minister's performance. During the year, pressure exerted by the National Assembly, including through threats of votes of no confidence, led to the resignation or removal of ministers. On February 19, Parliament grilled the minister of health, which caused the resignation of the entire cabinet. The new cabinet included a new health minister, who subsequently resigned in August under threats of grilling. On June 25, Parliament grilled Ali Al-Jarrah, the oil minister, which led to his resignation on June 30. In December 2006 Parliament was scheduled to grill the minister of information, who resigned at the last minute.

Elections and Political Participation.—In May 2006 the emir exercised his constitutional right to dissolve the National Assembly. The move came after the assembly reached an impasse over reducing the number of electoral districts from 25 to five. According to the Constitution, the emir must call elections within 2 months of the dissolution, and he set elections for June 29.

In order to vote in National Assembly elections, citizens must be at least 21 years of age, have been citizens for at least 20 years, and not be members of the armed forces, police, or other MOI uniformed personnel, with the exception of the National Guard. Candidates must be citizens who read and write Arabic and who are at least 30 years old.

The June 2006 parliamentary elections were the first national elections in which women had the right to vote and run for office. The 2005 law granting women full political rights requires women to conduct themselves according to the stipulations of Shari'a when participating in political activities. This formulation was not used to limit women's rights to vote or run in the 2006 elections. There were no political parties. There were reports of vote-buying by the Government and the opposition. Nonetheless, local observers and the press considered the elections generally free and fair since there was genuine competition for seats and no significant reports of irregularities in voting procedures or counting. The political blocs opposing the Government increased their representation from 29 to 34 seats.

Approximately 30,000 citizens were not allowed to vote because they lived outside of the official boundaries of the electoral districts. The electorate consisted of 340,248 citizens, 57 percent of whom were women. A primary reason for the large discrepancy between the number of male and female voters was that citizens from most branches of the military and police were barred from voting. Another reason is that women were registered automatically whereas men were not. A total of 249 candidates, including 27 women, competed for the 50 seats. Media sources reported

that 66 percent of registered voters voted, including 58 percent of eligible female voters.

Thirty-two female candidates entered the race. A number of candidates withdrew for various reasons, but 27 women remained on the ballot through election day. None won a seat in Parliament. The elections were originally scheduled to take place in 2007; however, because the emir dissolved Parliament in May 2006, new elections had to be held within 60 days according to the Constitution. Candidates therefore had only 1 month to organize their campaigns. Many cited this as a factor that weakened women's chances since they had less experience campaigning than men. Several women faced harassment. One candidate's campaign posters were defaced. Another candidate withdrew as a result of death threats, reportedly from members of her own tribe. Some female candidates complained that election officials treated them dismissively. Overall, however, women were able to compete freely.

Female voters also influenced the campaign process. Male candidates, even those who had voted against female suffrage, held special rallies for female voters. Issues perceived as important to women, such as education and the Bidoon, received particular attention. Women volunteered as campaign workers at all levels for both male and female candidates. Some men reportedly instructed their female relatives to vote for particular candidates, although voting was by secret ballot.

In a special April 2006 election for a seat on the Municipal Council, women voted and ran for the first time in the country's electoral history. The council, with a 4-year term, is composed of 16 members, 10 popularly elected and six appointed by the Government. It wields extensive power in the country because, among other things, it controls land allocation for public and private uses. Two female candidates ran, with one placing second. Media reports put female turnout at 29 percent, compared with the overall turnout of 38 percent. Women faced some difficulty in breaking social taboos, but there were no direct barriers to their participation in the election. The winning candidate was criticized for holding a preelection primary, which is illegal; however, according to local observers and the press, the election was considered free and fair.

There is an informal ban on political parties, although there is no law permitting or prohibiting their formation. Nevertheless, several well-organized and unofficial blocs, acting much like political parties, existed and were active in the national assembly elections. Assembly candidates must nominate themselves as individuals and may run for election in any of the country's electoral districts.

During the 2006 elections, there were 25 electoral districts, and the top two finishers in each constituency were elected in single-round balloting. In July 2006 the National Assembly passed a law to reduce the number of electoral districts from 25 to five in order to reduce the opportunity for vote-buying. Under the new law, each voter chooses four candidates, and the top 10 vote getters from each district win seats in Parliament.

In 2005 the prime minister appointed two women to the Municipal Council, a body comprised of elected and appointed members. On March 25, the prime minister appointed Maasouma al-Mubarak as minister of health. She became the first female minister in June 2005, when she was appointed minister of planning and administrative development. In July 2006 she also became minister of communications. On August 24, she resigned as minister of health. On March 25, Nuriyah Al-Subih became the second female minister as education minister. Women also held some relatively senior nonpolitical positions within certain ministries.

Minister of Communications al-Mubarak had been one of two Shi'as represented in the 16-member cabinet appointed in March, which was the same number as in the previous cabinet. Of 50 elected National Assembly members, four were Shi'a, as opposed to five in the previous assembly.

Government Corruption and Transparency.—The law mandates criminal penalties for official corruption; however, the Government did not implement the law effectively, and officials often engaged in corrupt practices with impunity. The Worldwide Governance Indicators of the World Bank reflect that corruption was a problem.

MOSAL and the MOI discovered numerous cases during the year of ministry employees forging documents enabling the importation of foreign workers. Police arrested numerous individuals, launched investigations, and announced they would strengthen measures to prohibit further occurrences of document fraud. MOSAL also closed down companies that were illegally importing workers.

On November 11, a MOSAL undersecretary stated that MOSAL sent 139 employers to court for violating the labor law by forging documents, as stated above, and two companies were permanently closed while several others were fined.

There were no developments in the 2006 case of a Criminal Investigation Division officer who agreed to arrest a Jordanian national and transfer $5.5 million (1.5 mil-

lion dinars) into the bank account of a Kuwaiti businessman, all at the businessman's request. A member of Parliament publicly criticized the judiciary's weak response to the incident, and authorities subsequently detained the MP in a police station until the speaker of Parliament intervened to release him from custody without bail.

In March 2006 the Government granted a license to the Kuwait Transparency Society, an NGO focused on combating corruption. The Transparency Society announced plans to publish corruption indices for government institutions but had not done so by year's end.

Several MPs disclosed their financial assets, although there is no law requiring them to do so.

The law provides for public access to unclassified government information by citizens and noncitizens alike. The Government enforced this law.

Section 4. Governmental Attitudes Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

The law permits the existence of NGOs; however, the Government continued to deny licenses to some NGOs. NGOs may not engage in overtly political activity and are prohibited from encouraging sectarianism. They must also demonstrate that their existence is in the public interest. The only local independent NGOs dedicated specifically to human rights were the Kuwait Human Rights Society (KHRS) and the Kuwaiti Society for Fundamental Human Rights (KSFHR). The KHRS, which operated since the early 1990s and received its official license in 2004, produced an annual report on human rights in the country during the past, sporadically published a magazine, and met with senior government officials. The KSFHR came into existence in 2005. It aimed to approach human rights from an Islamic perspective. Its leaders have spoken out on human rights issues such as the treatment of foreign workers and the Bidoon, but it had not published anything other than a booklet describing the organization and had not conducted any activities. Other local licensed NGOs devoted to specific groups of people, such as women, children, foreign workers, prisoners, and persons with disabilities, are permitted to work without government interference. Also, an unknown number of local unlicensed human rights groups operated without government restriction during the year.

The Government permits international human rights organizations to visit the country and establish offices, although none operated in the country. At least one such organization, Refugees International, performed a human rights study, and published the study without government interference. Their October report, based on research carried out in July, addressed difficulties faced by many Bidoon in daily life.

The Government has cooperated fully with the work of the U.N. special rapporteurs for Iran and Iraq and the high-level representative of the secretary general on the issue of its citizens missing in Iraq since the end of the Gulf War. The Government permitted visits by international governmental organizations.

The National Assembly's Human Rights Defense Committee is an advisory body. During the year its work consisted primarily of hearing individual complaints of human rights abuses.

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

The law prohibits discrimination based on race, origin, disability, or language; however, in practice the Government did not uniformly or consistently enforce laws against discrimination. A number of laws and regulations discriminated against women, noncitizens, and domestic workers.

Women.—Women in Kuwait now have political rights; however, they continue to face discrimination in the workplace and under Kuwaiti personal status law. However, women have obtained prominent positions in government and business.

Violence against women continued to be a serious and overlooked problem. Rape is criminalized with a maximum penalty of death, which the country imposes for the crime. The media reported hundreds of rape cases during the year. Many of the victims were noncitizen domestic workers. The police occasionally arrested rapists, and several were tried and convicted during the year; however, laws against rape were not always enforced effectively. According to third-country diplomatic sources, victims reported that some police stations and hospitals handled their cases in a professional way, but many did not.

The law does not specifically prohibit domestic violence, although cases are tried as assault. Each of the country's 83 police stations reportedly received weekly complaints of domestic abuse. The courts have found husbands guilty of spousal abuse; however, most domestic abuse cases were not reported, especially outside of the cap-

ital. Abusive husbands, if convicted, rarely faced severe penalties, and there was no criminalization of spousal rape.

There are no shelters or hot lines for victims of domestic violence, although on September 24, the Government opened a shelter for domestic workers.

Some noncitizen women married to citizens reported domestic abuse and inaction or discrimination by police during the year. By law a victim of domestic violence may file a complaint with the police and request that formal charges be brought against the abuser. In practice, however, even with documented evidence of the abuse such as eyewitness accounts, hospital reports, and social worker testimony, police officials rarely took into custody perpetrators of domestic violence. An abused woman may petition for divorce based on injury, but the law does not provide clear legal standard as to what constitutes injury. In addition a woman must provide at least two male witnesses (or a male witness and two female witnesses) to attest to the injury suffered. Individuals reportedly bribed police officials to ignore charges of domestic abuse.

Honor crimes are prohibited; however, the penal code reduces penalties for these crimes to misdemeanors. The maximum sentence is 3 years in prison. In contrast to 2006, there were no reported cases of honor crimes during the year.

The police actively enforced laws against pandering and prostitution, with arrests reported regularly. The Government generally deported prostituted persons to their countries of origin; some, however, were released after signing a pledge of good conduct. Pimps received stiff jail terms. Some unemployed, runaway foreign domestic workers were recruited or kidnapped into prostitution.

There is no specific law that addresses sexual harassment. Human rights groups characterized sexual harassment against women in the workplace as a pervasive but unreported problem. While no official statistics on the problem were available, on June 30, Al-Qabas, a local newspaper, conducted a survey of 100 women from various professions, of whom 40 percent stated that they had experienced sexual harassment.

Women continued to experience legal, economic, and social discrimination. Shari'a discriminates against women in judicial proceedings, freedom of movement, and marriage. Inheritance is governed by Shari'a, which differs according to the school of Islamic jurisprudence followed by the different populations in the country. In the absence of a direct male heir, Shi'a women may inherit all property, while Sunni women inherit only a portion, with the balance divided among brothers, uncles, and male cousins of the deceased. Citizen families (a "family" must always include a male) are entitled to receive either a house or a plot of land and a $240,400 (70,000 dinars) interest-free government loan ("housing allowance") to purchase a house. The Government registers the house in the names of both the husband and the wife. However, in case of divorce, a female citizen loses her right to the house regardless of any payments she may have made on the loan. She may continue to reside in the house if she has custody of any minor children resulting from the marriage, but she must move once the children reach age 18. A divorced single mother and her minor children or a female citizen married to a noncitizen cannot, by law, qualify for the Government housing allowance.

The Parliament has a women's affairs committee. During the year it held a conference on women's issues and proposed a law to increase benefits to women wanting to stay home from work to care for family members.

The law provides for female "remuneration equal to that of a man provided she does the same work." The law prohibits women from working in "dangerous industries" and trades "harmful" to health. In June Parliament amended the private sector labor law (No. 38 of 1964) prohibiting women in most fields from working after 8 p.m. Educated women maintained that the conservative nature of society limited career opportunities. An estimated 40 percent of female citizens of working age were employed.

The law discriminates against female citizens married to noncitizen men. These women, unlike male citizens, are not entitled to government housing subsidies and are required by law to pay annual residence fees of $734 (200 dinars) for their husbands and children. The law does not recognize marriage as the basis for granting residency to noncitizen husbands. Instead the law grants residency only if the husband is employed. By contrast, male citizens married to noncitizen women do not have to pay residency fees for their spouses, and their spouses' right to residency derives from marriage. Noncitizen women can obtain citizenship from their husbands, but citizen women cannot pass citizenship to their noncitizen husbands or their children.

The law requires that classes at all universities, private and public, be segregated by gender. Public universities enforced this law more rigorously than private universities.

Children.—The Government is generally committed to the rights and welfare of citizen children.

The Government did not issue birth certificates to Bidoon children, which resulted in the denial of public services to those children.

Education is free through the university level. Primary and secondary education is compulsory and universal. For the 2004–2005 academic year, the most recent for which the Government had statistics, estimated primary enrollment was 89 percent. Both boys and girls had equal access to education.

The Government provides free healthcare and a variety of other services to citizen children; noncitizen children must pay a small fee to be admitted into a health facility and pay additional fees for specialized care. Government hospitals made certain medicines available to citizens at no cost but charged noncitizens fees. Both boys and girls had access to the same quality of medical treatment.

There was no societal pattern of child abuse, although there were isolated instances.

The legal age for girls to marry is 15, but some younger citizen girls continued to marry within some tribal groups. The MOJ estimated the incidence of underage marriage ranged from 2 to 3 percent of total marriages. The Government attempted to educate the rural community via the MAIA and through imams in local mosques.

In 2005 the Government banned the use of underage camel jockeys, and there were no credible reports of underage camel jockeys during the year.

Trafficking in Persons.—The law does not specifically prohibit trafficking in persons, although it does prohibit transnational slavery. Trafficking in persons is a serious problem in the country.

Laws against coercion, forced labor, kidnapping, prostitution, rape, slavery, and other acts can be used to prosecute trafficking crimes. In October 2006 the MOI put into effect a standardized domestic labor contract. The contract, which specifies a minimum wage and forbids passing fees on to workers, must be signed by the worker, the Kuwaiti recruitment agency, and the employer. Violators can be prosecuted in a court of law; none have been prosecuted since the standardized contract was created.

Victims were trafficked primarily from South and East Asia, especially Bangladesh, India, Indonesia, Pakistan, the Philippines, and Sri Lanka, although individuals from other countries, such as Ethiopia and Eritrea, also reportedly were trafficked. Hundreds of thousands of Egyptians worked in the country, and some of them were subjected to trafficking, primarily in the form of debt bondage.

The primary purpose of trafficking was to provide cheap labor. Some foreign workers were abused by their employers or coerced into situations of debt bondage or involuntary servitude. Instances of laborers associated with visa trading schemes were reported during the year. Some women were trafficked into prostitution. The most prevalent trafficking cases involved female domestic laborers, but uneducated workers in unskilled service jobs were also victims of trafficking. There were reports that foreign workers under age 18 were employed in homes in the country, but most victims were adults. Those at highest risk for trafficking tended to be less educated, to come from countries with a relatively undeveloped set of controls for monitoring the flow of workers from the country, and to work in domestic or menial labor.

Many domestic workers reported that they were compelled to work more than their agreement provided for, or that they were not allowed to leave their houses. One of the most common complaints was lack of payment.

The principal traffickers were labor recruitment agencies and sponsors (employers) of foreign workers. Both citizens and noncitizens were involved in trafficking. Government officials reported that foreign Embassies provided refuge for potential trafficking victims but later arranged employment for the workers outside of the Embassies, thus profiting from their status and bypassing the law. Workers came to the Embassy shelters because they were being harassed by or had not received their salaries from their employers.

The primary method used to obtain and transport victims was for employers to offer valid contracts to workers and then not honor those contracts. There were reports that workers were given new contracts at lower salaries than those they signed in their countries, or that multiple fees were deducted from their salaries. Nondomestic laborers had their salaries automatically deposited in their bank accounts. Some companies reportedly kept workers' cash cards and withdrew part of the money so that the salary deposit looked sufficient but the worker actually received a smaller amount. The workers found it difficult to leave these situations for several reasons: Employers frequently withheld the passports of their workers; employees often paid exorbitant sums to come to the country and were in so much debt that they could not afford to return home; or employers could file or threaten to file criminal charges against workers for absconding if the worker tried to leave a bad

work situation. Workers had only limited ability to transfer from the sponsorship of one employer to another.

Many traffickers, some citizens, and some noncitizens, "sold" visas, often via "sham" companies. The trafficker would set up a business and get permission to import a certain number of foreign workers for that business. He or she would have an agent in a foreign country collect high fees from workers for the right to come to the country to work. When the workers arrived, they often found there was no work for them. In some cases, the employer would file an absconding charge or simply report that the employee was no longer employed. Victims were left without means of support and sometimes in violation of immigration laws and were thus vulnerable to trafficking, while the employer could then import more workers and charge them the same fees. In other cases, the workers knew that they were merely paying for sponsorship and that it was up to them to find work.

Penalties for trafficking-related crimes range from fines and incarceration for assault and battery to life sentences, and death for rape. However, in most cases, law enforcement efforts focused on administrative measures, such as shutting down companies in violation of labor laws or issuing orders to return withheld passports or to pay back-wages owed rather than criminal punishments for abusive employers. Victims of trafficking were sometimes detained, prosecuted, or deported for acts committed as a result of being trafficked, such as running away from their sponsors in violation of immigration laws and prostitution.

During 2006, the most recent year for which statistics were available, the courts made a number of convictions for crimes clearly related to trafficking: The courts convicted 258 persons of importing workers without providing them with work, and the courts convicted 276 persons for illegal selling of residence permits to foreigners. The Government also took legal action in cases where trafficking may have been a factor; it reported 19,908 convictions during the year for violations of workers' rights, and MOSAL closed down 1,818 companies for violating the terms of their business licenses.

Companies who trade in visas or otherwise abuse their privileges to import workers can be temporarily or permanently closed. Companies are required to keep a deposit with MOSAL so that if they are found to have not paid salaries, MOSAL can use the deposit to remunerate the worker.

The physical or sexual abuse of foreign women working as domestic servants was a serious problem. Some employers physically abused foreign women working as domestic servants, and despite economic and social difficulties for a domestic servant to lodge a complaint, these women continued to report such abuse. The local press devoted considerable attention to the problem, and both the police and courts took action against employers when presented with evidence of serious abuse. Occasionally domestic workers were charged with assaulting or otherwise harming their employers; in such cases the workers claimed that they acted in response to physical abuse or poor working conditions. There were dozens of reports of domestic workers allegedly committing or attempting suicide because of desperation over poor working conditions or abuse.

Numerous prostitution rings were uncovered by police, in which women were being held captive. In some cases women were working illegally because the working conditions with their legal sponsors were unacceptable. They were then vulnerable to resorting to or being coerced into prostitution. In February numerous Arab Times reports discussed Farwaniya police raids on several brothels in Jleeb Al-Shuyoukh and arrests of 15 Asian women and five Asian pimps. During interrogation four women confessed that pimps forced them into prostitution. Police filed a case and referred all of them to the relevant authorities. The Government put more emphasis on trying to resolve conflicts through mediation rather than prosecution. The Domestic Workers Administration (DWA), which has perhaps the most direct role in rectifying cases of trafficking of domestic workers, has little enforcement power and therefore tries to convince the employer and employee to come to an informal agreement. The DWA is often able to broker solutions. Employees often feel pressured to accept less than what they are owed because they know that it can take a year or more to pursue their cases in court, and they generally will not be permitted to stay and work in the country during that time. Although domestic workers avoid courts due to the length of time cases take and due to their lack of knowledge of local legal structures, the courts frequently ruled in favor of domestic workers who brought cases.

The Government has an interministerial committee to deal with expatriate worker issues. The committee met several times during the year but did not take any actions that would have an effect on trafficking.

Runaway servants, including those alleging physical or sexual abuse, often sought shelter at their country's Embassy pending repatriation or a change in employer.

Of an estimated 540,000 domestic servants in the country, an estimated 800 women were reported to be in informal shelters run by source country Embassies on any given day during the year.

The Government and NGOs did take some measures to assist trafficking victims. On September 24, the Government opened a shelter for domestic workers. The new shelter is temporary and for women only. It serves women from India, Indonesia, the Philippines, Sri Lanka, and other countries in South and Southeast Asia. Its capacity is between 50 and 60 individuals. The permanent shelter has a planned capacity of 700, including men and women. The Government occasionally paid for airline tickets to repatriate runaway or abused domestic servants when their employers refused to repatriate them. However, employers often accused their runaway domestics of theft or other crimes to avoid furnishing tickets. In such cases the domestics often were deported without compensation.

During the year the MAIA's 2006 public awareness project completed several studies on the domestic work sector and broadcast several television programs to encourage sponsors to treat their workers respectfully. The MAIA did not initiate new projects during the year.

Persons with Disabilities.—The law prohibits discrimination against persons with disabilities and imposes penalties against employers who refrain from hiring persons with disabilities without reasonable cause. The law also mandates access to buildings for persons with disabilities. The Government generally enforced these provisions. There was no reported discrimination against persons with disabilities; however, noncitizens did not have access to government-operated shelters or receive stipends paid to citizens with disabilities, which covered transportation, housing, job training, and social welfare.

Representatives from ministries, other governmental bodies, Kuwait University, and several NGOs constituted the Government's Higher Council for Handicapped Affairs, which makes policy recommendations, provides financial aid to the disabled, and facilitates the integration of the handicapped into schools, jobs, and other social institutions. The Government supervised and contributed to schools and job and training programs that catered to people with special needs.

Other Societal Abuses and Discrimination.—Homosexuality is illegal, and there was discrimination against homosexuals in societal attitudes and legal issues.

On December 10, the National Assembly approved a law to impose a fine of $3,450 (1,000 dinars) and/or 1 year's imprisonment for those imitating the appearance of the opposite sex in public. According to HRW, in December police arrested several individuals they believed were imitating the appearance of the opposite sex. For example, on December 18, police arrested three individuals at a police checkpoint in Salimeya and days later arrested three more individuals in Kuwait City. On December 21, police arrested three individuals in Hawalli district and two others at a police checkpoint. According to HRW, the men were subjected to physical and psychological abuse while in detention in Tahla prison. HRW reported that the detainees did not have access to counsel. At year's end the men remained in detention.

There were no developments in the 2006 case in which police raided a party where homosexuals were allegedly celebrating a wedding. In 2005 police charged a group of 28 alleged homosexuals with creating a public disturbance after they met outside a fast-food restaurant.

Unmarried men faced housing discrimination based solely on marital status. Emiri decree 125 of 1992 prohibits single men from obtaining accommodation in many urban residential areas as determined by the Municipal Council. At year's end the Government had not completed the 2005 plan by the Council of Ministers to construct housing for noncitizen single males on the outskirts of the capital and remove them from urban residential areas.

Section 6. Worker Rights

a. The Right of Association.—With the notable exceptions of the country's approximately 540,000 domestic servants and an unknown number of maritime employees, the labor law provides that workers have the right to join unions without previous authorization. Foreign laborers employed as domestics constitute one-third of the noncitizen workforce and are specifically excluded from the right to associate and organize. An estimated 80,000 persons, or 5 percent, of a total workforce of 1.6 million were organized into unions.

For those workers who may join unions, the Government restricts the right of freedom of association to only one union per occupational trade and permits unions to establish only one federation, the Kuwait Trade Union Federation (KTUF), which is composed of 15 unions. The Bank Workers Union and the Kuwait Airways Workers Union were independent of the KTUF. The law stipulates that any new union must include at least 100 workers, 15 of them citizens. Both the ILO and the Inter-

national Trade Union Confederation have criticized this requirement because it discourages unions in sectors that employ few citizens, such as the construction industry and much of the private sector.

The Government essentially treated workers' unions as parastatal organizations. After vetting and approval, MOSAL provides as much as 90 percent of their budgets and may inspect the financial records of any union. The expanded unions mainly benefited citizen laborers employed in the public sector, while expatriate workers continued to face restrictions.

The Government licensed no new unions during the year. At year's end there were 47 officially sanctioned unions. December 2006 statistics cited 1,622 million noncitizen laborers in the country, comprising 83 percent of the total workforce of 1,963 million. However, foreign workers constituted approximately 20 percent of KTUF members. The Labor Law discriminates against foreign workers by denying union voting rights, barring them from leadership positions, and permitting them to join unions only after 5 years of residence, although the KTUF stated that this requirement was not widely enforced in practice.

The law empowers the courts to dissolve any union for violating labor laws or for threatening "public order and morals," although such a court decision may be appealed. The emir also may dissolve a union by decree. By law the MOSAL is authorized to seize the assets of any dissolved union. The law subordinates the legal existence of the unions to the power of the state; however, no union was dissolved during the year. The Government denied several unions' applications for official recognition during the year.

The labor law prohibits antiunion discrimination. Any worker alleging antiunion discrimination has the right to appeal to the judiciary. Employers found guilty of such discrimination must reinstate workers fired for union activities. There were no reports of discrimination against employees based on their affiliation with a union.

b. The Right to Organize and Bargain Collectively.—The Labor Law provides workers, with the important exception of domestic servants and maritime workers, with the right to organize and bargain collectively, subject to certain restrictions; the Government generally respected in practice the rights of those workers covered by the law. The law limits the right of workers to strike.

The law provides for direct negotiations between employers and "laborers or their representatives" in the private sector. Most disagreements are resolved in such negotiations; if not, either party may petition the MOSAL for mediation. If mediation fails, the dispute is referred to a labor arbitration board composed of officials from the Court of Appeals, the office of the attorney general, and the MOSAL.

The civil service law makes no provision for collective bargaining between government workers and their employers. Technically, the Government is responsible for establishing wages and employment conditions for civil service workers, but it generally determined benefits in consultation with civil service unions, such as the Government Workers Union. Union officials resolved most issues at the working level and had regular access to senior officials.

The law requires all labor disputes to be referred to compulsory arbitration if labor and management are unable to reach a solution. The law does not contain any provision ensuring strikers' freedom from legal or administrative action taken against them by the state. However, the MOSAL was responsive to sit-ins or protests by workers who faced obvious wrongdoing by their employers.

On November 19, a civil aviation strike of citizen airport workers demanding higher wages and hazard pay resulted in a shut down of the international airport for several hours. The strike was called off when then emir intervened and told workers salaries would be raised upon completion of a study of public sector jobs anticipated for February 2008.

In November 2006 civilian employees of the MOI staged a sit-in to protest work conditions. The Federation of Governmental Unions undertook an information campaign and a sit-in that resulted in the Civil Service Council acceding to its labor demands.

c. Prohibition of Forced or Compulsory Labor.—The law prohibits forced or compulsory labor "except in cases specified by law for national emergency and with just remuneration;" however, there were reports that such practices occurred.

The law prohibits forced and compulsory labor by children younger than 18; however, there were credible reports of underage girls working as domestic servants.

d. Prohibition of Child Labor and Minimum Age for Employment.—The labor law prohibits child labor, forced or compulsory labor, and exploitation of workers; there were credible reports of some underage domestic servants and isolated reports of underage workers.

The legal minimum age is 18 years to engage in all forms of work, both full- and part-time. Employers may obtain permits from the MOSAL to employ juveniles between the ages of 14 and 18 in nonhazardous trades. Juveniles may work a maximum of 6 hours a day on the condition that they work no more than four consecutive hours followed by 1-hour rest periods.

Some underage workers reportedly falsified their ages in order to enter the country. During the year underage Asian girls reportedly worked as domestic servants after entering the country on false travel documents obtained in source countries. The Labor Inspection Department monitored private firms routinely for labor law compliance, including laws against child labor.

e. Acceptable Conditions of Work.—An institutionalized, two-tiered labor market ensured high wages for citizen employees, most of whom were in government white collar or executive positions, while noncitizen workers, even those in skilled positions, received substantially lower wages. A national minimum wage was in effect for public sector employees. Citizens were guaranteed at least $700 (200 dinars) per month, while the noncitizen wage was $320 (90 dinars). The public sector minimum wage provided a decent standard of living for a worker and family. There was no legal minimum wage in the private sector. The minimum wage for domestic workers who signed contracts after October 2006 was $140 (40 dinars). The MOSAL is responsible for implementing the minimum wage, which was effectively enforced.

The law establishes general conditions of work for the private sector, with the oil industry regulated separately. The law limits the standard workweek to 48 hours with one full day of rest per week; 1 hour of rest after every 5 consecutive hours of work; provides for a minimum of 14 workdays of leave each year; and establishes a compensation schedule for industrial accidents. The Government had amended the law to extend the weekly 1-day rest period to temporary workers employed less than 6 months and to workers in enterprises employing fewer than five persons. Domestic servants and other unskilled foreign workers in the private sector frequently worked in excess of 48 hours, often with no day of rest and no annual leave. As of October 2006, they were entitled to a weekly day of rest, two daily 1-hour rest periods, and a month of annual leave.

The law pertaining to the oil industry provides for a 40-hour workweek, 30 days of annual leave, and sick leave. Laws establishing working conditions were not applied uniformly to foreign workers. The civil service law also prescribes additional working conditions for the public sector, which consisted almost entirely of citizen workers.

The Government issued occupational health and safety standards; however, compliance and enforcement appeared poor, especially with respect to unskilled foreign laborers. To decrease accident rates, the Government periodically inspected enterprises to raise awareness among workers and employers and to ensure that they abided by safety rules, controlled the pollution resulting from certain dangerous industries, trained workers who used new machines in specialized institutes, and reported violations. Workers have the right to remove themselves from dangerous work situations without jeopardizing their continued employment, and legal protection existed for both citizen and foreign workers who filed complaints about such conditions. However, government attention to worker safety issues remained insufficient, resulting in poor training of inspectors, inadequate injury reports, and no link between insurance payments and accident reports.

The law provides that all outdoor work stop when the temperature rises about 50 degrees Celsius (122 Fahrenheit); however, media sources alleged that the Government falsified official readings to allow work to proceed. The Meteorological Division consistently denied these allegations. In previous years recorded temperatures reached 122 degrees Fahrenheit, but work reportedly continued at many outdoor locations.

LEBANON

Lebanon, with a population of approximately 4 million, is a parliamentary republic in which the president is a Maronite Christian, the prime minister a Sunni Muslim, and the speaker of the chamber of deputies a Shi'a Muslim. Parliament elected President Emile Lahoud, who is the head of state, in 1998 for a 6-year term; however, in 2004 the Syrian regime pressured parliamentarians to pass a constitutional amendment that extended President Lahoud's term until November 2007. President Lahoud stepped down on November 23 at the end of his term, and, as stipulated in the Constitution, the powers of the presidency were transferred to the cabinet, led by Prime Minister (PM) Fouad Siniora, until the election of a new president.

On September 25, Parliament was scheduled to meet and begin the process of choosing a new president; however, the speaker subsequently rescheduled the session 11 times, and Parliament was unable to elect a president by year's end. According to international observers, the 2005 legislative elections were considered generally free and fair, although most political observers considered the boundaries of the electoral districts to be unfair.

The May 20 to September 2 conflict involving the Lebanese Armed Forces (LAF) and militant Islamic fundamentalist group Fatah al-Islam (FAI) erupted in Nahr al-Barid, a Palestinian refugee camp in the north of the country. The Lebanese Army took control of the camp. The death toll during the conflict was 168 LAF soldiers and an estimated 42 civilians. During the fighting, security forces forced some 30,000 Palestinians living in Nahr al-Barid to leave their homes and detained and reportedly physically abused some Palestinian men who were suspected of collaborating with FAI. Palestinian authorities retained control of the other 11 refugee camps in the country.

Despite the deployment of the LAF and the expansion of the United Nations Interim Forces (UNIFIL) in the south in August 2006, Hizballah retained significant influence over parts of the country. U.N. Security Council (UNSC) resolutions 1559 and 1701 call upon the Government to take effective control of all Lebanese territory and disarm militia groups operating there. Due to several factors, including internal political differences and a lack of capacity in the security forces, the Government did not take the necessary steps to disarm extralegal armed groups, including Hizballah.

There were limitations on the right of citizens to peacefully change their government. In a climate of impunity, there were instances of arbitrary or unlawful deprivation of life, torture, and other abuses. Security forces arbitrarily arrested and detained individuals, while poor prison conditions, lengthy pretrial detention and long delays in the court system remained serious problems. The Government violated citizens' privacy rights, and there were some restrictions on freedoms of speech and press, including intimidation of journalists. Government corruption and a lack of transparency remained problems. There were limitations on freedom of movement for unregistered refugees, while widespread, systematic discrimination against Palestinian refugees continued. Domestic violence and societal discrimination against women continued. Violence against children and child labor also remained problems.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life.—There were reports that the Government or its agents committed arbitrary or unlawful killings during the year.

On June 29, Reuters reported that security forces killed three Palestinian protesters during a demonstration in Al-Baddawi refugee camp. Palestinian protesters were demanding to return to their homes in Nahr al-Barid.

During the year, the U.N. International Independent Investigation Commission (UNIIIC), established under UNSC resolution 1595, continued its investigation into the 2005 assassination of former PM Rafiq Hariri. While preliminary reports pointed to possible linkages to Syrian intelligence services, they did not reach a firm conclusion by year's end.

Militant groups continued efforts to terrorize the public and political figures, including through a series of car bombings during the year. On June 13, a car bomb explosion killed Member of Parliament (MP) Walid Eido and his elder son Khaled, along with nine others. On September 19, a car bomb explosion killed MP Antoine Ghanem and eight others. Both MPs were part of the pro-government "March 14" coalition, and several political allies of the two MPs charged that the Syrian Government was responsible for the assassinations, which Syria strongly denied. On December 12, a car bomb killed LAF Chief of Operations Brigadier General Francois el-Hajj along with his bodyguard. El-Hajj was in charge of the Nahr al-Barid operations. Investigations into the three incidents continued at year's end.

On March 12, authorities detained four suspected members of the terrorist group FAI for the February 2006 Ain Alaq twin bus bombings that reportedly killed three and injured more than 20.

On June 22, the news Web site Al-Mustaqbal reported that Judge Sa'id Mirza brought charges against Lebanese citizen Ibrahim Hasan Awadah and Syrian citizens Firas Abd al-Rahman, Mahmoud Abd al-Karim Imran, and Izzat Muhamad Tartusi for the 2005 attempted assassination of the defense minister and incoming deputy prime minister Elias Murr, which injured Murr and killed one person. The suspects allegedly remained outside of the country at year's end.

On July 5, according to the news Web site Elaph, security authorities arrested alleged FAI official Walid al-Bustani for his connections with the assassination of deputy and former industry minister Pierre Gemayal, who was assassinated in November 2006 in the Judaydat al-Matn area near Beirut. Al-Bustani remained detained at year's end.

There were no further developments in the May 2006 killings of Islamic Jihad member Mahmoud Majzoub and his brother or the September 2006 roadside bombs in Rmeileh that injured Internal Security Forces (ISF) Lieutenant Colonel Samir Shehade and killed four of his bodyguards.

During the year there were reports of killings by unknown actors. For example, on June 24, six soldiers in the Spanish contingent of UNIFIL were killed and another three were injured when two IED devices exploded near their vehicle in southern Lebanon. While no organization claimed credit for the attack, it was widely viewed as an effort by actors who oppose UNIFIL and its efforts to prevent attacks against Israel launched from southern Lebanon.

The U.N. Mine Action Coordination Center in southern Lebanon (UNMACC) estimated that 40 percent of Israeli cluster munitions fired during the July–August 2006 conflict failed to explode, leaving an estimated 560,000 to 1.1 million unexploded munitions in southern Lebanon. As of December UNMACC stated that 138,750 pieces of munitions and mines had been removed and estimated that 430,000 unexploded munitions remained.

On December 4, UNMACC stated that approximately 15 square miles of land in southern Lebanon remained infested. According to the UNMACC, as of December 4, the munitions have killed 30 people and injured dozens of others since the end of the July–August 2006 conflict.

There were reports of killings of civilians during the year in connection with the conflict in the Nahr al-Barid refugee camp (see Section 1.g.).

b. Disappearance.—On April 26, security forces found the bodies of two youths affiliated with Progressive Socialist Party leader Walid Jumblatt, a Druze Muslim allied with the Government, after they went missing a few days earlier. Security forces arrested five suspects, four Lebanese and one Syrian, and charged them with planning the kidnapping. At year's end the suspects remained in detention.

In July 2006 Hizballah kidnapped two Israeli soldiers on Israeli territory, which prompted Israeli retaliation leading to the July–August 2006 conflict. Hizballah had yet to allow access or communications with the two soldiers at year's end.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The law does not specifically prohibit torture, and security forces abused detainees and in some instances used torture. Human rights groups, including Amnesty International (AI) and Human Rights Watch (HRW), reported that torture was common.

On May 11, HRW and the Lebanese Center for Human Rights (CLDH) called for an investigation into allegations of torture and ill-treatment of nine detainees whose trial before a military court began on April 21. Authorities accused the nine individuals of forming an illegal group; conspiring to commit crimes against the state with the aim of inciting sectarian strife; possession and transfer of weapons and explosive material; and planning to assassinate the leader of Hizballah, Hassan Nasrallah. HRW and CLDH interviewed seven of the nine detainees and monitored their trial on April 21. Four detainees alleged that interrogators tortured them during their detention at the Ministry of Defense in order to force confessions, while other detainees say they were ill-treated and intimidated. According to HRW and CLDH, the remaining five detainees reported that interrogators blindfolded and frequently punched them during questioning. Three of the nine detainees were released on bail. The trial was ongoing at year's end.

On May 13, the Lebanese daily Al-Diyar reported that the Information Section of the ISF called Muhammad Abd-al-Amir Salhab in for questioning following the 2005 assassination of former PM Rafiq Hariri. According to Al-Diyar, security forces detained Salhab for 3 days, during which he "was subjected to all types of torture." Salhab was in France seeking political asylum at year's end.

In October 2006 the nongovernmental human rights organization Support of Lebanese in Arbitrary Detention (SOLIDA) issued a report documenting the various types of torture allegedly practiced at the Ministry of Defense between 1992 and 2005. Torture methods included physical abuse, sleep deprivation, and prolonged isolation. On April 26, the army released a statement dismissing news reports that detainees suspected of belonging to armed groups were subjected to torture during interrogation. According to the Daily Star, the statement denied that any detainees had undergone "any sort of physical or psychological torment in order to force them to give false testimonies."

However, the Government acknowledged that violent abuse of detainees sometimes occurred during preliminary investigations conducted at police stations or military installations, in which suspects were interrogated without an attorney. Such abuse occurred despite national laws that prevent judges from accepting confessions extracted under duress.

For example, the press reported that on June 20, security forces arrested five dual Australian-Lebanese citizens, Hussein Elomar, Omar al-Hadba, Ibrahim Sabbough, Ahmed Elomar, and Mohammed Bassel, during a raid on al-Habda's workshop in Tripoli. Security forces arrested Al-Hadba on suspicion of supplying weapons to FAI. Security forces reportedly broke Elomar's jaw in detention and forced his nephew, Ahmed Elomar, to stand for long periods of time and beat him severely if he tried to rest. Ahmed's injuries included damage to his knee. Police dropped charges against Ahmed Elomar and Mohammed Bassel. The other individuals remained in custody at year's end.

Abuses also occurred in areas outside the Government's control, including in Palestinian refugee camps. During the year there were reports that members of the various Palestinian groups that controlled specific camps detained their rivals during clashes over territorial control of the camps.

Prison and Detention Center Conditions.—Prison conditions were poor and did not meet minimum international standards. Prisons were overcrowded, and sanitary conditions in the women's prison, in particular, were very poor. There were no serious threats to health, but indirect threats existed. For example, physical and mental stress caused by cramped conditions was especially noteworthy in the Yarze prison in southeast Beirut. The Government did not consider prison reform a high priority. The number of inmates was estimated to be 5,870, including pretrial detainees and remand prisoners. The Government made a modest effort to rehabilitate some inmates through education and training programs.

While there were no government reports on juveniles held in the same prison facilities as adults during the year, it could not be confirmed that the situation did not occasionally happen due to limited prison facilities. Despite some effort to keep pretrial detainees separate from convicted prisoners, overcrowding often prevented such separation. Due to the limited space, prisoners convicted of terrorist crimes were placed in the same prison facilities but on a separate floor.

The police institution in charge of border posts and internal security, the Surete Generale (SG), operated a detention facility for detainees pending deportation. According to SG, detention is to be for 1 to 2 months, pending the regularization of their status. However, some persons, primarily asylum seekers, were detained for more than a year before being eventually deported.

The Government permitted independent monitoring of prison conditions by local and international human rights groups and the International Committee of the Red Cross (ICRC). On February 20, ICRC and judicial and security authorities signed a protocol enabling ICRC to visit all prisons in the country in accordance with decree 8800.

d. Arbitrary Arrest or Detention.—Although the law requires judicial warrants before arrests, except in immediate pursuit situations, the Government arbitrarily arrested and detained persons.

Role of the Police and Security Apparatus.—The security forces consist of the LAF under the Ministry of Defense, which may arrest and detain suspects on national security grounds; the ISF under the Ministry of the Interior (MOI), which enforces laws, conducts searches and arrests, and refers cases to the judiciary; the State Security Apparatus, which reports to the prime minister; and the SG under the MOI. Both the State Security Apparatus and the SG collect information on groups deemed a possible threat to state security.

Laws against bribery and extortion by government security officials and agencies also apply to the police force. In practice, however, a lack of strong enforcement limited their effectiveness. The Government acknowledged the need to reform law enforcement, but the lack of political stability and security hampered these efforts. The ISF maintained a hotline for complaints.

Arrest and Detention.—Military intelligence personnel made arrests without warrants in cases involving military personnel and those involving espionage, treason, weapons possession, and draft evasion. According to ISF statistics, out of the 5,870 persons held in prison, 3,669 had not been convicted of crimes. Also, there were reports that security forces arrested civilians without warrants.

The law provides the right to a lawyer, a medical examination, and referral to a prosecutor within 48 hours of arrest. If a detainee is held more than 48 hours without formal charges, the arrest is considered arbitrary, and the detainee must be released. In such cases officials responsible for the prolonged arrest may be pros-

ecuted on charges of depriving personal freedom. A suspect caught in hot pursuit must be referred to an examining judge, who decides whether to issue an indictment or order the release of the suspect. Bail is available in all cases regardless of the charges. While there was no state-funded public defender's office, the bar association operated an office for those who could not afford a lawyer, and a lawyer was often provided for indigent defendants.

Many provisions of the law were not observed in practice, and security forces continued the practice of arbitrary arrest and detention.

On January 23 and 25, according to security sources, security forces arrested approximately 450 individuals following clashes at the Beirut Arab University and protests by the political opposition. Following investigations, security forces detained more than 15 individuals because they had former arrest warrants. Others were sentenced to between 3 days and 3 months imprisonment, and some were fined.

On February 1, authorities released on bail three journalists from New TV after 44 days in prison without a trial date. In December 2006 authorities arrested the journalists following a broadcast of their investigative report depicting the home of Mohammad Siddiq, a witness in the assassination of former PM Rafiq Hariri. At year's end, the journalists had freedom to travel within and outside the country but were expected to appear before investigators when required.

On June 13, HRW reported that the Lebanese army and ISF arbitrarily detained and physically abused some Palestinian men fleeing the fighting in the Nahr al-Barid refugee camp (see Section 1.g.).

At year's end four Lebanese generals, who in 2005 the UNIIIC arrested and declared as suspects in the assassination of former PM Rafiq Hariri, remained in custody. According to an August 28 Daily Star report, one of the detainees, General Security Major General Sayyed, reported that State Prosecutor Said Mirza informed U.N. Chief Investigator Brammertz that "local political considerations" were the cause for their continued detention without charges.

Also in relation to the case, on September 13, Justice Minister Charles Rizk appointed Judge Saqr Saqr as the new investigative magistrate, replacing Magistrate Eid Eid, who was handling the 2005 Hariri assassination. Eid was replaced following a request filed by lawyer Mohammed Mattar, who represented the heirs of four victims in the Hariri assassination, claiming that Eid was going to release the four generals. In November a working group of the U.N. Commission for Human Rights cited the case as an example of arbitrary detention. There were no new developments in their cases during the year, and the suspects remained imprisoned at year's end.

In February 2006, according to an international human rights organization, authorities arrested and detained more than 400 individuals in the wake of violent protests outside the Danish Embassy in Beirut related to the Danish cartoon controversy. Six days following their arrest, approximately 250 of these individuals were brought before the Military Court in Beirut and were ordered released. The remaining detainees were imprisoned for a time period of 2 weeks to 9 months.

Palestinian refugees were subject to arrest, detention, and harassment by state security forces and rival Palestinian factions.

Human rights activists believed that there were numerous Lebanese, Palestinians, and Jordanians in prolonged and often secret detention in Syria. According to SOLIDA, the estimated number of remaining Lebanese prisoners in Syria is between 200 and 250. During the year there were no reports of Syrian forces operating in the country carrying out searches, arrests, or detentions of citizens outside any legal framework.

e. Denial of Fair Public Trial.—While the Constitution provides for an independent judiciary, in practice the judiciary was subject to political pressure, particularly in the appointments of key prosecutors and investigating magistrates. With the support of the UNIIIC, however, the judiciary continued judicial proceedings against once-powerful security and intelligence chiefs who had cooperated with Syria's occupation. The law provides for a fair public trial; however, influential politicians as well as Syrian and Lebanese intelligence officers at times intervened and protected their supporters from prosecution. Despite intimidation generated by a series of unresolved political assassinations committed by unidentified assailants beginning in 2004, the aftermath of the 2005 assassination of Rafiq Hariri led to gradual progress in eliminating political and security influence over the judiciary.

The judicial system consists of a constitutional council to determine the constitutionality of newly adopted laws upon the request of 10 members of Parliament; the civilian courts; the Military Court, which tries cases involving military personnel and civilians in security-related issues; and the Judicial Council, which tries national security cases. There are also tribunals of the various religious affiliations, which adjudicate matters of personal status, including marriage, divorce, inherit-

ance, and child custody. The religious Shari'a courts are often used by both the Shi'a and Sunni religious communities to resolve family legal matters. There are also religious courts in the various Christian sects and Druze communities; these tribunals were also restricted to family legal matters.

The Judicial Council is a permanent tribunal of five senior judges that adjudicates threats to national security and some high-profile cases. Upon the recommendation of the minister of justice, the cabinet decides whether to try a case before this tribunal. Verdicts from this tribunal may not be appealed. For example, the cabinet referred the assassination cases of MP Walid Eido, MP Antoine Ghanem, and MP Pierre Gemayel to the Judicial Council.

The Ministry of Justice appoints all other judges, taking into account the sectarian affiliation of the prospective judge. A shortage of qualified judges impeded efforts to adjudicate cases backlogged during the years of internal conflict. Trial delays were aggravated by the Government's inability to conduct investigations in areas outside of its control, specifically in the Hizballah-controlled areas in the south and in the 11 Palestinian-controlled refugee camps in the country.

Trial Procedures.—There is no trial by jury; trials were generally public, but judges had the discretion to order a closed court session. Defendants have the right to be present at trial and the right of timely consultation with an attorney. While defendants do not have the presumption of innocence, they have the right to confront or question witnesses against them, but they must do so through the court panel, which decides whether or not to permit the defendant's question. Defendants and their attorneys have access to government-held evidence relevant to their cases and the right of appeal. These rights generally were observed. While there was no state-funded public defender's office, the bar association operated an office for those who could not afford a lawyer, and a lawyer was often provided for indigent defendants.

Defendants on trial for security cases, which were heard before the Judicial Council, have the same procedural rights as other defendants; however, there was no right to appeal in such cases. Trials for security cases were generally public; however, judges had the discretion to order a closed court session.

The Military Court has jurisdiction over cases involving the military as well as those involving civilians in espionage, treason, weapons possession, and draft evasion cases. Civilians may be tried for security issues, and military personnel may be tried for civil issues. The Military Court has two tribunals: The permanent tribunal and the cassation tribunal. The latter hears appeals from the former. A civilian judge chairs the higher court. Defendants on trial under the military tribunal have the same procedural rights as defendants in ordinary courts.

Palestinian groups in refugee camps operated an autonomous and arbitrary system of justice not under the control of the state. For example, local popular committees in the camps attempted to solve disputes using tribal methods of reconciliation. If the case involved a killing, the committees occasionally handed over the perpetrator to state authorities for trial.

Political Prisoners and Detainees.—During the year there were no reports of political prisoners or detainees.

Civil Judicial Procedures and Remedies.—While there is an independent judiciary in civil matters, in practice it was seldom used for bringing civil lawsuits for seeking damages for human rights violations committed by the Government. During the year there were no examples of a civil court awarding an individual compensation for human rights violations committed against them by the Government.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—While the law prohibits such actions, authorities frequently interfered with the privacy of persons regarded as enemies of the Government. The law requires that prosecutors obtain warrants before entering homes, except when the security forces are in close pursuit of armed attackers; these rights were generally observed.

The Army Intelligence Service monitored the movements and activities of members of opposition groups. Although the law regulates eavesdropping, security services continued to eavesdrop without prior authorization.

Militias and non-Lebanese forces operating outside the area of central government authority frequently violated citizens' privacy rights. Various factions also used informer networks and monitoring of telephones to obtain information regarding their perceived adversaries.

There were no developments in the 2005 decree to create an independent judicial committee to receive complaints from parties who believe their phones are tapped and provide permission for security services to monitor telephones of criminals. Similarly, there were no developments in the 2005 decree to create a centralized unit to supervise tapping phones related to military personnel only.

g. Use of Excessive Force and Other Abuses in Internal Conflicts.

Killings.—An estimated 42 civilians in the Nahr al-Barid refugee camp and 168 LAF soldiers were killed during the May 20 to September 2 conflict between the LAF and FAI. Some human rights groups criticized the LAF's disproportionate use of heavy weapons during the conflict, claiming that the army shelled the camp in an indiscriminate manner once the camp had been evacuated.

Physical Abuse, Punishment, and Torture.—On June 13, HRW reported that LAF and ISF forces arbitrarily detained and physically abused some Palestinian men fleeing the fighting in Nahr al-Barid refugee camp. During the conflict, the LAF interrogated many men as they left the camp and detained those suspected of supporting or having information about FAI. The LAF interrogated some Palestinian detainees at the Kobbeh military base near Tripoli, about 16 kilometers from Nahr al-Barid. HRW reported that other interrogations took place at checkpoints and private houses near the camp.

In one case documented by HRW on June 13, the Lebanese military detained a Palestinian man from Nahr al-Barid for interrogation at different locations for 4 days. During the interrogations, army interrogators reportedly punched and slapped him and gave him food only twice in 4 days. HRW also reported that during interrogation, members of the Lebanese military intelligence allegedly subjected detainees to kicks, punches, and beatings with rifle butts.

Other Conflict-Related Abuses.—The Nahr al-Barid conflict caused other humanitarian concerns. Residents were reportedly without running water, sewage, or electricity for weeks. Refugees who left the camp were treated for dehydration, diarrhea, and stomach illnesses, and the regular health care clinics in the camp, including those run by UNRWA, were not fully functioning because of the fighting.

Members of international humanitarian organizations were attacked by FAI when attempting to enter the Nahr al-Barid camp. On May 23, U.N. High Commissioner for Human Rights Louise Arbour condemned an attack by FAI on a U.N. aid convoy at Nahr al-Barid during the conflict, which claimed the lives of two Palestinian refugees.

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. The law permitted censoring of pornographic, political opinion, and religious materials when they were considered a threat to national security. Despite a general increase in media freedom since 2005, due to the tense political atmosphere and a weak judiciary, journalists continued to exercise some self-censorship. Although there were no reported killings of journalists during the year, journalists continued to experience intimidation due to the 2005 killings of prominent journalists Samir Kassir and Gibran Tueni, and the failure to apprehend those responsible. In part due to the political divisions in the country, several journalists received threats from parties, politicians, or other fellow journalists.

The Government utilized several legal mechanisms to control freedom of expression. The SG reviews and censors all foreign newspapers, magazines, and books before they enter the country. The SG must also approve all plays and films. The law prohibits attacks on the dignity of the head of state or foreign leaders. The Government may prosecute offending journalists and publications in the Publications Court. The 1991 security agreement between the Government and Syria, still in effect, contains a provision that prohibits the publication of any information deemed harmful to the security of either state. The 2005 withdrawal of Syrian troops and a decrease in Syrian influence, however, encouraged Lebanese journalists to be open in their criticism of Syrian and Lebanese authorities alike.

Dozens of newspapers and hundreds of periodicals were published throughout the country and were financed by and reflected the views of various local, sectarian, and foreign interest groups. There was very limited state ownership of newspapers and periodicals.

On February 22, authorities fined the editor in chief of the daily Lebanese newspaper Al-Mustaqbal, Tawfiq Khattab, and a staff reporter, Fares Khasan, $33,000 (50 million pounds) each for charges of libel and damaging the reputation of President Lahoud. In February 2006, according to the Committee to Protect Journalists, Beirut prosecutor Joseph Me'mari had filed criminal charges against Khattab and Khassan for defaming President Lahoud. The prosecutor filed the charges 4 days after Al-Mustaqbal published an interview with the former Lebanese ambassador to France and former army intelligence chief Johnny Abdo, who criticized Lahoud's performance. Khattab and Khashan lodged an appeal, and the case remained pending at year's end.

In June 2006 the Lebanese Broadcasting Corporation (LBC) broadcast an episode of weekly political satire Basmat Wattan that ridiculed Hizballah Secretary General Hassan Nasrallah. The program prompted violent demonstrations in Beirut. The National Media Council, which falls under the Ministry of Information and is responsible for monitoring television programs, ruled the next day that LBC was guilty of broadcasting offensive material and forwarded the case to the cabinet. The case remained pending at year's end.

There was no update in the October 2006 case in which the minister of justice filed a complaint in the Publications Court against Al-Akhbar daily, naming specifically director Ibrahim Awad and reporter Antoine Al-Khoury Harb, for alleging that two members of the Judicial Council had met with the head of the ISF Intelligence Department to discuss judicial appointments.

Judicial cases launched in previous years against journalists were not pursued during the year. Investigations into the 2005 killings of Samir Kassir and Gebran Tueni, and into the 2005 attack on May Chidiac continued at year's end. There were no developments in the 2005 case against Al-Mustaqbal reporter and Future TV anchor Zahi Wehbe.

Films that offended religious or social sensitivities were prohibited. In May 2006 the SG prohibited the film "The Da Vinci Code" from being shown because of religious sensitivities. Filmmakers, as well as festival organizers, consistently practice self-censorship.

In May 2006 the SG obliged Lebanese playwright Lina Khoury to make numerous revisions to her adaptation of the play "Hakeh Niswan" ("Women's Talk") inspired by the "Vagina Monologues" before it could be performed in Beirut because of the sensitivity of the topics in the play.

There were seven television stations and 33 radio stations. The Government owned one television and one radio station; the remaining stations were owned privately. Inexpensive satellite television was widely available.

Internet Freedom.—There were no government restrictions on access to the Internet or reports that the Government monitored e-mail or Internet chat rooms, and the Government promoted Internet usage. Individuals and groups could engage in the peaceful expression of views via the Internet, including by e-mail and Internet discussion groups. Internet providers are sometimes contacted by the SG and Ministry of Justice to block pornographic and religiously provocative sites.

Academic Freedom and Cultural Events.—There were no government restrictions on academic freedom or cultural events.

b. Freedom of Peaceful Assembly and Association.

Freedom of Assembly.—The law provides for freedom of assembly; however, the Government sometimes restricted this right. The MOI required prior approval to hold rallies, and groups opposing government positions sometimes were not granted permits.

On January 23, protestors from the parliamentary opposition (Hizballah, the Amal Movement, the Free Patriotic Movement, and Marada) effectively caused a general strike in Beirut by burning tires and cars on major roads in and around the capital. The riots and violent clashes the demonstrations provided left three dead and 133 injured.

On January 25, Sunni and Shi'a students clashed violently at the Beirut Arab University, which later escalated into civil unrest in parts of Beirut. Four people were killed and more than 150 were injured. As a result, the LAF declared an overnight curfew for 1 day.

On June 29, Reuters reported that security forces fired at Palestinian civilians demanding to return to their homes in Nahr al-Barid, killing three protesters and wounding 50. Witnesses reported that soldiers opened fire first into the air as hundreds of refugees, including women and children, tried to storm through an army checkpoint and into the Nahr al-Barid camp. When the crowd did not disperse and attacked soldiers with stones and sticks, the troops fired automatic rifles at the protesters.

The "sit-in" that began in December 2006 in Beirut with a few thousand demonstrators of Shi'a loyal to Hizballah and the allied Amal movement and Christian supporters of Michel Aoun was ongoing throughout the year. However, a very small number of protestors remained at year's end. Isolated violence between Sunnis and Shi'a occurred during the period of the demonstration. In December 2006 one incident resulted in the death of protester Ahmad Mahmoud. The opposition called for the protests in an attempt to force the Government to resign or expand the number of cabinet seats belonging to Amal, Hizballah, and Michel Aoun's Free Patriotic Movement to a one-third-plus-one minority, which would be sufficient to block legislation or force the cabinet's dissolution.

Coinciding with the protests, a number of pro-government rallies were held in several areas around the country. For example, on February 14, a generally peaceful mass rally in Beirut to mark the second anniversary of the killing of former PM Rafiq Hariri took place.

Freedom of Association.—The law provides for freedom of association, and the Government did not interfere with most organizations; however, it imposed limits on this right. The law requires every new organization to submit a notification of formation to the MOI, which issues a receipt. However, the MOI imposed on organizations additional restrictions and requirements that were not enforced consistently. For example, the MOI in some cases sent notification of formation papers to the security forces to conduct inquiries on an organization's founding members, the results of which the MOI may use in deciding whether to approve the group. The ministry at times withheld the receipt, essentially transforming the notification procedure into an approval process. For example, in October 2006 the Lebanese Center for Human Rights applied for a notification of formation. However, at year's end, they had not received approval of their notification request.

Organizations must invite MOI representatives to any association's general assembly where votes are held for by-law amendments or elections are held for positions on the board of directors. The MOI also required every association to obtain its approval for any change in by-laws; failure to do so could result in the dissolution of the association.

The cabinet must license all political parties. The Government scrutinized requests to establish political movements or parties and to some extent monitored their activities. The Army Intelligence Service monitored the movements and activities of members of some opposition groups.

c. Freedom of Religion.—The Constitution provides for freedom of belief and guarantees the freedom to practice all religious rites, provided that the public order is not disturbed. The Constitution declares equality of rights and duties for all citizens without discrimination or preference but stipulates a balance of power distributed among the major religious groups. The Government generally respected these rights; however, there were some restrictions. The Government subsidized all religions and appointed and paid the salaries of Muslim and Druze judges.

Although there is no state religion, politics were based on the principle of religious representation, which has been applied to nearly every aspect of public life.

A group seeking official recognition must submit its principles for government review to ensure that such principles do not contradict "popular values" and the Constitution. The group must ensure the number of its adherents is sufficient to maintain its continuity.

Alternatively, religious groups may apply for recognition through existing religious groups. Official recognition conveys certain benefits, such as tax-exempt status and the right to apply the recognized religion's codes to personal status matters. Each recognized religious group has its own courts for family law matters, such as marriage, divorce, child custody, and inheritance. State recognition is not a legal requirement for religious worship or practice. For example, although the Government did not recognize officially some Baha'i, Buddhists, Hindus, and some protestant Christian groups, they were allowed to practice their faith without government interference; however, their marriages, divorces, and inheritances in the country were not recognized under the law.

Protestant evangelical churches are required to register with the Evangelical Synod, which represents those churches to the Government. Representatives of some churches complained that the Synod has refused to accept new members since 1975, thereby preventing their clergy from ministering to adherents in accordance with their beliefs. The Pentecostal Church applied for recognition from the Evangelical Sect, but the leadership of the Evangelical Sect, in contravention of the law, refused to register new groups. The Pentecostal Church pursued recourse through the MOI; however, at years end, it had not been registered.

The unwritten "National Pact" of 1943 stipulates that the president, the prime minister, and the speaker of Parliament be a Maronite Christian, a Sunni Muslim, and a Shi'a Muslim, respectively. The 1989 Taif Accord, which ended the country's 15-year civil war, reaffirmed this arrangement, but also codified increased Muslim representation in Parliament and reduced the power of the Maronite president.

Religious affiliation is encoded on national identity cards and indicated on civil status registry documents but not on passports.

The law provides that only religious authorities may perform marriages; however, civil marriage ceremonies performed outside the country were recognized by the Government.

There were no legal barriers to proselytizing; however, traditional attitudes and edicts of the clerical establishment strongly discouraged such activity. Religious authorities appointed the clerical establishments to which they are affiliated.

Although the law stipulates that any one who "blasphemes God publicly" may face imprisonment for up to 1 year, no prosecutions were reported under this law during the year.

Societal Abuses and Discrimination.—Lebanese media outlets regularly directed strong rhetoric against Israel and its Jewish population and commonly characterized events in the region as part of a Zionist conspiracy.

For example, on October 22, Lebanon's NBN TV aired a program based on the anti-Semitic forgery the Protocols of the Elders of Zion. The program's narrator stated that "Jews are annihilating the peoples of the world using drugs," and that "Jews use drug trafficking to control the world and subjugate other nations." The program's narrator also accused the Jews of playing a part in the Holocaust.

In another Lebanese television program aired on January 30, Lebanese poet Marwan Chamoun promoted anti-Semitic false accusations of blood libel in which Jews are accused of murder and using blood for religious purposes.

The country's legislation does not specifically designate or address hate crimes.

For a more detailed discussion, see the 2007 International Religious Freedom Report.

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons.—The law provides for freedom of movement within the country, foreign travel, emigration, and repatriation, and the Government generally respected these rights with some limitations. The law prohibits direct travel to Israel. All men between 18 and 21 years of age are required to obtain a travel authorization document from the Government before leaving the country.

The Government maintained security checkpoints, primarily in military and other restricted areas. There were few police checkpoints on main roads or in populated areas. The security services used checkpoints to conduct warrantless searches for smuggled goods, weapons, narcotics, and subversive literature.

The law prohibits forced exile, and it was not used.

Internally Displaced Persons (IDPs).—As a result of the May–September Nahr al-Barid conflict, an estimated 35,000 Palestinian refugees were displaced. The majority sought shelter with host families in the neighboring Beddawi camp in northern Lebanon, while several hundred families sought shelter in UNRWA as well as government-run schools throughout the north of the country. In October refugees began returning to the "new camp" along the periphery of Nahr al-Barid. At year's end, UNRWA estimated that approximately 6,000 refugees returned to the new camp.

Following the August 2006 cessation of hostilities between Israel and Hizballah, the Government encouraged the return to their homes of hundreds of thousands of internally displaced persons. According to the Internal Displacement Monitoring Center, at the height of the conflict, up to 1 million persons fled their homes; approximately 735,000 were internally displaced, while some 230,000 fled to neighboring countries. In addition, some 16,000 Palestinian refugees in Lebanon were displaced. According to the Government's Higher Relief Council, more than 700,000 displaced persons and refugees returned to their homes. While the office of the U.N. High Commissioner for Refugees (UNHCR) believes there is no official and reliable figure, according to its data on the number of houses completely destroyed and damaged, UNHCR reported that 80,000 persons remain displaced.

During the year there were no substantiated reports that the Government deliberately attacked IDPs or made efforts to obstruct access of international humanitarian organizations from assisting IDPs in returning to their residence. Similarly, there were no reports that the Government forcibly resettled IDPs.

According to international humanitarian organizations, a significant number of people still remain displaced from the 1975–90 civil war and as a result of the Israeli invasions and occupation of part of southern Lebanon that ended in 2000. No updated reliable survey exists to determine the current number, and estimates varied hugely, ranging between 16,750 and 600,000.

The Government continued to encourage IDPs displaced during the 1975–90 civil war to return, reclaim their property, and rebuild their homes. Despite this encouragement, many have not attempted to reclaim and rebuild their property due to the hazardous social and economic situation in some areas.

Protection of Refugees.—The law does not provide for the granting of asylum or refugee status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 protocol, but the Government has mechanisms to provide assistance. The Government cooperated with the office of the UNHCR and other humanitarian organizations in assisting refugees and asylum seekers. The Govern-

ment provided temporary protection to individuals who may not qualify as refugees under the 1951 Convention/1967 protocol.

A 2003 agreement between the SG and the UNHCR recognizes and grants protection to non-Palestinian refugees, providing temporary relief for those seeking determination of refugee status. Those wishing to claim refugee status do so within 2 months of arriving in the country. The SG issues residence permits, valid for 3 months, during which time UNHCR must make a refugee status determination. The SG extended residency permits for up to 12 months for those accorded refugee status by UNHCR. The Government granted admission and temporary (6 months) refuge to asylum seekers but not permanent asylum.

Most refugees were Palestinians. The U.N. Relief and Works Agency (UNRWA) reported that the number of Palestinian refugees in the country registered with the UNRWA was 394,532. This figure, which represented refugees who arrived in 1948 and their descendants, was presumed to include many thousands who resided outside of the country. According to UNRWA, during the year there were 409,714 Palestinian refugees in its 12 refugee camps throughout the country. According to SG records, the number of registered Palestinian refugees was approximately 427,000.

Most Palestinian refugees were unable to obtain citizenship and were subject to governmental and societal discrimination, particularly in the area of employment; however, Palestinian women who married Lebanese men could obtain citizenship. According to a credible international human rights group, Palestinian refugees faced severe restrictions in their access to work opportunities and diminished protection of their rights at work. Very few Palestinians received work permits, and those who found work usually were directed into unskilled occupations. Some Palestinian refugees worked in the informal sector, particularly in agriculture and construction. Palestinian incomes continued to decline. In 2005 the minister of labor issued a memorandum authorizing Palestinian nationals born in the country and duly registered with the MOI to work in 50 (out of 72) professions banned to foreigners. However, there were no indications that this memorandum was implemented consistently.

The law does not explicitly target Palestinian refugees but bars those who are not bearers of nationality of a recognized state from owning property. Under this law, Palestinians may not purchase property, and those who owned property prior to the 2001 issuance of this law are prohibited from passing it on to their children. The Parliament justified these restrictions on the grounds that it was protecting the right of Palestinian refugees to return to the homes they fled after the creation of the state of Israel in 1948. Other foreigners may own a limited-size plot of land but only after obtaining the approval of five different district offices. The law applies to all foreigners.

Most Palestinian refugees lived in overpopulated camps that suffered repeated heavy damage as a result of fighting during the 1975–1990 civil war, the 1980s Israeli invasion of the country, continuing camp feuds, the July–August 2006 conflict between Israel and Hizballah, and the May–September Nahr al-Barid conflict. The Government generally prohibited the construction of permanent structures in the camps on the grounds that such construction encouraged refugee settlement in the country. Refugees frequently feared that the Government might reduce the size of the camps or eliminate them completely.

During and after the fighting in Nahr al-Barid in September, the Government provided emergency relief, with assistance from UNRWA, the international donor community, and relief nongovernmental organizations (NGOs), to the Palestinian refugees who had fled Nahr al-Barid. The Government provided temporary housing by opening school buildings and started efforts to begin removing the rubble in preparation for new camp housing to be built. At year's end, the LAF had started the process of clearing the UXOs inside the camp, but had not given UNRWA and its partners permission to enter the main camp to begin rubble clearance and reconstruction.

Children of Palestinian refugees faced discrimination in birth registration and access to adequate housing, social security, and education. The Government did not provide health services or education to Palestinian refugees, who relied on UNRWA for these services. Many Palestinian children reportedly had to leave school at an early age to help earn income. Other reasons for dropouts were marriage (especially for minor girls), frustration, and hopelessness. Poverty, drug addiction, prostitution, and crime reportedly prevailed in the camps, although reliable statistics were not available.

At year's end the MOI had not yet rendered a decision on the legal status of approximately 4,000 persons who stood to lose their Lebanese citizenship due to the 2003 decision by the State Consultative Council to invalidate the 1994 naturalization decree, which naturalized several thousand Palestinians.

The Government issued travel documents to Palestinian refugees to enable them to travel and work abroad. The Government did not issue visitors visas to Jordanian nationals who were born in the country and were of Palestinian origin.

According to the UNHCR there were 8,300 Iraqi refugees registered with the UNHCR, as well as 241 non-Iraqi refugees and 522 non-Iraqi asylum seekers residing in the country. However, this number did not include Palestinian refugees and asylum seekers or a substantial number of refugees from Iraq who entered the country illegally in search of jobs, education, and security. According to the U.N., an estimated 20,000 to 40,000 Iraqis were living in the country. During the year the Government provided very limited services for them and no process for regularizing their status. At year's end the Government failed to institute a temporary protection regime for Iraqi asylum seekers, as advocated by UNHCR, and it regularly deported Iraqis who may well have had valid persecution claims. According to a December 4 HRW report, authorities during the year arrested Iraqi refugees without valid visas and detained them indefinitely to coerce them to return to Iraq. According to the Surete Generale, there were 360 detained Iraqis in the country by year's end. During the year, 513 Iraqis were deported back to Iraq for illegal immigration into Lebanon.

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

The law provides citizens the right to change their government in periodic, free, and fair elections; however, lack of control over parts of the country, defects in the electoral process, and corruption in public office significantly restricted this right.

Elections and Political Participation.—The law provides that elections for the Parliament must be held every 4 years, and the Parliament elects the president every 6 years. The president and the Parliament nominate the prime minister, who, with the president, chooses the cabinet. According to the unwritten National Pact of 1943, the president must be a Maronite Christian, the prime minister a Sunni Muslim, and the speaker of Parliament a Shi'a Muslim.

The last presidential election was conducted in 1998. In 2004, amid evidence of heavy Syrian manipulation and coercion, Parliament voted for a constitutional amendment extending the term of President Emile Lahoud to November 2007. Many citizens considered this amendment to violate the Constitution. On September 25, Parliament was scheduled to meet to begin the process of choosing a new president; however, because two-thirds of the members were not present, the speaker cancelled the session and rescheduled the first presidential election session for October 23. On November 23, President Lahoud stepped down at the end of his term and, as stipulated in the Constitution, the powers of the presidency were transferred to the cabinet, led by PM Fouad Siniora, until the election of a new president. The speaker rescheduled the session another 10 times, and the Parliament was unable to elect a new president before year's end.

On August 5, parliamentary by-elections in Metn and Beirut were held to replace two seats vacated by the assassinations of MPs Pierre Gemayel and Walid Eido. The Lebanese Association for Democratic Elections monitored the elections and reported a few incidents of voter fraud, including instances in which voters used fake identity cards or national identity cards instead of the voter identity cards.

Individual citizens and parties can freely declare their candidacy and stand for election. Parties may organize, seek votes, and publicize their views with limited government restriction. The political system is based on confessional lines, and all parliamentary seats are primarily allotted on a sectarian basis. The smallest recognized confessions are allotted at least one seat in Parliament.

There are four major and numerous smaller political parties. The largest party in the parliamentary majority is the Future Movement, led by Saad Hariri. Its membership is predominantly Sunni, but Hariri's parliamentary bloc includes a number of members from other sects. The Progressive Socialist Party, led by Walid Jumblatt, predominantly represented Druze interests and allied itself with the Future Movement. The Free Patriotic Movement, led by Michel Aoun, represented a significant portion of the Christian community. The party's leadership decided to remain outside the cabinet. Two smaller Christian parties were the Lebanese Forces, led by Samir Geagea, and the Phalange party, led by former president Amine Gemeyal. The largest party representing the Shi'a community was Hizballah, a designated terrorist organization, led by Hassan Nasrallah. A smaller Shi'a party, Amal, was led by Speaker of Parliament Nabih Berri. While a number of smaller parties existed or were in the process of forming, the larger, sectarian-based parties maintained the greatest influence in the country's political system.

There were significant cultural barriers to women's participation in politics. Prior to 2005 no woman held a cabinet position; however, at year's end there was one woman in the cabinet.

Palestinian refugees had no political rights. An estimated 17 Palestinian factions operated in the country and were generally organized around prominent individuals. Most Palestinians lived in refugee camps controlled by one or more factions. Refugee leaders were not elected, but there were popular committees that met regularly with UNRWA and visitors.

Government Corruption and Transparency.—The Government provides criminal penalties for official corruption, but they were seldom enforced. According to the World Bank's Worldwide Governance Indicators, government corruption was a serious problem.

Public officials were required by law to disclose their financial assets to the Constitutional Council; however, the information was not open to the public.

There are no laws regarding public access to government documents. In practice the Government did not respond to requests for documents.

Section 4. Governmental Attitudes Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A number of local and international human rights groups, including the Lebanese Association for Human Rights, the Foundation for Human and Humanitarian Rights-Lebanon, the National Association for the Rights of the Disabled, ICRC, and AI, generally operated freely without overt government restriction and investigated and published their findings. Unlike in previous years, human rights groups did not report harassment and intimidation by the Government.

On August 29, HRW canceled a press conference scheduled to be held in Beirut to announce the release of its report on Hizballah's attacks on Israel during the July–August 2006 conflict due to reports from Hizballah-controlled media of planned demonstrations to prevent the press conference. The HRW report, later released, was critical of Hizballah as well as of Israel. Both Hizballah and PM Siniora criticized HRW over the report.

Government officials generally were cooperative with NGOs, except when groups sought to publicize the alleged detention in Syria of hundreds of Lebanese citizens. The bar association and other private organizations regularly held public events that included discussions of human rights issues.

The Government cooperated with international governmental organizations and permitted visits by U.N. representatives and other organizations such as the ICRC.

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

The law provides for equality among all citizens; however, in practice, some aspects of the law and traditional beliefs discriminated against women. Although the law reserves a percentage of private sector and government jobs to persons with disabilities, there were few accommodations made for them. Discrimination based on race, language, or social status is illegal and was not widespread among citizens; however, foreign domestic servants often were mistreated, sometimes suffered physical abuse, had pay withheld or unfairly reduced, or were forced to remain locked within their employer's home for the duration of their contracts.

Women.—The law prohibits rape, and the minimum prison sentence for a person convicted of rape is 5 years. The minimum sentence for a person convicted of raping a minor is 7 years. The law was effectively enforced. Spousal rape was not criminalized.

The law does not specifically prohibit domestic violence, and domestic violence against women was a problem. There were no authoritative statistics on the extent of spousal abuse; however, most experts noted that it was a problem. Despite a law prohibiting battery with a maximum sentence of 3 years in prison for those convicted, some religious courts legally may require a battered wife to return to her home in spite of physical abuse. Women were sometimes compelled to remain in abusive marriages because of economic, social, and family pressures.

The Government had no separate program to provide medical assistance to victims of domestic violence; however, it provided legal assistance to victims who could not afford it regardless of their gender. In most cases police ignored complaints submitted by battered or abused women. A local NGO, the Lebanese Council to Resist Violence against Women, worked actively to reduce violence against women by offering counseling and legal aid and raising awareness about domestic violence.

Foreign domestic servants often were mistreated, abused, and in some cases, raped or placed in slavery-like conditions. Asian and African female workers had no practical legal recourse available to them because of their low status, isolation from society, and because labor laws do not protect them. Because of such abuse, the Gov-

ernment prohibited foreign women from working if they were from countries that did not have diplomatic representation in the country.

The legal system was discriminatory in its handling of honor crimes. According to the penal code, a man who kills his wife or other female relative may receive a reduced sentence if he demonstrates that he committed the crime in response to a socially unacceptable sexual relationship conducted by the victim. For example, while the penal code stipulates that murder is punishable by either a life sentence or the death penalty, if a defendant can prove it was an honor crime, the sentence is commuted to 1 to 7 years' imprisonment. Several honor crimes were reported in the media that resulted in convictions.

Although the law on prostitution requires that brothels be licensed, including regular testing for disease, government policy was not to issue new licenses for brothels in an attempt to gradually eliminate legal prostitution in the country. In practice most prostitution was unlicensed and illegal. The SG reported issuing 4,210 visas in 2006 to mostly eastern European women to work in adult clubs as artists. Although unlicensed prostitution is illegal, virtually all women who engaged in prostitution did so with the implicit consent of the Government.

The law prohibits sexual harassment; however, it was a widespread problem, and the law was not effectively enforced. Social pressure against women pursuing careers was strong in some parts of society. Men sometimes exercised considerable control over female relatives, restricting their activities outside the home or their contact with friends and relatives. Women may own property, but often ceded control of it to male relatives for cultural reasons and because of family pressure.

The law provides for equal pay for equal work for men and women, but in the private sector there was some discrimination regarding the provision of benefits.

Many family and personal status laws discriminated against women. For example, Sunni inheritance law provides a son twice the inheritance of a daughter. Although Muslim men may divorce easily, Muslim women may do so only with the concurrence of their husbands.

Only men may confer citizenship on their spouses and children. Accordingly, children born to citizen mothers and foreign fathers are not eligible for citizenship. Citizen widows may confer citizenship on their minor children.

Children.—Education was free in public schools and compulsory until the completion of the elementary level at age 12. However, implementation decrees were not issued. Public schools generally were inadequate, lacking proper facilities, equipment and trained staff. Although private schools were widespread in the country, the cost of private education was a significant problem for the middle and lower classes. In its latest report, the U.N. Children's Fund reported that approximately 91 percent of children between the ages of 3 and 5, and approximately 98 percent of children between the ages of 6 to 11 were enrolled in school. In some families with limited incomes, boys received more education than girls.

Boys and girls had equal access to medical care. The Government provided vaccination and other pediatric health services in dispensaries operated by the Ministry of Health and the Ministry of Social Affairs. Boys and girls had equal access to hospitals.

Children of poor families often sought employment and took jobs that jeopardized their safety.

Children of Palestinian refugees were limited in their access to government services, including schools and health care.

Trafficking in Persons.—The law does not specifically prohibit trafficking in persons, and although the Government made progress in stemming some forms of trafficking in persons, it remained a problem. The penal code stipulates that "any person who deprives another of freedom either by abduction or any other means shall be sentenced to temporary hard labor." The country was a destination for eastern European and Russian women, who were contracted as dancers in adult clubs. Most of these women engaged in voluntary illegal prostitution, but some reported facing intimidation or coercion and having their movements restricted while others were at risk as targets of abuse.

The country was also a destination for women from Africa and Asia, usually contracted as household workers. Women are required by law to have valid work contracts and sponsors but often found themselves in situations of involuntary servitude with little practical legal recourse. Primary traffickers were the employers and employment agencies.

If forced prostitution or sexual exploitation occurred as a result of abduction, the penal code stipulates that the abductor be sentenced to at least 1 year in prison; however, this law was applied inconsistently. Many women became illegal workers because their employers did not renew their work and residency permits or because

they ran away from their employer, therefore becoming subject to detention and deportation. Workers' illegal immigration status was also used by abusive sponsors as a tactic to intimidate employees and coerce them into labor. Unscrupulous employers sometimes falsely accused the employee of theft to relinquish responsibility for the employee as well as the taxes and a return airline ticket.

Employers often restricted foreign employees' movement and withheld passports. A small number of exploited foreign workers won cases against their employers, but nonjudicial action resolved the majority of these cases. As a result of that process, workers frequently were repatriated without further judicial action. A few cases were referred to the judiciary for further action, although the Government took minimal steps to prosecute traffickers.

The Ministry of Labor (MOL) regulates local employment agencies that place migrant workers with sponsors. During the year the MOL closed 15 employment agencies for a specified period and warned a number of others for noncompliance with MOL regulations.

Unlike in previous years, there were no reports of any attempt to smuggle persons into the country. Eastern European and Syrian women continued to receive "artiste" visas and were vulnerable to trafficking for commercial sexual exploitation.

The Government did not directly provide foreign workers with relief from deportation; shelter; or legal, medical, or psychological services. Social workers continued to be allowed to accompany victims during interviews by immigration authorities. The SG also allowed social workers from Caritas Lebanon Migrants Center unrestricted access to its retention center for foreign persons. These social workers provided detainees with counseling, assistance, and legal protection. In addition, the SG implemented screening and referral procedures for trafficking cases and during the year referred potential victims to Caritas, whose social workers conducted screening procedures and provided basic needs assistance and counseling. The SG sometimes granted out-of-visa status for workers who were victims of abuse and permission to stay up to 2 months to assist in the investigation of their cases and the prosecution of their abusers.

The SG allows migrant workers who do not wish to be repatriated to their home country to legally change their sponsor with a "release paper" from the original employer. A court may order an abusive employer to provide such a release paper as part of a decision, or this may be part of a negotiated out-of-court settlement.

NGOs indicated that the Government did not have a zero-tolerance policy for physical abuse of domestic workers. However, according to Caritas/International Catholic Migration Commission, in December 2006 a judge awarded an Ethiopian migrant worker financial compensation to be paid by her abusive employer, which marked the first time a domestic worker was awarded compensation for physical abuse. The employer, however, was not criminally prosecuted for physical assault.

Two types of booklets explaining regulations governing migrant workers, including descriptions of their rights and responsibilities, were available upon request, or distributed as needed.

Persons with Disabilities.—Discrimination against persons with disabilities continued. For example, the Civil Service Board, which is in charge of recruiting government employees, continued to refuse receiving applications from disabled persons. The law mandates disabled access to buildings; however, the Government failed to take steps to amend building codes to conform to this law. Approximately 100,000 persons were disabled during the 1975–90 civil war. Families generally cared for their own family members with disabilities. Most efforts to assist persons with disabilities were made by approximately 100 relatively active, although poorly-funded private organizations.

Many persons with mental disabilities were cared for in private institutions, many of which were subsidized by the Government.

The law on persons with disabilities stipulates that at least 3 percent of all government and private sector positions should be filled by persons with disabilities, provided that such persons fulfill the qualifications for the position. However, there was no evidence that the law was enforced in practice.

During the year the Ministry of Finance did not enforce its 2002 decision that it would not settle obligations with firms and domestic companies unless they proved that 3 percent of their workforce was composed of persons with disabilities.

National/Racial/Ethnic Minorities.—There were reports that Syrian workers, usually employed in manual labor occupations, continued to suffer discrimination following the 2005 withdrawal of Syrian forces. Many Syrian laborers also reportedly left Lebanon out of fear of harassment. There had been no further data collected on this situation during the year, and the true extent of the problem was unknown.

Other Societal Abuses and Discrimination.—Discrimination against homosexuals persisted during the year. The law prohibits what is termed unnatural sexual intercourse, which is punishable by up to 1 year in prison. The law was sometimes applied to homosexuals. There are no discriminatory laws against persons with HIV/AIDS.

Section 6. Worker Rights

a. The Right of Association.—The law provides that all workers, except government employees, may establish and join unions with government approval, and workers exercised this right in practice. The formation of any union must be approved by the MOL. The MOL controlled all trade union elections, including the date of the election, election procedure, and the ratification of the results. The law permitted the administrative dissolution of trade unions and forbade them to engage in political activity.

The General Confederation of Labor (GCL) estimated that there were approximately 900,000 workers in the active labor force. Approximately 5 to 7 percent of workers were members of some 450 to 500 labor unions and associations, half of which were believed to be inactive. Most unions belonged to federations.

There are currently 43 federations that are voting members of the GCL, 5 of which were considered illegal by the judiciary. Many others are reportedly unrepresentative and created by political interest groups to offset the votes of the 13 established labor confederations that represent workers. The GCL remained the only organization recognized by the Government as an interlocutor that represented workers.

Antiunion discrimination by private employers was a common practice. While the Government did not have a good mechanism for measuring such practices, it appeared prevalent in many sectors of the economy.

Palestinian refugees may organize their own unions; however, because of restrictions on their right to work, few Palestinians participated actively in trade unions.

b. The Right to Organize and Bargain Collectively.—The right of workers to organize and to bargain collectively exists in law and practice, and the Government supported this right. Most worker groups engaged in some form of collective bargaining with their employers. Stronger federations obtained significant gains for their members and on occasions assisted nonunion workers. No government mechanisms promoted voluntary labor-management negotiations, and workers had no protection against antiunion discrimination.

In the immediate aftermath of the July–August 2006 conflict, employers arbitrarily dismissed employees from a variety of sectors, including agriculture and tourism, without compensation. Some employees were rehired soon after but at lower wages. The GCL was not able to protect workers from such practices.

The law provides for the right to strike. On January 25, the GLC protested against the Government's taxation policy, and on May 1, together with the Communist Party, protested the deterioration of living conditions. On August 23, the Communist Party also organized protests across the country against the Government's economic and social policies.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor.—The law does not specifically prohibit forced or compulsory labor, including by children; however, articles within the law prohibit behavior that constitutes forced or compulsory labor. Nevertheless, children, foreign domestic workers, and other foreign workers sometimes were forced to remain in situations amounting to coerced or bonded labor.

Recruitment agencies and employers were required to have signed employment contracts with the foreign worker. According to NGOs assisting migrant workers, however, these agreements were often undermined by second contracts signed in the source countries that stipulated lower salaries. Employers and agencies used these changes to pay the migrant a lower salary. Anecdotal evidence suggested that some employers did not pay their workers on a regular basis, and some withheld the salary until the end of the contract, which was usually 2 years. Government regulations prohibited employment agencies from withholding foreign workers' passports for any reason. However, in practice employment agencies and household employers often withheld maids' passports.

d. Prohibition of Child Labor and Minimum Age for Employment.—There are laws to protect children from exploitation in the workplace, but the Government sometimes did not effectively enforce these laws. The minimum age for child employment is 14 years. Under the law juveniles are defined as children between 14 and 18 years of age. The law prohibits the employment of juveniles before they undergo a medical exam to ensure their fitness for the job for which they are hired. The labor

code prohibits employment of juveniles under the age of 18 for more than 6 hours per day, and requires 1 hour of rest if work is more than 4 hours. The law entitles them to 21 days of paid annual leave.

Juveniles under the age of 17 are prohibited from working in jobs that jeopardize their health, safety, or morals, as well as working between the hours of 7 p.m. and 7 a.m. The law also prohibits the employment of juveniles under 16 in industrial jobs or jobs that are physically demanding or harmful to their health. The MOL is currently working on drafting an amendment to the labor code on what is considered hazardous child labor.

The MOL was responsible for enforcing these requirements. Although not very effective, MOL enforcement of the law has witnessed slight improvements in recent years. Juveniles were interrogated in the presence of a social worker at the Center for Juvenile Victims of Physical Abuse, which was equipped according to international norms.

According to 2005 UNICEF statistics, 7 percent of children aged 5 to 14 were involved in child labor. The International Labor Organization estimated around 100,000 child workers during the year. Out of these, 25,000 are thought to be in the tobacco industry. Child workers are predominantly concentrated in the informal sector of the economy, where MOL inspectors have difficult access. These include mechanical workshops, carpentry, construction, welding, agriculture, and fisheries.

A 2004 MOL study on working street children showed that the average street child was a boy (only 9 percent were girls), foreign (only 15 percent were citizens, the others were most often Palestinian and Syrian), approximately 12 years of age, and poorly educated or illiterate. Street children were concentrated in large urban centers, where approximately 47 percent of them were forced to work long hours on the streets by adults. The most common types of work were selling goods, including lottery tickets; shoe polishing; and washing car windshields. The children earned between $2 and $15 (3,000 to 25,000 pounds) per day. Only 19 percent of the children interviewed reported that they kept their income.

e. Acceptable Conditions of Work.—The legal minimum wage has been $200 (300,000 pounds) per month since 1997. Rarely is it found that employees are paid less than the minimum wage. However, the minimum wage did not provide a decent standard of living for a worker and family.

The law prescribes a standard 48-hour workweek with a 24-hour rest period per week. In practice workers in the industrial sector worked an average of 35 hours per week, and workers in other sectors worked an average of 30 hours per week. The law includes specific occupational health and safety regulations. Labor regulations require employers to take adequate precautions for employee safety. The MOL was responsible for enforcing these regulations but did so unevenly. Labor organizers reported that workers did not have the right to remove themselves from hazardous conditions without jeopardizing their employment.

Some private sector firms failed to provide employees with family and transport allowances as stipulated under the law and to register them at the National Social Security Fund (NSSF). Employers sometimes registered their employees declaring lower salaries, in order to decrease their contribution to the NSSF and end-of-service pay to the employee himself. Some companies also did not respect occupational health and safety regulations stipulated by the law. Workers are permitted to complain about violations to the GCL, an umbrella organization for trade unions, the MOL and the NSSF. In most cases, however, they preferred to remain silent fearing arbitrary dismissal.

The law does not protect foreign domestic workers. Foreign domestic workers, mostly of Asian and African origin, were mistreated, abused, raped, or placed in situations of coerced labor or slavery-like conditions. Domestic workers often worked 18 hours per day and, in many cases, did not receive vacations or holidays. There was no minimum wage for domestic workers. Although official contracts stipulate a wage ranging from $100 to $300 (150,000 to 450,000 pounds) per month, depending on the nationality of the worker, the actual salary was often much less. Victims of trafficking or abusive labor may file civil suits or seek legal action, but most victims, often counseled by their Embassies or consulates, settled for an administrative solution, which usually included monetary compensation and repatriation. The Government did not release information on legal actions filed, but NGOs indicated that fewer than 10 legal actions were undertaken during the year.

During the year the MOL, which regulates the activities of employment agencies, closed 15 agencies for violations of workers' rights, including physical abuse. Perpetrators of the abuses, however, were not further prosecuted for a number of reasons, including the victims' refusal to press charges or a lack of evidence. The MOL, which also has jurisdiction in cases where the labor contract has been violated, reported adjudicating 57 such cases during the year. An unknown number of other

cases of nonpayment of wages were settled through negotiation. According to source country Embassies and consulates, many workers did not report violations of their labor contracts until after returning to their home countries.

LIBYA

The Great Socialist People's Libyan Arab Jamahiriya is an authoritarian regime with a population of approximately 6 million, ruled by Colonel Mu'ammar al-Qadhafi since 1969. The country's governing principles are derived predominantly from Colonel al-Qadhafi's Green Book ideology. In theory citizens rule the country through a pyramid of popular congresses, communes, and committees, as laid out in the 1969 Constitutional Proclamation and the 1977 Declaration on the Establishment of the Authority of the People. However, in practice al-Qadhafi and his inner circle monopolized political power. In March 2006, Secretary of the General People's Committee (GPC) al-Baghdadi al-Mahmoudi (prime minister-equivalent) and the remaining delegates of the 760-member General People's Congress began a 3-year term. The civilian authorities generally maintained effective control of the security forces.

The government's human rights record remained poor. Citizens did not have the right to change their government. Reported torture, arbitrary arrest, and incommunicado detention remained problems. The Government restricted civil liberties and freedoms of speech, press, assembly, and association. The Government did not fully protect the rights of migrants, asylum seekers, and refugees. Other problems included poor prison conditions; impunity for government officials; lengthy political detention; denial of fair public trial; infringement of privacy rights; restrictions of freedom of religion; corruption and lack of transparency; societal discrimination against women, ethnic minorities, and foreign workers; trafficking in persons; and restriction of labor rights.

On July 24, the Government allowed six foreign health workers, detained since 1999 and accused of intentionally infecting 426 children with HIV in 1999, to depart the country.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life.—There were no reports that the Government or its agents committed arbitrary or unlawful killings.

According to a September 2006 Human Rights Watch (HRW) report, witnesses interviewed in 2005 claimed that abuse by detention center guards led to the deaths of three detainees.

There were no developments in the case of the 2005 killing of Daif Al Ghazal, a prominent opposition journalist and anticorruption activist.

b. Disappearance.—On February 16, security services arrested Abdulrahman al-Qutiwi and Juma'a Boufayed. Twelve individuals detained with al-Qutiwi and Boufayed subsequently appeared in court to face criminal charges; however, according to opposition groups, al-Qutiwi and Boufayed have not been seen since their February 16 arrest. At year's end the location of both men remained unknown.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The law prohibits such practices, but security personnel routinely tortured prisoners during interrogations or as punishment. Reports of torture were difficult to corroborate in many cases since often detainees were held incommunicado.

The reported methods of torture and abuse included chaining prisoners to a wall for hours; clubbing; applying electric shock; applying corkscrews to the back; pouring lemon juice in open wounds; breaking fingers and allowing the joints to heal without medical care; suffocating with plastic bags; depriving detainees of sleep, food, and water; hanging by the wrists; suspending from a pole inserted between the knees and elbows; burning with cigarettes; threatening with dog attacks; and beatings on the soles of the feet.

From their arrest in 1999 until their departure on July 24, six foreign medical personnel charged with deliberately infecting children in a Benghazi hospital with the HIV virus repeatedly testified that they had been tortured with electric shocks and beatings to extract confessions.

In an August 1 interview, one of the medics offered a detailed account of these incidents, which included beatings, electric shocks, and injections with what police officers claimed was the HIV virus. According to the medic, security services first arrested him on January 29, 1999, forced him to wear a hood, and detained him

without clothes in a 12 x 12 foot cell for 10 months. For several days he was detained in a room with three dogs, which police officers ordered to attack him as they attempted to extract a confession. Police also bent his knees against his chest, tied his hands and feet around his legs, threaded an iron bar through the rope and spun him around the bar "like a roasted chicken." For months, police forced him to sleep with his hands tied behind his back, hanging from the wall.

In the August 1 interview, the medic went on to allege that police officers forced the medics to strip and applied electric shocks to their bodies. He stated that the female medics were sexually abused. One female medic attempted to commit suicide by cutting her wrists with broken glass.

In June 2005 a court acquitted 10 security officials accused of torture by the medics. Two security officials subsequently filed a civil suit against the medics accusing them of slander. On May 27, a court acquitted the medics on the civil count.

In an August 8 interview with Al Jazeera, Saif al-Islam al- Qadhafi, a son of the Libyan leader and director of the semi-official Qadhafi Development Foundation (QDF), admitted that Libyan security services tortured the medics. According to Saif al-Islam, "yes, they [the medics] were tortured with electrodes and threats to target their families." He also criticized police officers' "manipulation" of the investigation.

During the year, there were reports that security services intentionally committed sane persons to psychiatric facilities to obstruct political activities deemed threatening to the regime.

Prison and Detention Center Conditions.—According to diplomatic missions and international organizations, prison and detention center conditions ranged from poor to adequate. Pretrial detainees, who reportedly accounted for more than half of the prison population, were held in the same facilities as convicts. Prison officials frequently held pretrial detainees for long periods.

Security forces reportedly subjected prisoners and detainees to cruel, inhuman, or degrading conditions and denied them adequate medical care.

In October 2006, according to press accounts, clashes between prisoners and guards at the Abu Salim prison killed one prisoner, Hafed Mansour Al-Zwai, and injured 17. Opposition groups published articles on October 4, the first anniversary of the clashes, criticizing the Government for failing to investigate.

On November 7, a group of Libyan activists abroad met to demand a government investigation into the 1996 Abu Salim prison riot, in which a large but unknown number of prisoners died. The group alleged that security services killed 1,200 political prisoners in the riot. In 2005 the authorities established a committee to investigate the incident. According to HRW, the Government did not provide information on the timing of the investigation and has not responded to subsequent HRW requests for details on the investigation's progress. Similarly, Amnesty International (AI) did not receive a reply from the Government to its formal request for information. AI officials reported that they continued to receive inquiries from family members of prisoners possibly involved in the 1996 incident. Since 2001 according to the Swiss-based Libyan Human Rights Solidarity (LHRS) opposition group, government officials notified 112 families of the 350 families in contact with the group that a family member died in the incident, but officials did not provide a body or explain the cause of death. The remaining 238 families have not received confirmation from the Government on the status of their family members.

According to LHRS, Muhammad Bosadra, a prisoner who reportedly negotiated with guards during the incident, was held incommunicado since 2005, when government officials moved him from Abu Salim to an unknown facility.

As in previous years, international organizations, including the United Nations High Commissioner for Refugees (UNHCR) and International Organization for Migration (IOM), had access to prisons and detention facilities. UNHCR staff was reportedly allowed to conduct private interviews at government-operated detention facilities. International observers reported a gradual improvement in migrant detention conditions since 2005, in particular in medical services.

In 2005, after a 15-year absence, HRW visited the country and was provided access to police stations, five prisons, and prisoners under government observation. According to HRW, prison conditions appeared generally adequate, but overcrowding and abuse by security forces as punishment were problems. According to HRW, witnesses reported that physical abuse by guards led to the deaths of three detainees; one interviewee stated that he saw what he believed to be rape, while three witnesses reported that security officials threatened women detainees with sexual violence.

In March 2005 the Government also allowed the humanitarian organization Physicians for Human Rights (PHR) representatives to examine a limited number of detention facilities.

d. Arbitrary Arrest or Detention.—The law prohibits arbitrary arrest and detention; however, the Government did not observe these prohibitions. As in previous years, there were reports that security forces arbitrarily arrested and detained citizens during the year.

On February 16, security forces arrested several regime critics, including Idris Muhammad Boufayed, al-Mahdi al-Hameed, and their families, to disrupt a peaceful demonstration calling for greater political openness planned for the following day. Security forces previously arrested Boufayed, a businessman who returned to Libya in September 2006 after 16 years abroad, in November 2006.

Twelve individuals were arrested on February 16 in connection with the aborted demonstration and were charged with trying to overthrow the Government, weapons possession, and communication with a foreign government, for which they may face the death penalty. According to press accounts, on October 30, the 12 began a hunger strike to protest their lengthy pretrial detention. On November 17, an opposition Web site published a report that security services at times detained the 12 in pairs in underground cells smaller than four cubic meters.

According to press accounts, after canceling an August 4 hearing without explanation, a state security court held an initial hearing on November 20. During the hearing, Boufayed made a statement attesting to "mistreatment" while in detention. At year's end the 12 remained in incommunicado detention.

On October 14, security services detained a regime critic, Fouad Nassar al-Mahmoudi, at Tripoli International Airport upon his return from a long stay in the United Kingdom. According to press accounts, al-Mahmoudi returned after obtaining assurances from the Libyan People's Bureau in London. At year's end al-Mahmoudi remained in incommunicado detention.

In April 2006, authorities reportedly released Kamel Mas'ud al-Kilani, whom police arrested, took to an unknown destination, and detained for 10 months, according to Libya Watch for Human Rights. Authorities arrested al-Kilani despite government assurances of safety upon his 2005 return to the country, but the Government did not bring charges against him. At year's end authorities had not yet returned his passport.

There were no developments in the case of Mahmoud Muhammad Boushima, a government critic resident in the United Kingdom since 1981 whom police arrested during a July 2005 trip to the country, according to an AI report.

Role of the Police and Security Apparatus.—The country maintains an extensive security apparatus that includes police and military units, multiple intelligence services, local revolutionary committees, people's committees, and "purification" committees. The result is a multilayered, pervasive surveillance system that monitors and controls the activities of individuals. The legal basis of security service authority is unclear; citizens have no obvious recourse if they believe security services have exceeded their authority. Frequently cited laws are the 1971 and 1972 "Protection of the Revolution" laws, which criminalize activities based on political principles inconsistent with revolutionary ideology. Although the law prohibits arbitrary arrest and detention, in practice security services can detain individuals without formal charges and hold them indefinitely without court convictions.

Security forces committed serious human rights abuses with impunity, including the lengthy extralegal detentions of Boufayed, al-Hameed, and Boushima. In addition, security services regularly enjoyed impunity from criminal acts committed while performing their duties.

Arrest and Detention.—The law stipulates that detainees can be held after arrest for up to 8 days for investigation; in practice security services can hold detainees indefinitely. While the law requires that detainees be informed of the charges against them, it was not enforced in practice. The law states that, in order to renew a detention order, detainees must be brought before a judicial authority at regular intervals of 30 days; in practice security services detained persons for indefinite periods without a court order.

By law bail must be set for pretrial detainees and detainees must have access to counsel. Public defenders must be appointed for those who cannot afford a private attorney. Detainees reportedly did not receive information on their rights to legal representation during interrogation.

Incommunicado detention was a problem. The Government held many political detainees incommunicado for unlimited periods in unofficial detention centers controlled by branches of the security services. The Government reportedly held political detainees, including fewer than 100 associated with banned Islamic groups, in prisons throughout the country, but mainly in the Ayn Zara, Jadida, and Abu Salim prisons in Tripoli. Some human rights organizations estimated there were approximately 2,000 political detainees, many held for years without trial. Hundreds of

other detainees may have been held for periods too brief to permit confirmation by outside observers.

According to a 2006 HRW report, migrants and refugees in detention centers complained consistently of not being informed of the reason for their arrest, of lengthy periods of pretrial detention, and of restricted access to a lawyer.

Women and girls suspected of violating moral codes reportedly were detained indefinitely in "social rehabilitation" homes.

Amnesty.—On August 31, as part of its annual Revolution Day commemoration, the Government reportedly pardoned 2,091 prisoners serving sentences related to civil or minor criminal matters. The Government regularly pardons prisoners during the September holiday.

e. Denial of Fair Public Trial.—The law provides for an independent judiciary; however, it was not independent in practice. The law stipulates that every person has the right to resort to the courts; however, security forces had the authority to pass sentences without trial, particularly in cases involving political opposition. The legal basis for security force authority is unclear. Some nongovernmental organizations (NGOs) cited the 1971 and 1972 "Protection of the Revolution" laws. Security services intimidated, harassed, and detained individuals without formal charges and held them indefinitely without court convictions, particularly in cases involving political opposition. The Government used summary judicial proceedings to suppress domestic dissent. Al-Qadhafi may, at his discretion, interfere in the administration of justice by altering court judgments, replacing judges, or manipulating the appeal system. The judiciary failed to incorporate international standards for fair trials, detention, and imprisonment.

The judicial system is composed of four tiers: The summary courts, the courts of first instance, the three courts of appeal, and the Supreme Court. The summary courts hear cases involving misdemeanors. The decisions of this court may be appealed to the courts of first instance. These courts are composed of chambers of three judges and have the authority to adjudicate in all civil, criminal, and commercial cases. Jurors of the court of first instance apply Shari'a (Islamic law) in family law cases. Cases from the courts of first instance may be appealed to the three courts of appeal, which are composed of panels of three judges. The Shari'a court of appeals hears cases from the lower Shari'a court.

The final court of appeal is the Supreme Court, composed of five separate chambers of five judges. The court has chambers for civil and commercial, criminal, administrative, constitutional, and Shari'a cases. The GPC elects the presiding president and other members of the supreme court.

The Higher Judicial Council, an extrajudicial body that reviews Supreme Court decisions for political implications, has the authority to overturn supreme court verdicts or grant amnesty in cases involving capital punishment.

The Supreme Council for Judicial Authority is the administrative authority of the judiciary that handles appointments, transfers, and disciplinary matters.

On August 19, the Supreme Council for Judicial Authority established a state security court of appeals responsible for hearing national security cases. The court's portfolio includes cases stemming from three laws: Law 80 of the 1975 Penal Code stipulating the death penalty for offenses against the security of the state, Law 71 of 1972 which classifies as "treason" all independent political activity, and a revolutionary council decision from 1969 which prohibits all forms of peaceful political opposition. Opposition groups raised concerns that defendants in cases before the state security court may be denied access to an attorney and that cases are conducted in secret.

Trial Procedures.—The law provides for the presumption of innocence, informing defendants of the charges against them, and the right to legal counsel. In practice defendants often were not informed of the charges against them and usually had little contact, if any, with their lawyers. Defense lawyers automatically were appointed, even if the defendant declined representation.

On two occasions, in 2004 and 2006, a court sentenced to death six foreign health workers accused of deliberately infecting 426 children with HIV-tainted blood in 1999. The sentences reportedly were based on confessions that the accused made under torture. International observers reported serious concerns about the lack of investigation into allegations of torture and delays in bringing the case to a conclusion. In 2005 the Supreme Court accepted the appeal of the medics and ordered a retrial by the criminal court, which began in May 2006 and concluded with a second guilty verdict in December 2006.

During the second criminal trial, authorities denied the defendants and their lawyers the right to call witnesses or present evidence while giving wide latitude to the prosecution. Defendants and their lawyers had limited access to government-held

evidence. Following the December 2006 guilty verdict, the medics again appealed to the Supreme Court, which held its first hearing on the defendants' appeal on June 20. On July 11, the Supreme Court upheld the lower court's conviction and reinstated several lesser charges to the indictment, including alcohol consumption and currency violations. On July 17, the Higher Judicial Council intervened and commuted the death penalty to life imprisonment after the victims' families expressed satisfaction with a compensation arrangement, which included a payment of $1 million for each infected child, substantial foreign investments in the local health infrastructure, and European promises to provide medical care abroad for some affected children.

On July 24, the Government allowed the medics to depart to serve their remaining prison terms in Bulgaria, where authorities pardoned the six medics upon arrival.

In an August 8 interview with Al Jazeera, Saif al-Islam al-Qadhafi said, "Regarding the Bulgarian nurses, I am convinced there was negligence and poor medical services, but that there was no premeditation" on the part of the Libyan authorities. He noted the medics' case was "manipulated" by "police officers who conducted the investigation." In addition, he accused foreign countries of using the medics' case to "blackmail" Libya: "the Europeans and the Americans . . . began to say [Libya] should release the Bulgarian nurses now against [Libyan] law and that they do not care about [Libyan] courts . . . consequently, this is a kind of blackmail."

Political Prisoners and Detainees.—A large but unknown number of persons were detained and imprisoned during the year either for engaging in peaceful political activity or for belonging to an illegal political organization. The law bans any group activity based on any political ideology inconsistent with the principles of the 1969 revolution.

Among the many political prisoners and detainees was political activist and al-Qadhafi critic Fathi al-Jahmi, who remained in incommunicado detention. During the year, there were no developments in his case which began in 2002 when security forces detained al-Jahmi after he called publicly for democratic reforms and released him in March 2004. The Government again detained him 2 weeks later after al-Jahmi gave several foreign-press interviews calling for reforms. In May 2005 HRW visited al-Jahmi, who stated that he faced three charges: Attempting to overthrow the Government, slandering al-Qadhafi, and communicating with a foreign official without permission. According to HRW, the Government contended it arrested al-Jahmi for telephoning foreign officials and "providing them with information with the purpose of making their countries hate the Great Jamahiriya" and for conspiring to serve the interests of a foreign country. Al-Jahmi's lawyer reportedly believed these charges could carry the death penalty.

According to HRW, as of May 2006, the Government had not brought formal charges against al-Jahmi and claimed the case was still under investigation. In 2005 PHR visited al-Jahmi in 2005 and reported that he suffered from diabetes, hypertension, and coronary artery disease. According to NGO reports, al-Jahmi has had no contact with his family since approximately September 2006.

On approximately February 16, the Government briefly re-arrested journalist Abd al-Razia al-Mansuri in connection with an abortive peaceful demonstration calling for greater political openness planned for February 17. Al-Mansuri was released within days and gave an interview to an opposition Web site in late February confirming his release. In 2005, al-Mansuri, an active contributor to dissident Web sites, was arrested and charged 10 months later with illegal possession of a handgun. Security services released al-Mansuri in 2006.

At year's end, Abdel Nasser Younis Meftah al-Rabassi reportedly remained in prison without visitation privileges. He was sentenced in 2003 for posting an article on an Arab Web site criticizing the corruption in the Qadhafi government. According to human rights activists and AI, he did not have access to adequate medical care and was unable to hire his own attorney.

Civil Judicial Procedures and Remedies.—There was no independent judiciary in civil matters and citizens did not have access to courts to seek damages for, or cessation of, human rights violations. Security services intimidated, harassed, and detained individuals outside of the legal system and without judicial oversight. In practice individuals did not have the right to seek redress for security service actions in civil court. Neither judicial nor administrative remedies were generally available for alleged wrongs.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The law prohibits such actions; however, the Government did not respect these prohibitions. The security agencies often disregarded the legal requirement to obtain warrants

before entering a private home. They routinely monitored telephone calls and Internet usage, including e-mail communication with foreign countries.

The security agencies and the revolutionary committees oversaw an extensive network of informants engaged in surveillance for the Government. The Government threatened to seize and destroy property belonging to "enemies of the people" or those who "cooperate" with foreign powers. Exiled government opponents reported that family members were harassed and threatened with detention.

Collective punishment was inflicted on the relatives of individuals, particularly those of certain convicted oppositionists. Punishments by law include denial of access to utilities (water, electricity, and telephone), fuels, food supplies, and official documents; denial of participation in local assemblies; and termination of new economic projects and state subsidies. During the year security services reportedly set fire to the property of relatives of a political activist arrested for calling for a multiparty system.

There were no reports of application of the "purge law" that provides for the confiscation of private assets above a nominal amount. The law describes wealth in excess of such unspecified amounts as "the fruits of exploitation or corruption."

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The law provides for freedom of speech "within the limits of public interest and principles of the Revolution"; however, in practice the Government severely limited the freedoms of speech and of the press, particularly criticism of government officials or policy. The Government tolerated some difference of opinion in people's committee meetings and at the GPC. On August 20, Saif al-Islam al-Qadhafi called for greater openness within the people's congress system but cautioned that all political speech must stay within four "red lines": Islam, national security, territorial integrity, and al-Qadhafi's primacy in the political sphere.

The Government prohibited all unofficial political activities. By law many forms of speech or expression may be interpreted as illegal. The wide reach of security services and broad networks of informants resulted in pervasive self-censorship.

On February 16, the Government arrested dissident writer Jamal al-Hajj in connection with a peaceful demonstration calling for greater political freedom. Al-Hajj remained in detention at year's end.

In March 2006 the Government released Abd al-Raziq al-Mansuri, who was arrested in 2005 after publishing articles critical of the Government and society on a foreign Web site.

In 2005 unidentified individuals abducted and killed journalist and outspoken government critic Daif al-Ghazal. Authorities found his body and later detained two men in connection with an ongoing investigation. No additional information about the investigation was available at year's end.

The Government owned and controlled virtually all print and broadcast media. The official news agency, JANA, was the designated conduit for official views. Government-controlled media neither published nor broadcast opinions inconsistent with official policy. During the year, the quasi-official 1/9 Media Group, a Qadhafi Development Foundation (QDF) subsidiary, launched a satellite television station, a radio station, and two independent newspapers. Local revolutionary committees published several small newspapers.

No foreign publications were available. In July 2006 the 1/9 Media Group began distributing foreign publications for the first time domestically. In February QDF began distributing foreign Arabic-language publications through select news outlets. On approximately March 20, the QDF discontinued the distribution of all foreign publications. While the publications law in theory restricts publishing rights to public entities, in practice, private companies were able to publish.

Satellite television was widely available; however, at times, the Government blocked foreign programming.

Internet Freedom.—A sole government-owned service provider offered Internet access. The number of Internet users was small but growing. According to the U.N. Development Program (UNDP), as of 2004 approximately 4 percent of citizens regularly used the Internet. The Government occasionally blocked certain Internet sites, chiefly political opposition Web sites, and reportedly monitored Internet communications.

Academic Freedom and Cultural Events.—The Government severely restricted academic freedom. Professors and teachers who discussed politically sensitive topics faced the risk of government reprisal. Foreigners were frequently denied access to schools and university campuses.

The Government must approve all cultural events in advance. Any group or individual seeking to organize a cultural event required a government sponsor. The

Government at times denied permission for musical performances and denied visa applications for foreign musical performers to visit the country.

b. Freedom of Peaceful Assembly and Association.

Freedom of Assembly.—The law stipulates that "individuals may meet peacefully, and no police personnel are entitled to attend their meetings; moreover, they are not obliged to notify the police of such gatherings." The law also provides for the right to hold public meetings in accordance with the regulations set by the law. However, the Government severely restricted these rights in practice and permitted public assembly only with its express approval and only in support of its positions.

Freedom of Association.—The Government restricted the right of association to institutions affiliated with the Government. The Government did not allow the formation of groups based on political ideology inconsistent with the 1969 revolution. Political activity deemed treasonous by the Government carries the death penalty.

c. Freedom of Religion.—While there is no explicit law guaranteeing religious freedom, the Government generally respected the right to freely observe one's religion in practice. Islam is the equivalent of a state religion and thoroughly integrated into everyday political and social life.

The Government regulated mosques, religious schools, and clerics to ensure all views were in line with the state-approved form of Islam. The Government strongly opposed militant forms of Islam, which it viewed as a threat to the regime.

The World Islamic Call Society (WICS), an international educational institution headquartered in Tripoli, operated a state-run university providing Muslims outside the Arab world with a broad education in literature, history, science, and religion. WICS also organized vocational training programs, offered students exposure to international academic speakers, and maintained relations with local non-Muslim religious groups, including Christian churches.

The Government was tolerant of other religious groups but prohibited the proselytizing of Muslims. Christian churches operated openly and were accepted by the authorities; however, the Government imposed a limit of one church per denomination per city. There were no official places of worship for some minority religions such as Hinduism, Buddhism, and the Baha'i Faith.

A noncitizen female who marries a Muslim citizen is not required to convert to Islam; however, a noncitizen male must convert to Islam in order to marry a Muslim woman. The Government supported the position that all citizens were Muslim. Marriages between non-Muslims citizens were unacceptable.

Societal Abuses and Discrimination.—There were no reports of societal violence, harassment, or discrimination against members of religious groups.

Although no current statistics were available, the country's Jewish population was extremely small and possibly nonexistent. There was no known Jewish community.

The Government renovated a former Jewish school in Tripoli, to serve as a city archive. There was no functioning synagogue.

Discussions between the Government and representatives of the former Jewish community regarding possible compensation for Jewish communal property confiscated by the Government after 1948 were ongoing since 2004.

During the year al-Qadhafi made statements denigrating Christians and Jews and urged the practice of Islam. Echoing a statement in April 2006 that all persons are required to be Muslims, al-Qadhafi noted in a March 31 speech in Agadez, Niger, that "Christianity is not a faith for people in Africa, Asia, Europe, and the Americas." Speaking during an annual commemoration of the Prophet Muhammad's birth, al-Qadhafi declared that those who did not practice Islam were "losers" and that it was a mistake for Christians to say Jesus was crucified. Following comments in April 2006 that Jews should conform to Islamic practices by making an annual pilgrimage to Mecca, al-Qadhafi stated in a March 27 interview that "Jews will go extinct because everyone hates them."

A January 31 editorial published in Ash-Shams, a government-backed daily newspaper with a small circulation, by Abdullah Rashid claimed that the Holocaust was a myth. In his view, the "presumed" Holocaust was devised to justify the need for a "Zionist occupation state," to give them an "excuse" and a "kind of privilege," and to gain "political and financial support." According to Rashid, "Jews are a tyrannous and rogue people" who "are persecuting the Arabs in the same manner as they did to Christ."

For a more detailed discussion, see the 2007 International Religious Freedom Report.

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons.—The law stipulates that "each citizen, during the time of peace, may move freely, choose the place where he or she wishes to live, and may return

to the country and leave whenever he or she chooses." The Government generally did not restrict the freedom of movement within the country; however, freedom to travel outside the country was at times restricted by the arbitrary seizure or nonissuance of passports. Authorities routinely held the passports of foreigners married to citizens upon their entry into the country.

The law neither allows, nor did the Government impose, forced exile as a punishment. The Government continued to encourage dissidents resident abroad to return and publicly promised their safety; however, there were numerous reports that the Government detained dissidents returning from exile despite promises to the contrary. The Government reportedly interrogated students returning from study abroad and at times discouraged students from studying abroad claiming they would be recruited to work as foreign agents against Libya.

Protection of Refugees.—The laws do not provide for the granting of asylum or refugee status in accordance with the 1951 U.N. Convention relating to the Status of Refugees and its 1967 protocol, and the Government has not established a system for providing protection to refugees. The Government did not grant refugee status or asylum. The Government is a party to the former Organization of African Unity's Convention Governing the Specific Aspects of Refugee Problems in Africa.

In practice, the Government provided some protection against refoulement, the return of persons to a country where there is reason to believe they feared persecution.

Despite the absence of a formal memorandum of understanding, the Government generally cooperated with the Office of the U.N. High Commission for Refugees (UNHCR) and, as in previous years, did not obstruct UNHCR's work assisting refugees and asylum seekers. UNHCR had regular access to government officials and facilities.

The law prohibits the extradition of political refugees. While the Government did not target refugees for forcible deportation, the Government forcibly deported foreigners regularly without proper screening to ensure that deportations did not include legitimate refugees or asylum seekers. According to international organizations working in the country, the Government increasingly differentiated between legitimate refugees and asylum seekers and other economic migrants; however, most citizens failed to distinguish legitimate refugees and asylum seekers from the large migrant population.

During the year, approximately 12,000 refugees were registered with the UNHCR, although UNHCR estimated there were closer to 30,000 refugees in the country. Of the total refugee population, roughly 3,500 were in regular contact with the UNHCR mission in Tripoli. During the year, UNHCR reported an increase in the number of refugee applications, which contributed to an 8-month waiting period for asylum seekers to receive an appointment with the organization. The majority of refugees are Palestinians, Iraqis, and Somalis, followed by smaller numbers from Sudan and Eritrea.

The Government stipulates that any foreigner who enters the country illegally shall be deported. The Government maintained detention camps to hold noncitizens pending deportation and did not routinely inform diplomatic representatives when their nationals were detained. Persons in detention camps reportedly were abused. According to government figures, officials repatriated approximately 145,000 foreigners between 2003 and 2005.

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

The country does not have a Constitution, and citizens do not have the right to change their government. The country's governing principles stem from al-Qadhafi's Green Book, which combines Islamic ideals with elements of socialism and pan-Arabism. The Green Book states that direct popular rule is the basis of the political system and that citizens play a role in popular congresses; however, in practice al-Qadhafi and his close associates monopolized government decision-making.

On August 20, Saif a-Islam al-Qadhafi repeated calls for some political openness and a new "social contract" between the Libyan people and their government. He warned that four "red lines"—Islam, national security, territorial integrity, and Muammar al-Qadhafi—will constrain any future political reforms.

Elections and Political Parties.—The Government prohibits the creation of and subsequent membership in political parties. The 1977 Declaration on the Establishment of the Authority of the People dictates how citizens exercise their political rights. The Government is structured in a pyramid of committees, communes, and congresses, each layer of which is involved in the selection of the next highest level. Citizens participate through numerous organizations, including vocational, produc-

tion, professional, and crafts congresses. Voting for leaders of the local congresses is mandatory for all citizens over the age of 18.

The elected secretaries of these various congresses and committees select the members of the highest legislative organization, the GPC, which is composed of 760 members serving 3-year terms.

In theory revolutionary committees, composed primarily of youth, guard against political dissent and ensure that citizens adhere to sanctioned ideology. These committees approve candidates for the GPC. In practice revolutionary committees played an unclear role in enforcing official ideology, appearing at times either increasingly marginalized or at other times still active in political life.

Elections occur every 3 years when the people's congresses, the local bodies comprised of all citizens, choose their leadership committees. The last renewal of people's congresses took place in March 2006. The election process continues through the hierarchy of people's congresses, until the nation-wide General People's Congress chooses the General People's Committee, which manages the daily affairs of the Government.

According to the 2007 UNDP report, women held 4.7 percent of the 760 seats in the General People's Committee. No reliable information existed on the representation of minorities in the Government.

Government Corruption and Transparency.—Laws stipulating criminal penalties for official corruption are unclear and inconsistently applied. The World Bank's Worldwide Governance Indicators reflected a severe corruption problem. Officials sometimes engaged in corrupt practices with impunity. Government corruption was perceived to be a severe problem, which coupled with favoritism based on family ties, contributed to government inefficiency.

In a series of speeches in 2006, al-Qadhafi called for all senior government officials to declare their earnings and assets or risk unspecified punitive action by the state; at year's end, no clear deadline had been set for officials to comply. The Administration Monitoring Board is the Government agency responsible for oversight of official activities and the prevention of corrupt practices.

The law does not provide for public access to government information, and the Government did not provide access in practice to citizens or foreign media.

Section 4. Governmental Attitudes Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

Numerous charitable associations approved by the Government operate in the country; however, the Government prohibited the establishment of independent human rights organizations. Individuals wishing to carry out human rights work were forced to operate abroad due to restrictive laws that imposed imprisonment for forming or joining international organizations without government authorization.

Associations engaging in unauthorized political activity were illegal. The Government body known as the Libyan Arab Human Rights Committee did not release any public reports. The Libyan Society for Human Rights, operating under the sponsorship of the semiofficial QDF, followed government policy priorities rather than operating as an independent entity.

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

The law prohibits discrimination based on race, sex, religion, disability, or social status; however, the Government did not enforce these prohibitions effectively, particularly with regard to women and minorities.

Women.—The 1969 Constitutional Proclamation granted women total equality; however, traditional attitudes and practices continued to be used as reasons for discrimination against women. Shari'a governs inheritance, divorce, and the right to own property.

The law prohibits domestic violence, but there was no reliable information on the penalties for punishment. There was little detailed information regarding the extent of violence against women. Domestic abuse was rarely discussed publicly.

The law prohibits rape. The convicted rapist must marry the victim, with her agreement, or serve a prison term of up to 25 years.

The law does not distinguish between rape and spousal rape. According to testimony by government officials before the U.N., spousal rape occurred and was resolved by "social solutions."

The law prohibits prostitution; however, the authorities tolerated it.

The law does not prohibit female genital mutilation (FGM), which is foreign to the culture and society; however, there were reports that FGM occurred in remote areas of the country within African migrant communities.

Women and girls suspected of violating moral codes reportedly were detained indefinitely in "social rehabilitation" homes, which provided social services, including

education and healthcare. Many detained in these facilities had been raped and then ostracized by their families. The Government also stated that a woman was free to leave the homes when she reached "legal age" (18 years old), consented to marriage, or was taken into the custody of a male relative. According to HRW the Government routinely violated women and girls' human rights in "social rehabilitation" homes, including violations of due process, freedom of movement, personal dignity, and privacy.

The law criminalizes sexual harassment; however, there were no reports on how this law was enforced in practice.

The Department of Social Affairs under the GPC secretariat collects data and oversees the integration of women into all spheres of public life. Women did not hold any cabinet-level offices in the Government. The General Union of Women's Associations, established by the Government as a network of nongovernmental organizations, addresses women's employment needs. According to a 2005 International Labor Organization report, 32 percent of Libyan women over the age of 15 were economically active; however, traditional restrictions continue to discourage some women from playing an active role in the workplace.

In general the emancipation of women was a generational phenomenon. Educational differences between men and women have narrowed; however, a significant proportion of rural women did not attend school and were inclined to instill in their children such traditional beliefs as women's subservient role in society.

Children.—The Government generally protected children's rights and welfare.

The Government subsidized primary, secondary, and university education, and primary education was compulsory until the age of 15. In July the Government amended the law to impose high fees on noncitizens enrolled in primary and secondary schools, prompting many foreigners to leave the country. According to a 2003 UNDP report, 96 percent of school-age children attended primary school and most reached at least a sixth-grade level. 53 percent of girls and 71 percent of boys attended secondary school.

The Government subsidized medical care and improved the welfare of children; however, general economic mismanagement led to a low standard in medical services. Boys and girls enjoyed equal access to medical care.

The law prohibits child abuse, and that prohibition was respected in practice.

Trafficking in Persons.—The law does not specifically prohibit trafficking in persons; however, there were reports that persons were trafficked to the country, some en route to final destinations in Europe.

The country was both a transit point for trafficked persons en route to Europe as well as a destination country for victims from sub-Saharan Africa and South Asia. An estimated 1 to 2 percent of Libya's 1.5 to 2 million foreigner residents may be trafficking victims. Individuals may be trafficked both for purposes of forced labor and commercial sexual exploitation.

The law does not expressly criminalize trafficking for purposes of sexual exploitation or involuntary servitude, and the Government provided no information on prosecutions related to trafficking offenses. Unlike in previous years where there were no prosecutions for trafficking, the Government brought a civil case against an individual who attempted to deceive 20 Indian nationals into involuntary servitude during the year. No additional information was available about the case at year's end.

There were no reports of any government participation in, or facilitation of, trafficking in persons.

As in previous years, the Government did not provide adequate protection to victims of trafficking. The Government failed to adequately screen vulnerable populations to identify trafficking victims. Victims were susceptible to punishment for unlawful acts committed as a result of being trafficked, including unlawful presence in the country, working without a valid work permit, and engaging in prostitution. Trafficking victims, intermingled with economic migrants, may have been deported without receiving medical, psychological, or legal aid.

During the year the Government took some steps to prevent trafficking in persons by establishing a task force to combat passport and document fraud used to traffic individuals across the country's porous southern border. In addition, the Government established an interagency committee, consisting of representatives from the Ministry of Foreign Affairs, Ministry of Justice, and Ministry of the Interior, to share information with other governments on trafficking and to coordinate antitrafficking programs in the country. The Government also supported a series of training workshops for members of the law enforcement community and select government-sponsored charity associations to raise awareness of trafficking.

Persons with Disabilities.—The law provides the rights of persons with disabilities and provides for monetary and other types of social care. There were a number of government-approved societies that care for persons with disabilities. Access to employment, education, health care, and other state services were generally protected.

National/Racial/Ethnic Minorities.—Arabic-speaking Muslims of mixed Arab-Amazigh (Berber) ancestry constituted 97 percent of citizens. The principal minorities were Amazighs and sub-Saharan Africans.

Unlike in previous years, the Government took some steps to alleviate discrimination against the country's Berber minorities. During the year the Government abolished a law prohibiting the use of Amazigh and Tuareg names. In August the Government convened the first Amazigh Congress to discuss education and social integration of the country's Berber communities and allowed individuals to display Amazigh-language signs written at government-sponsored events. Unlike in previous years, GPC Secretary al-Baghdadi al-Mahmoudi and Saif al-Islam al-Qadhafi made high-profile visits to Berber regions.

Other Societal Abuses and Discrimination.—There were no reports of societal violence or discrimination based on sexual orientation or against persons living with HIV/AIDS.

Section 6. Worker Rights

a. The Right of Association.—The law prohibits meaningful, independent association; however, the law allows workers to join the government-organized National Trade Unions' Federation. The Federation played an active role in the International Confederation of Arab Trade Unions, the Organization of African Trade Union Unity, and the World Federation of Trade Unions. The Government prohibited foreign workers from joining the Federation.

b. The Right to Organize and Bargain Collectively.—The law circumscribes unions' conduct of their activities. For example, the Government must approve all collective agreements made between unions and employers to ensure that they were in line with the country's economic rights. The law does not provide workers with the right to strike, and there were no reports of strikes during the year. No information was available on any additional mechanisms designed to protect workers' rights.

A free trade zone in Misrata officially opened in 2004, but at year's end it was not operating.

c. Prohibition of Forced or Compulsory Labor.—The law prohibits any form of forced or compulsory labor, including by children, and there were no reports that such practices occurred.

d. Prohibition of Child Labor and Minimum Age for Employment.—The law forbids children under the age of 18 from employment, unless it is a form of apprenticeship. There was no information available on the prevalence of child labor.

No information was available concerning whether the law limits working hours or sets occupational health and safety restrictions for children. The General People's Committee for Manpower, Employment and Training is responsible for preventing child labor.

e. Acceptable Conditions of Work.—The labor law defines the rights and duties of workers, including matters of compensation, pension rights, minimum rest periods, and working hours. In 2006 the Government shortened the legal workweek from 48 to 40 hours. The law stipulates the minimum wage, standard working hours, night shift regulations, dismissal procedures, and training requirements. Employment laws generally favor the employee. The law does not specifically prohibit excessive compulsory overtime.

Wages are forbidden by the Green Book and paid in the form of "entitlements," which frequently were in arrears. While some public sector wages, including professors, have seen wage increases in recent years, a wage freeze imposed more than a decade ago continues to depress earnings. In July 2006 the World Bank reported that the Government enforced the minimum wage of $68 (85 dinars) per month. Although there was no information available regarding whether the average wage was sufficient to provide a worker and family with a decent standard of living, the Government heavily subsidized rent, utilities, and food staples.

Labor inspectors were assigned to inspect places of work for compliance with government-defined health and safety standards, and the law grants workers the right to court hearings regarding these standards. Certain industries, such as the petroleum sector, attempted to maintain standards set by foreign companies. There was no information regarding whether workers could remove themselves from an unhealthy or unsafe work situation without jeopardizing their employment.

Foreign workers reportedly constituted 1.6 million of the 3.2 million workforce; however, the labor law does not accord foreign workers equal treatment. Foreign

workers were permitted to reside in the country only for the duration of their work contracts, and they could not send more than half of their earnings to their home countries. They were subjected to arbitrary pressures, such as changes in work rules and contracts, and had little option other than to accept such changes or depart the country. Many foreign workers were deported arbitrarily for not having newly required work permits for unskilled jobs they already held.

MOROCCO

Morocco[1] is a monarchy with a Constitution, an elected Parliament, and a population of approximately 34 million. According to the Constitution, ultimate authority over all branches of government rests with King Muhammad VI, who presides over the council of ministers and appoints or approves members of the Government. The king may dismiss ministers, dissolve the Parliament, call for new elections, and rule by decree. In the bicameral legislature, the lower house may dissolve the Government through a vote of no confidence. The September 7 parliamentary elections for the lower house went smoothly and were marked by transparency and professionalism, according to international observers. The country has 35 political parties. The civilian authorities generally maintained effective control of the security forces.

Citizens did not have the right to change the constitutional provisions establishing their monarchical form of government or the rules related to the religion of Islam. Reports of torture by various branches of the security forces persisted. Prison conditions remained below international standards. Reports of arbitrary arrests, incommunicado detentions, and police and security force impunity continued. The judiciary was still subject to executive branch influence and was not fully independent. The Government restricted freedoms of speech, press, and religion. Trafficking in persons continued, and child labor, particularly in the unregulated informal sector, remained a problem. Civilians generally maintained effective control of the security forces.

Morocco implemented significant measures during the year which resulted in the advancement of human rights, including the Government's revision of the Nationality Code to permit Muslim women to transmit citizenship to children and its publishing of domestic violence statistics. In September an overall civic commitment to developing a culture of human rights was reflected in parliamentary elections which were monitored by domestic and international groups.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life.—There were no reports that the Government or its agents committed any politically motivated killings.

On March 11, Abdelfattah Raydi detonated a bomb inside an Internet cafe, killing himself and injuring four others. Raydi reportedly argued with the son of the cafe's owner, who prevented him from accessing jihadist Web sites.

On April 10, police officers raided the home of suspected Islamist militants. Three of the suspects died when they detonated explosive belts and one was shot and killed by the police.

On April 14, two brothers, Muhammad and Omar Bata, blew themselves up within seconds of each other on the street in Casablanca. One woman passing by at the time was injured in the blasts.

On July 7, Dada Ould Hamma Ould Nafaa, a Sahrawi prisoner in Agadir, died, reportedly due to poor or inadequate medical care. The Government produced documents showing that he had received regular medical examinations and that his allegations of abuse had been investigated by a doctor. Human rights activists continued to dispute that claim.

On July 3, 50 to 70 Africans attempted to cross illegally into Melilla. According to press reports, three migrants died, and eight were seriously injured. The Government confirmed the deaths of only two migrants; the cause of the third migrant's death remained unknown at year's end.

In 2005 government border guards shot and killed four African migrants trying to enter illegally the Spanish enclave of Melilla. According to a government report, two other migrants later died from multiple wounds. The victims were part of a large wave of individuals who attempted to breach or climb the border fence. The

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[1] This report is divided into two sections: The first addresses the human rights situation in Morocco, and the second addresses the situation in Western Sahara.

Government stated that a total of 11 migrants died in the incident. The Government repatriated the remains of the illegal migrants killed in the incident.

Although a court of appeal in Nador upheld the legality of the shootings, the Government changed procedures after the incident to allow for alternatives to deadly force in the event of a similar incident. Border guards have been redeployed to intercept and divert migrants before they reach the enclave's choke points.

b. Disappearance.—There were no reports of politically motivated disappearances. In 2005 the Government identified between 80 and 100 individuals in a mass grave in Casablanca. The individuals had disappeared during 1981 demonstrations against food price increases.

In 2004 King Muhammad VI formed the Justice and Reconciliation Authority (known as IER) to investigate forced, long-term disappearances of opponents of the Government and its policies between independence in 1956 and 1999. From January 2004 to November 2005, the IER investigated allegations of egregious human rights abuses and determined levels of compensation for confirmed cases of arbitrary detention and disappearance. The IER received 22,000 applications, assessed 16,861 of these, and concluded that an indemnity should be paid, as well as ongoing medical assistance and rehabilitation, in 9,779 cases. Human rights groups and families continued to claim that the IER did not acknowledge all cases of disappearances, many from the Western Sahara.

In its January 2006 final report, the IER announced that it had resolved 742 disappearance cases and that another 66 outstanding cases would be further investigated by a follow-up committee of its successor body, the Consultative Council on Human Rights (CCDH).

The IER's mandate did not allow it to make public the names of individuals responsible for the human rights abuses. Its final report included a series of recommendations to advance ongoing reform, including consolidating constitutional guarantees of human rights, combating impunity, strengthening judicial independence, and creating follow-up mechanisms.

In November the CCDH completed all of the compensation and identification process for Morocco and Western Sahara, with the exception of 24 cases including that of missing independence activist Mehdi Ben Barka. On July 10, the CCDH president signed a formal accord with the prime minister requiring the Government to provide free lifetime health care for IER-certified victims. The Government announced it had issued benefits to 12,000 families and individuals and extended coverage to a total of 45,000 individuals through joint and extended family coverage health care cards to individuals with approved cases.

The Government further reported that the CCDH launched three initiatives, totaling approximately $6.9 million (52.9 million dirhams), as part of its regional reparation program to address lingering issues in areas affected by adverse governmental policies between the 1970s and 1990s.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The law prohibits such practices and the Government denied the use of torture; however, members of the security forces abused individuals in their custody, according to domestic and international human rights organizations, prisoners, and detainees. The penal code stipulates sentences of up to life imprisonment for public servants who use or allow the use of violence against others in the exercise of their official duties.

According to the minister of justice, authorities prosecuted 17 members of the security services for human rights violations including torture during the year. Verdicts were not known in most of the cases, but two officers were convicted and sentenced to 10 years' imprisonment in the 2005 beating death of Western Saharan activist Hamdi Lembarki.

In March 2006 the Government enacted a specific antitorture law. By law pretrial investigating judges must refer a detainee to a forensic medicine expert if asked to do so or if judges notice suspicious physical marks on a detainee. During the year, according to the Government, at least a dozen cases were referred to doctors. In at least three of those cases, the doctors found sufficient evidence of injury to warrant further investigation. Results of the investigations were not available at year's end.

On July 11, the Government opened the trial of 52 individuals arrested in August 2006 as part of the so-called Ansar El Mehdi case on charges of conspiring to overthrow the monarchy through terrorism. Many of the defendants claimed to the media, to nongovernmental organizations (NGOs), and in court that they had been mistreated and denied permission to call mitigating witnesses. At year's end the defendants were awaiting a verdict.

On May 1 in Agadir, union activists Abd el Rehim Qarad, of the National Syndicate for Farmers, and Mahdy El Barboushy, of the Moroccan Association for

Human Rights, were arrested during a demonstration. On May 10, based on signed confessions, they were sentenced to 2 years in prison and fined approximately $1,200 (10,000 dirhams) for insulting the monarchy. The two claimed their confessions were extracted under torture.

Prison and Detention Center Conditions.—Prison conditions remained poor and generally did not meet international standards. Extreme overcrowding, malnutrition, and lack of hygiene continued to aggravate the poor health conditions inside prisons. During the year the Government completed one new prison, continued construction on eight new facilities, and renovated several more. During the year six education centers served the prison population, offering primarily vocational instruction. Pretrial detainees were not held separately from convicts.

Prisoners may choose either to continue their education and receive high school or university diplomas or to learn a trade. According to media reports, 30,000 inmates participated in prison education programs since 2001.

In its annual report published on November 22, the Moroccan Observatory of Prisons (OMP), an NGO that receives limited government funding, stated that the prison system was overcrowded and failed to meet fully local and international standards. It also stated that current prison capacity was sufficient for only half of the prison population. Approximately 60,000 detainees lived in less than 16 square feet per person.

During the year the Government reported that 279 prison guards and managers received human rights training at the Penal Training Center in Ifrane. In addition, 30 managers in the United Kingdom and another 25 managers in Belgium received such training.

On September 25, 200 prisoners at Sale prison went on a hunger strike to protest prison conditions, torture, and the denial of their rights under the law. The hunger strike reportedly began in protest of the death of Muhammad Nahari, who died as a result of food poisoning in September. The Ministry of Justice (MOJ) denied any mistreatment of these prisoners. The hunger strike, which grew to 400 participants, ended on October 29 after prisoners met with CCDH and a coalition of NGOs, including the Moroccan Organization of Human Rights (OMDH), Moroccan Association for Human Rights (AMDH), and the OMP. The report later issued by the NGOs found that prison administrators had violated prisoners' rights but also that some of the prisoner's claims were unfounded. The NGOs called for a full investigation.

The Government permitted visits during the year by independent human rights observers, including local and international human rights groups and the media.

The Government permitted the OMP to visit prisons and detention centers unhindered throughout the year to observe conditions and hear complaints.

d. Arbitrary Arrest or Detention.—The law does not prohibit arbitrary arrest or detention, and police used both practices. Police did not always observe due process; in practice, according to local NGOs and associations, they did not always identify themselves when arresting suspects or always obtain warrants. Police also reportedly held some detainees without charging them.

Role of the Police and Security Apparatus.—The security apparatus includes several police and paramilitary organizations with overlapping authorities. The national police (DGSN), the General Directorate of Territorial Security (DGST), and the Auxiliary Forces are separate entities reporting to the Ministry of Interior (MOI). The Royal Gendarmerie reports to the Ministry of Defense and is responsible for law enforcement in rural regions, including national highways. The Department of Royal Security reports to the palace.

The DGSN manages the border and immigration services. The main Federal investigative body, the National Brigade, investigates violations of the penal law, terrorism, organized crime, and white-collar crime. The DGST and the Auxiliary Forces have security functions.

While the police were effective, corruption and impunity remained a problem. The MOI increased investigations of police abuse and corruption, but they rarely resulted in reported disciplinary action or judicial proceedings. Cases usually languished in the investigatory or trial phases without reaching resolution.

On August 30, the police chief in Rabat was charged with alleged participation in a drug smuggling and prostitution ring. His case was pending before the courts at year's end.

In September 2006 the MOJ removed eight security service members and four Government officials accused of illegal behavior and dismissed them from the force.

In October 2006 the MOI disbanded the Urban Security Group (GUS), which had developed a reputation for corruption and abuse. GUS personnel became part of the general police ranks.

During the year there was one reported judicial prosecution for police abuse. In December three gendarmes (rural police officers) were put on trial in the town of Inezgane for allegedly offering to accept a bribe. A man offered to pay the officers for their help in convincing a woman who accused him of rape to withdraw her charges. The case was pending at year's end.

Between July and October, a private citizen activist filmed gendarmes accepting bribes and posted the videos on the Internet site YouTube.com. The postings eventually led to the arrest and prosecution of nine gendarmes and the creation of a new undercover police unit that utilized this strategy to monitor the gendarme's behavior, as well as the blocking of YouTube.com for 4 days.

On December 6, six security agents, three members of auxiliary forces, three civil servants from the MOI, and 11 others went on trial for involvement in a criminal ring that acquired forged documents through the palace and used identity theft to receive fraudulent government benefits. At year's end the case had not been resolved.

Arrest and Detention.—Police may make an arrest following a general prosecutor's issuance of an oral or written warrant; in practice warrants were sometimes issued after the fact. Authorities denied defendants' access to counsel or family members during the initial 96 hours of detention, during which police interrogated detainees and abuse or torture was most likely to occur.

Under the antiterrorism law, after the first 96 hours, two additional 96-hour extensions are allowed at the prosecutor's discretion.

The law provides for a limited system of bail; however, bail was rarely granted. The law does not require a written authorization for a person to be released from detention. In some instances judges released defendants on their own recognizance. The antiterrorism law does not include a system of bail. Under a separate military code, military authorities may detain members of the military without a warrant or public trial.

According to the law, all defendants have the right to be represented by attorneys and, if a defendant cannot afford private counsel, a court-appointed attorney must be provided when the criminal penalty is more than 5 years in prison. In practice effective counsel was not always provided. The police were required to notify a person's next-of-kin of an arrest as soon as possible after the initial 48-hour incommunicado detention in nonterrorism cases, but this provision was not always respected. Because of delays in notifying family, lawyers were not always informed promptly of the date of arrest and were not able to monitor compliance within the administrative detention limits. Detention limits were exceeded when individuals were suspected of terrorism or were linked to terrorism. Several defendants in the Ansar El Mehdi case waited as long as 8 months before being allowed to consult a lawyer, forcing delays in the mass trial. The Association El Nacir, an NGO which advocates on behalf of jailed Islamists, estimated that 200 individuals remained in custody without charge at year's end as a result of terror-related dragnets.

During the year law enforcement efforts focused arrests more narrowly than the previous broad dragnets used following the 2003 Casablanca attacks.

Amnesty.—The number of individuals granted amnesty during the year was 36,340, of which 33,054 were given amnesty in honor of the birth of the king's daughter. On December 20, the king pardoned 426 prisoners on the occasion of the Feast of the Sacrifice.

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary; however, in practice the courts were not always independent. According to observers, corruption remained prevalent. Judges also did not always base rulings on new laws and at times referred to outdated laws in their decisions.

In June 2005 the Supreme Council of the Judiciary initiated disciplinary proceedings against seven judges for possible corruption. The Government dismissed one of the judges, temporarily dismissed three others, allowed two early retirements, and found one not guilty.

There are four levels in the common law court system: Communal and district courts, courts of first instance (regional courts), the appeals court, and the Supreme Court. All decisions made in criminal and civil matters in which the penalty exceeds approximately $42 (330 dirhams) may be appealed to the courts of first instance. The regional courts are subdivided into civil, commercial, administrative, penal, and rabbinical sections. Cases may be appealed from the regional courts to the appeals court.

At the Government's discretion, serious state security charges, such as those relating to the monarchy, Islam, or territorial integrity (in practice, advocating independence for the Western Sahara) may be brought against any person. A tribunal,

responsible to the MOI, is constituted in these cases. The cases against the two policemen charged with Hamdi Lembarki's death were adjudicated in this manner.

Trial Procedures.—The law provides for the right to a fair public trial for all citizens. However, according to NGOs, a fair public trial did not always occur in practice, especially for those protesting the incorporation of Western Sahara. Juries are not used.

Although accused persons generally are brought to trial within the initial period of 2 months, prosecutors may request up to five additional 2-month extensions of pretrial detention; thus, an accused person may be kept in detention for up to 1 year prior to trial. The presumption of innocence is a right granted to defendants.

According to the law, all defendants have the right to be represented by attorneys; if a defendant cannot afford private counsel, a court-appointed attorney is provided when the offense carries a maximum sentence of more than 5 years. Attorneys were not always appointed, however, or, if provided, were poorly paid, often resulting in inadequate representation. Judges sometimes denied defense requests to question witnesses. Defendants are given the right to be present at their trial and to timely consultation with an attorney.

Detainees are arraigned before a court of first instance. If the judge determines that a confession was obtained under duress, the law requires that it be excluded from evidence. Human rights NGOs, however, charged that judges decided cases often on the basis of forced confessions, especially in cases of Islamists accused of terrorism or in the cases of some Sahrawis. Police statements about detainees were sometimes used in place of defendants' confessions.

In some cases appeals courts may be used as a second reference for courts of first instance, although they primarily handled cases involving crimes punishable by 5 years or more in prison.

The Supreme Court may overturn an appellate court's ruling on procedural grounds only. As a result, appeals were infrequent. An investigation by an examining magistrate was mandatory only when life imprisonment or the death penalty was a probability.

Family courts adjudicated divorce and child custody cases according to the family law. These courts addressed family issues for Muslim citizens, and judges were trained in Shari'a (Islamic law) as applied in the country and in the requirements of the 2004 family law. Family matters for Jewish citizens were handled by the parallel legal system available to them.

Political Prisoners and Detainees.—The law does not distinguish political and security cases from common criminal cases. The Government did not consider any of its prisoners to be political prisoners. The Government stated that it detained individuals under criminal law only. Several NGOs, including the AMDH, Sahrawi organizations, and Berber activist groups, however, charged the Government with detaining persons for political activities or beliefs under cover of criminal charges, such as AMDH members arrested for shouting antimonarchy slogans.

Civil Judicial Procedures and Remedies.—The judiciary, while generally effective, is not fully independent and was subject to influence, particularly in sensitive cases such as those dealing with the monarchy, Western Sahara, and religion. There are administrative as well as judicial remedies for alleged wrongs.

A national ombudsman resolves civil matters when the judiciary is unable to do so. The CCDH also serves as a conduit through which citizens offer complaints about government malfeasance or human rights violations.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The Constitution states that an individual's home is inviolable and that a search may only take place with a search warrant; however, authorities sometimes ignored these provisions in practice. The law stipulates that a prosecutor may issue a search warrant on good cause, particularly in cases of suspected terrorism. Plainclothes security officers who did not identify themselves or present search warrants conducted home searches.

As in 2006, authorities again reportedly searched and closed the homes of members of the Justice and Charity Organization (JCO), an Islamist opposition sociopolitical group which chooses not to participate in electoral politics. Members allegedly used these homes as "open houses" where they held politically oriented meetings.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The law generally provides for freedom of speech and of the press. The Government generally respected these rights in practice. The law does not permit criticism of Islam, the monarchy, and territorial integ-

rity (the inclusion of the Western Sahara) in public, and the law was frequently enforced.

According to government statistics, a total of 26 complaints against the press were lodged during the year. One case resulted in a prison sentence, at least three in suspended sentences, and five in fines; the rest were pending at year's end. None led to an acquittal.

In recent years publications that tested these boundaries received swift penalties. In an August statement the international NGO Reporters Without Borders (RSF) reported that at least 34 media institutions had been censored and at least 20 journalists had been prosecuted under press, penal, or antiterror laws since the beginning of King Muhammad VI's reign in 1999.

The antiterrorist law and the press code impose financial penalties on journalists and publishers who violate the restrictions related to defamation, libel, and insults including critical discussion of the monarchy, state institutions, territorial integrity, and Islam. Prison sentences can also be imposed on those convicted of libel. The press code lists threats to public order as one of the criteria for censorship. The Government also has the ability to revoke licenses and to suspend and confiscate publications. Within these very broadly construed limits, politically diverse newspapers and weeklies published news and commentary often critical of nonsensitive policies and personalities.

In 2005 authorities summoned Nadia Yassine, the daughter of the JCO's founder, before the courts for publicly stating her belief that the country would be healthier as a republic than as a monarchy. On April 19, her trial was postponed indefinitely, and there was no further action.

The Ministry of Communication (MOC) issued directives and guidance, and subsidized publications. The Government temporarily suspended publications it judged offensive yet allowed suspended publications to continue operation. During the year the Government continued to censor newspapers directly by ordering them not to report on specific items or events and imposing sanctions if they did. Newspapers also practiced self-censorship. The Government indicated that no jail terms were imposed under the existing press code.

The Government registered and licensed domestic newspapers and journals. The Government did not allow the JCO newspaper, Rissalat Al Foutuwa, to be sold on newsstands. There were no reports that the MOC controlled foreign publications by removing banned publications from circulation.

Through the MOC the Government subsidized most newspapers to varying degrees, including those critical of the Government. The placement of government-directed advertising also influenced revenue. Direct government subsidies vary according to the percentage of the population reading the publication. There are 17 national daily newspapers, 90 weekly publications, and 33 semimonthly and 192 monthly publications. There are also six electronic newspapers: Three French-language, two Arabic, and one English. The Government owned the official press agency, Maghreb Arab Press.

The Government owned la Societe Nationale de la Radiodiffusion et de la Television, formerly Moroccan Radio-Television, which owned and operated several local television and radio stations. It also partially owned 2M television and radio. The French-backed Medi-Sat television and Medi-1 radio are nominally private and independent. A government-appointed committee monitored broadcasts. The Government owned or partially owned the only television stations whose broadcasts could be received in most parts of the country without decoders or satellite dish antennas. Since 2006 the Government has licensed the operations of several independent radio stations that offer news and information. Satellite dish antennas were widely used. The Government did not impede the reception of foreign broadcasts.

On January 15, Nichane director Driss Ksikes and journalist Sanaa Al Aji were sentenced to suspended prison terms (3 years and 1 year, respectively) and fined approximately $10,040 (80,000 dirhams) for having published an article citing popular jokes, entitled "How Moroccans laugh about religion, sex, and politics" that the courts deemed offensive to Islam. The publication and its Web site were banned for 2 months, and Ksikes eventually resigned.

On January 18, Aboubakr Jamai, editor of the French-language weekly La Journal Hebdomadaire, chose to resign in an attempt to save the newspaper and left the country temporarily. He and journalist Fahd al-Iraqi were ordered to pay damages of approximately $390,000 (3 million dirhams) in April 2006 for writing an article implying that the analysis of a foreign think tank's report about the Western Sahara had been done by "remote control." Press activists claim the award was disproportionate to the economic situation in the country.

On January 30, Assahifa published an article implying that the Saudis bribed the king to prevent him from exploiting newly discovered oil resources. Politicians and

press personalities accused Assahifa of violating journalistic ethics. Assahifa issued a public apology and temporarily suspended publication on a voluntary basis. After briefly resuming operations, Assahifa subsequently closed for financial reasons.

On March 6, the courts fined the director of the Maroc Soir group and the author of an article approximately $26,000 (200,000 dirhams) each. In January 2006 the Spanish-language daily La Manana, owned by Maroc Soir group, published a reprinted Internet article criticizing the origins of King Hassan II's fortune and questioning the country's claims to the Western Sahara.

On August 4, authorities seized editions of TelQuel and its Arabic-language sister publication Nichane. Their director, Ahmed Reda Benchemsi, was charged with "lack of respect for the king's person and for public morality." The seized issues published an editorial on the king's July 30 Throne Day speech, in which the king stated that the upcoming parliamentary elections would strengthen the country's democracy and also an article entitled "Sex in Islamic Culture." Nichane was withdrawn from newsstands, but TelQuel was seized before publication. The case was referred to trial but was postponed repeatedly.

On August 15, a Casablanca court sentenced Abderrahim Ariri, publisher of Al Watan, to a 6-month suspended prison sentence while Mustapha Hormatallah, a journalist for the paper, was sentenced to 8 months in prison for not revealing his journalistic sources. Both journalists were also fined approximately $130 (1,000 dirhams). The men were arrested and detained on July 17 for publishing an article that exposed a confidential military document warning of an Al-Qa'ida attack. Both men were held incommunicado for several days after their original arrest, and Ariri claimed he was "roughed up," denied access to his attorney, and interrogated repeatedly.

On August 23, Mustafa Alawi, editor-in-chief of Al Ousbou, was fined approximately $2,600 (20,000 dirhams) for publishing "false information in bad faith" and "false documents attributed to a third party." In a July 6 article, the weekly had falsely attributed statements about the country's delegation and territorial integrity to U.N. Secretary-General Ban Ki-moon.

Reporters Without Borders' 2007 report on press freedom in Morocco stated that freedom of the press has deteriorated in recent years.

Internet Freedom.—There is no specific law and no judicial decisions concerning Internet content or access. On occasion, the Government, through Maroc Telecon, blocked access to specific Web sites. Authorities blocked the JCO Web site sporadically. In May authorities blocked access to YouTube.com for 6 days after it aired videos considered insulting to the king and for 4 days due to concerns about a video implicating police in corruption. Since 2006 the Government blocked the sites "Google Earth," "Google Maps," and LiveJournal.com on various occasions. The Government acknowledged blocking sites in accordance with the law that prohibits challenges to the territorial integrity of Morocco, the promotion of independence for Western Sahara, as well as some religious extremist sites.

Academic Freedom and Cultural Events.—By law and in practice, the Government restricted in academic and cultural contexts presentations or discussions of anything critical of the monarchy, Islam, or the status of Western Sahara. Islamist groups controlled many student unions and sometimes acted to constrain academic freedom. The MOI approved the appointments of university rectors.

The Government banned Islamist literature it termed extremist at the 2007 Casablanca Book Fair.

b. Freedom of Peaceful Assembly and Association.—The Constitution guaranteed freedom of assembly and association within the limits provided by law; in practice, the Government suppressed demonstrations or prohibited associations which went beyond the limits set by the law for freedom of speech and press.

Freedom of Assembly.—The MOI requires permission for public assemblies. During the year the police forcibly prevented and disrupted some peaceful demonstrations and mass gatherings; these occurrences were fewer than in previous years. There were numerous demonstrations held throughout the year on a variety of issues.

On February 17, the JCO reported that security forces entered the home of Hussein Marjane, who was holding a JCO council meeting. All 72 attendees, including the organization's leaders, were taken to a police station and detained without charge or formal arrest for periods ranging from 2 to 8 hours on the grounds that the meeting was unauthorized. According to the Government, the courts convicted 44 JCO members and acquitted 15 for participating in a banned organization and holding an illegal meeting.

Following Labor Day demonstrations on May 1 in the town of Ksar El-Kebir, El Tuhamy El Khayat, chair of the National Association for Unemployed Graduates,

was arrested and interrogated. He was released, but on May 3 he was rearrested with four other activists. The five were charged with "insulting sacred doctrines" as a result of their demonstration. On May 22, they were convicted of insulting the monarchy, sentenced to 3 years in prison, and fined approximately $1,300 (10,000 dirhams).

Also on May 1, security forces arrested seven members of the AMDH for allegedly chanting antimonarchical slogans during an International Workers Day protest. They were tried and convicted of undermining the monarchy and received prison sentences ranging between 1 and 3 years. Amnesty International (AI) reported that the defendants' lawyers were not allowed to call certain witnesses and that the prisoners were mistreated during interrogation. Security forces disrupted subsequent demonstrations in Rabat held to bring attention to the AMDH case and made more arrests. Eight AMDH members were in prison at year's end, and three received suspended sentences. Subsequent protests against their arrest were broken up by force.

On December 13, a demonstration in front of Parliament by Amazight activists, many of them students, was broken up with excessive police force.

Freedom of Association.—The Constitution provides for freedom of association as provided by law. The Government reported that more than 2,500 NGOs and associations were registered. New organizations are required to register with the MOI. A proposed organization must submit its bylaws to the ministry. If the bylaws support the monarchy, Islam, and territorial integrity, the ministry issues a receipt to the organization, which signifies formal approval. The organization may apply for tax exemption and government funding. If the organization does not receive a receipt within 1 week, it is not formally registered. Many organizations functioned without the receipts.

Organizations supporting self-determination for Western Sahara were not permitted to register, including the Association of Victims of Grave Human Rights Abuses (ASVDH) and the Sahrawi Collective of Human Rights Defenders (CODESA). Unregistered organizations cannot access government funds or legally accept contributions.

During the year authorities continued to monitor and disrupt JCO activities. In February authorities raided the home of JCO member Hussein Marjane, disrupted an "open house" organizational meeting, and detained all attendees. Police later evicted Marjane's wife and children from the house.

The MOI must approve political parties. In December 2005 and again in February 2007, Parliament passed legislation placing stringent conditions on the establishment and functioning of political parties. The 2007 law requires parties to hold frequent national congresses and to include women and young persons in the leadership structures. Public funding is based on a party's total representation in Parliament and the total number of votes received nationally. Only registered members of a particular party may make private contributions. A party can be disbanded if it does not conform to the provisions stated in the law. To create a new party, organizers must submit to the MOI a declaration signed by at least 300 cofounding members from one-half of the 16 regions of the country. The law reflects changes and revisions suggested by existing political parties and members of civil society.

On December 13, the Government declared the Moroccan Amazight (Berber) Democratic Party illegal on the grounds that it violated a constitutional ban against ethnic political parties.

c. Freedom of Religion.—The Constitution provides for freedom of religion, and the Government generally respected this right in practice. According to the Constitution, Islam is the official state religion and the king is the "Commander of the Faithful and the Supreme Representative of the Muslim community." Non-Muslim communities openly practiced their faiths with varying degrees of official restrictions. The Government supported and facilitated religious activities of the Jewish community.

The Government prohibited the distribution of Christian religious materials for the purpose of proselytism but tolerated several small religious minorities.

The Government did not license or approve religions or religious organizations. The Government provided tax benefits, land, building grants, subsidies, and customs exemptions for imports necessary for the observance of the major religions.

The Ministry of Endowments and Islamic Affairs continued to monitor Friday mosque sermons and Koranic schools to ensure the teaching of approved doctrine. During the year the ministry provided 38,000 mosques with television sets and satellite dishes to receive programs from the ministry. It placed restrictions on individual Muslims and Islamic organizations whose activities were deemed to exceed the bounds of religious practice or to be political in nature. The Government strictly controlled the construction of new mosques, requiring a permit for construction. Au-

thorities instituted these measures to avoid exploitation of mosques for political propaganda, such as distributing pamphlets, raising funds, or disseminating extremist ideas.

The Government generally tolerated activities limited to the propagation of Islam, education, and charity. From March through July, security forces prohibited some JCO activities on the grounds that they were political rather than religious. Security forces commonly closed mosques to the public after Friday services to prevent their use for unauthorized political activity. In August 2006 the Ministry of Endowments and Islamic Affairs announced the closure of 17 mosques across the country. These mosques were reportedly closed for administrative reasons and to prevent the spread of religious extremism. The Government did not close any mosques during the year.

The small foreign Christian community operated churches, orphanages, hospitals, and schools without restrictions or licensing requirements. Missionaries who conducted themselves in accordance with cultural norms could largely work unhindered, but those who proselytized publicly faced expulsion. There were no reports of police questioning foreign missionaries because they carried Christian materials. The number of local Christians, apart from foreign spouses of citizens, was unknown.

Islamic law and tradition call for punishment of any Muslim who converts to another faith. Any attempt to induce a Muslim to convert is illegal.

Unlike in 2006, there were no reported instances of criminal prosecution for proselytizing. In November 2006 a foreign Christian was fined approximately $65 (500 dirhams) and given a 6-month prison sentence for attempting to convert a Muslim to Christianity. The prison sentence was suspended, and the individual left the country of his own accord.

Societal Abuses and Discrimination.—There were no reports of anti-Semitic acts, publications, or incitements to violence, although some media outlets, including Tajdid, the newspaper for the Party of Justice and Development, contained some anti-Semitic articles associated with criticism of Israel and its policies.

Representatives of the Jewish minority, estimated by community leaders to number approximately 4,000 members, generally lived in safety throughout the country. The Jewish community operated hospitals whose services were available to all citizens and schools. The Government provided funds for religious instruction to the parallel system of Jewish public schools. Jews continued to hold services in synagogues throughout the country.

There are two sets of laws and courts—one for Muslims and one for Jews—pertaining to marriage, inheritance, and family matters. Under the family code, which applies to Muslims, the Government began retraining judges and recruiting new civil judges, while rabbinical authorities continued to administer family courts for Jews. There are no separate family courts for other religious groups, who rely upon the civil system. The Government continued to encourage tolerance and respect among religions.

For a more detailed discussion, see the 2007 International Religious Freedom Report.

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons.—The Constitution provides for freedom of movement; however, the Government severely restricted this right in the Moroccan-administered Western Sahara areas regarded as militarily sensitive.

The MOI restricted the freedom to travel outside the country for all civil servants, including teachers and military personnel. Civil servants must obtain written permission from their ministries to leave the country.

The law provides for forced exile; however, there were no known instances of its use during the year.

The Government welcomed voluntary repatriation of Jews who had emigrated. Jewish emigrants, including those with Israeli citizenship, freely visited the country. The Government also encouraged the return of Sahrawis so long as they acknowledged the Government's claim to the Western Sahara territory.

Protection of Refugees.—The Emigration and Immigration law provides for the granting of asylum or refugee status in accordance with the 1951 U.N. Convention relating to the Status of Refugees and its 1967 Protocol. It provides for the rights of asylum seekers and the temporary residency of persons who do not qualify for refugee status or asylum. The U.N. High Commissioner for Refugees (UNHCR) is the sole agency in the country entitled to grant refugee status and verify asylum cases. On July 20, the Government signed an agreement with the UNHCR to strengthen cooperation in the face of rising rates of migrants attempting to reach Europe. The agreement raised the UNHCR office in the country to a full representa-

tion and provided UNHCR staff with greater access to relevant departments in the Government.

Preliminary to the signing of the agreement, the UNHCR provided training to government officials on the appropriate treatment of refugees.

In practice the Government provided some protection against refoulement, the return of persons to a country where there is reason to believe they feared persecution. The Government provided refugee status and asylum, and worked with the UNHCR to identify individuals seeking the same. At year's end the UNHCR reported 786 refugees and 488 asylum seekers in the country.

In December 2006 the advocacy organization Association of Moroccan Workers in France reported that 450 immigrants were abandoned in the desert area along the Algerian border near Oujda. The organization reported that the group was fired on by Algerian soldiers and that some women were abused or raped by both Moroccan and Algerian policemen as well as a Nigerian gang at the border. The Government denied that these events occurred.

The UNHCR reported that in the first 10 months of the year, the number of expulsions by the Government of individuals holding UNHCR documents declined by 67 percent in comparison to the same period in 2006. Unlike in 2006, UNHCR document holders detained during collective arrests of immigrants were immediately released.

Since 2006 the international NGO Medecins Sans Frontiers (Doctors without Borders) has reported an improvement in sub-Saharan immigrants' ability to access health care within the public health system.

Spain continued to return to the country illegal immigrants taken into custody at sea, regardless of their nationality. The Moroccan Government continued to repatriate refugees at its own expense.

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

The law provides for regular, free elections on the basis of universal suffrage; however, citizens did not have the right to change their government.

The king as head of state appoints the prime minister, who is the titular head of government. The Constitution authorizes the prime minister to nominate all government ministers, although the king may nominate ministers and has the power to replace any minister. The Government consists of 34 cabinet-level posts, including the prime minister and five sovereign ministerial posts that traditionally report directly to the king (interior, foreign affairs, justice, Islamic affairs, and defense). MOI nominates provincial governors (walis) and local district administrative officials (caids) to the king, who appoints them. The king also appoints the constitutional council that determines whether laws passed are constitutional.

The Constitution may not be changed without the king's approval. The Constitution provides that neither the monarchical system nor the measures related to the religion of Islam are subject to revision. Only the king has the power to put constitutional amendment proposals to a national referendum. Amendments can be proposed directly by the king or by Parliament, which first must pass a proposal with a two-thirds majority of both houses. Once a royal decree has been issued, the amendment can be sent to a national referendum; however, the king has the authority to bypass any national referendum. Citizens elect municipal councils directly; citizens elect regional councils through representatives.

Elections and Political Participation.—Electoral law and regulation give the MOI authority over the general operation of elections—from drawing the electoral districts to counting the votes. In March electoral districts were redrawn giving more seats to less populated areas and diluting urban votes. The number of voters represented by each member of Parliament varied significantly due to the manner in which the electoral districts were drawn. For example, in the Ain Sbaa constituency, each seat represented 83,000 constituents, while in Madiaq, only 23,000. In the September 7 legislative elections, the king mandated the royally chartered and appointed CCDH to supervise and facilitate the work of domestic and international observers, leading to the most transparent election in the country's history.

In the September elections for the lower house of Parliament, the Government listed official turnout at 37 percent. The MOI published participation statistics and popular vote results by district on its Web site and in the public media within 48 hours. Precinct-level results were not released by year's end. The final counting was accepted by all political parties as accurate and certified by the MOI as legitimate.

The final reports of the international and domestic election observers praised the Government and the MOI for their professional administration of the September 7 balloting. They also attributed the low voter participation rate and high protest vote to weak parties and a Parliament that has little vested power.

The final report of the approximately 50-person international observation mission organized by the National Democratic Institute (NDI) noted that the voting went smoothly and was orderly and transparent. The report of the approximately 3,000-person domestic observation mission carried out by a collective of more than 700 NGOs and civil society organizations characterized the elections as generally well conducted and transparent, but criticized preelection vote-buying by parties and some instances of official misconduct at the district level. Domestic observers did not receive accreditation to observe the process until the eve of the election. Authorities also were slow to establish clear procedures for domestic observers in advance of election day. All reports recommended the creation of an independent electoral commission.

Berlin-based NGO Democracy Reporting International, some domestic observers, the media, some political parties (including the Party of Justice and Development), and local NGOs levied sharp accusations of electoral subversion against political parties during the campaign phase of the election. Examples of the most prominent alleged modes of corruption included buying votes in rural districts, paying individuals to surrender voter cards until after the election, and bribing communities with feasts. The international observers did not monitor preelection activities.

Most (78 percent) eligible voters registered, but only 37 percent actually voted in September, compared to 52 percent in the 2002 elections. The low turnout was attributed to voter apathy, widespread dissatisfaction with Parliament's performance, and a belief that party-based corruption predetermined results, rendering voting superfluous. There was also a high protest vote. Of the 37 percent who cast ballots, 24 percent of local list ballots and 21 percent of national list votes were blank, spoiled, or inscribed with angry criticism of the system and parties; this meant that, for example, in Casablanca approximately 30 percent of the votes cast were spoiled, blank, or protest votes. In that case, according to the NDI-organized international mission's final report, less than 14 percent of potentially eligible voters in Casablanca cast ballots for the parties on the list.

Between March 7 and September 7, a combined MOJ/MOI commission received 1,260 allegations of preelectoral malfeasance. The majority of complaints related to "premature" campaigning and, to a lesser extent, the inappropriate use of money, malfeasance by government agents, and election or campaign violence. Only seven cases related to registration fraud. Of the allegations received, 53 cases were referred for trial or judicial action.

Government Corruption and Transparency.—The World Bank's Worldwide Governance Indicators reflected a corruption problem, and there was a general perception in the country that corruption existed in the executive, legislative, and judicial branches of government.

During the year the MOJ adjudicated more than 5,000 corruption cases, although the outcomes of most were undetermined. In July Rabat's chief of police was removed from his position and charged with involvement in prostitution and narcotics ring. At year's end the case was pending. In May the then minister of justice stated in a speech that corruption and economic crimes accounted for 10 percent of all cases in the court system.

The judiciary's susceptibility to influence was widely acknowledged. In a February interview with the daily newspaper Al-Messae, Abbas al Fassi, then minister of state without portfolio and now prime minister, said, "Judges should listen to the voice of their conscience, not to instructions given through their cellular phones."

In preparation for the parliamentary elections, MOI and MOJ issued a joint communique in August discouraging corrupt practices and reinforcing regulatory laws. The interior minister and minister-delegate also met with regional governors and officials to reiterate the Government's stand that no official should meddle in the democratic process. The king also made several speeches condemning electoral corruption. In August MOJ alleged that the mayors of Rabat and Meknes had abused their positions for electoral gain. The investigation was pending at year's end.

There is no freedom of information law. On April 24, Parliament adopted a law requiring judges to disclose property and financial assets. The MOJ, the Court of Accounts, and the newly created Central Commission for the Prevention of Corruption are charged with combating corruption.

The Government publishes new laws and regulations in the official gazette within 30 days of passage or promulgation.

Section 4. Governmental Attitudes Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

The government's attitude toward international human rights organizations varied, depending on the sensitivity of the issues addressed.

Domestic and international human rights groups generally operated without government restriction apart from issues relating to Western Sahara and investigated and published findings on human rights cases.

National human rights NGOs recognized by and that cooperated with the Government included the OMDH and the Moroccan League for the Defense of Human Rights (LMDDH). Since 2000 the Government has subsidized the two NGOs. The AMDH did not cooperate officially with the Government but usually shared information. There were also numerous regional human rights organizations, including ASVDH and CODESA. According to the Government, there were more than 2,500 registered NGOs in the country.

The OMP, a human rights NGO recognized and partially funded by the Government, was granted permission during the year by the MOJ to enter any prison in the country at any time and speak to prisoners. OMP officially participates in and advises the MOJ on its penal reform program. The OMP's main purpose is to improve the treatment and living conditions of prisoners. It succeeded in facilitating some improvements in the areas of living conditions, nutrition, training, and prisoners' ability to report abuse.

AI and Human Rights Watch (HRW) also visited the country. In addition, the Government met with HRW representatives.

Human rights training continued based on a 2002 agreement between AI and the Government for a 10-year human rights education program. The MOJ and the Ministry of National Education provided human rights education for teachers and, in cooperation with the International Committee of the Red Cross (ICRC), provided a curriculum for teaching international humanitarian law in schools. The MOJ provided increased human rights training to prison officials, and other sections of the Government provided human rights training to military officers, police, and medical personnel.

The CCDH, appointed by the king, advised him on human rights issues. A nonjudicial ombudsman considered allegations of governmental injustices, but in practice the CCDH filled many of the roles of national social ombudsman. The CCDH's 2006 annual report focused on immigration. The 2007 report was not available at year's end.

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

The Constitution prohibits discrimination based on race, sex, disability, language, or social status; however, in practice discrimination against women continued to be a problem, particularly in rural areas.

Women.—On January 18, the Government reformed the 1958 Nationality Code, giving Muslim women the right to pass Moroccan nationality to their children. Previously, nationality was passed only through the father. This new bill was the result of intensive collaboration between the NGO Democratic Association of Moroccan Women, several women's and human rights organizations, and the Government. The change allows children of Moroccan mothers and non-Moroccan fathers who are both Muslims to access the full range of educational and social benefits available to all citizens. It also has implications for international custodial disputes involving binational couples. Citizenship can still be transferred to a child only if both parents are Muslim and if their marriage is recognized by the law.

The law does not specifically prohibit domestic violence against women, but the general prohibitions of the criminal code address such violence. Physical abuse was legal grounds for divorce, although few women reported abuse to authorities.

In November the Ministry of Social Development, Families, and Solidarity published for the first time official data on violence against women. The statistics showed that marital violence (which includes all forms of physical, sexual, economic, and psychological violence) accounted for approximately 82 percent of the 17,511 cases of violence reported from 2006 to 2007. Other statistics reflected that 44 percent of women who were victims of violence were between 18 and 24 years old, and 35 percent were between 25 and 34 years old. Approximately three-fourths of the victims were housewives. Fifty-eight percent of the complainants stated that they had been victims of violence for several months, and 37 percent stated that they had been victims for many years.

The women's NGO Democratic League of Women's Rights published a report in the first half of the year indicating that "economic" violence, defined as failing to meet familial or child support financial obligations, represented 37 percent of cases, while physical violence ranked second at 23 percent.

Toll-free telephone numbers for victims of domestic violence in 20 centers existed nationwide.

The law provides for severe punishment for men convicted of rape or sexual assault, and authorities enforced the provisions. Spousal rape, however, is not a crime.

Defendants in rape criminal prosecutions bear the burden of proving their innocence. Sexual assaults, however, often were unreported. While not provided by law, victim's families may offer marriage as an alternative to rapists to preserve family honor.

The law is lenient toward husbands with respect to crimes committed against their wives. Police were reluctant to become involved in what they considered private matters between husbands and wives.

Honor crimes, or assaults against women with the intent to kill, were committed. Instead of strengthening the law after a campaign to end "honor killings," the Government extended the same protection to wives who kill their husbands.

Sexual harassment in the workplace is a criminal offense. Reliable statistics detailing the extent of the problem were not available.

The 2004 family law changed the marriage age for women from 15 to 18 years, placed the family under the joint responsibility of both spouses, and rescinded the wife's duty of obedience to her husband. A marital tutor is no longer a requirement for women as a condition of marriage, divorce is available by mutual consent, and limitations are imposed on the practice of polygamy.

In May 2006 the Government adopted a national strategy for equality by integrating a gender-based approach in all development policies and programs. Gender-sensitive budgeting was included for the first time in the 2006 National Government budget. This requires all ministries to analyze budgets from the perspective of their impact on women and men, and boys and girls. At the local level, the Government produced manuals and training courses to enhance local authorities' and communities' ability to factor gender issues into their planning and budgeting processes.

Beginning in February 2006, the Government trained 50 female religious aides (Mourchidat) as part of a campaign launched by the king to undermine religious extremism by strengthening and promoting Islam's message of moderation. Since its inception, the program has graduated four groups of 50 trainees. Each woman was assigned to one of the more than 33,000 mosques in the country. While they do not lead prayers, a task reserved exclusively for men, the Mourchidat give basic religious instruction in mosques and provide clerical support in prisons, hospitals, and schools. Women also were on the High Council of Ulemas (the supreme religious authority), chaired by the king, and on local religious councils.

Implementation of the 2004 Family Law remained a concern because it largely depends on the judiciary's ability and willingness to put it into practice. Due to its controversial nature, the law was written in such a way as to provide broad interpretive latitude to individual judges, not all of whom agreed with its intent. Corruption among working-level clerks in the courts and a lack of knowledge about its provisions among many lawyers also constituted obstacles.

The September parliamentary elections resulted in the selection of 34 women out of a total of 325 parliamentary seats—a decline of one seat from the previous term. Thirty of the 34 new female representatives were elected from a national list reserved for female candidates. Prime Minister Abbas El Fassi's new government included seven women, compared with two in the previous government. Women occupy other key leadership slots, such as mayor of Essaouira and governor of a district in Casablanca.

Women's representation in political parties' decision making structures remained low. In August, however, the Democratic Society Party became the first party to be headed by a woman, Zhor Chekkafi. In the private sector women were represented in senior management levels.

While many well-educated women pursued careers, few women rose to the highest ranks in their professions. According to government statistics compiled in 2006, women constituted approximately 35 percent of the workforce, and 22 percent were the primary wage earners for their families. Women in rural areas were most affected by inequality. Women who earned secondary school diplomas had equal access to university education, and 47 percent of all university students were women. During the 2006–7 academic year, more than 80 percent of the attendees at government supported literacy programs were women, 45 percent of whom were in rural areas.

Many NGOs worked to advance women's rights and promote women's issues. Among these were the Democratic Association of Moroccan Women, the Union for Women's Action, and the Moroccan Association for Women's Rights; all advocated enhanced political and civil rights. There were numerous NGOs that provided shelters for battered women, promoted literacy, and taught women basic hygiene, family planning, and childcare.

Children.—The Constitution provides for compulsory, free, and universal education for children between the ages of 6 and 15. The Government increasingly sought to enforce the law. The Government was also committed to the protection

of children's welfare. Under the National Action Plan for Children (2006–15), the Government began improving the quality of education and teaching, particularly in rural areas.

According to national statistics, approximately 250,000 children drop out of primary school each year and another 130,000 students leave middle and high school. A 2006 U.N. Children's Fund (UNICEF) study reported that 87 percent of all children stated that they were subject to some kind of violence at school. During the last academic year, nearly 710,000 citizens benefited from nonformal education programs.

During the year, according to the Ministry of National Education, 105,930 students graduated from high school, up 2.4 percent from 2006. Approximately 47 percent of those graduating passed their national exams. The number of students completing middle school was 232,775, with a success rate of just over 50 percent. The number of children completing primary school was approximately 475,000.

There were no reliable statistics on the number of girls married under the age of 18. While child marriage is illegal, there are reports that it continued to be practiced throughout the country, especially in rural areas. Using the family status law, the Government, in coordination with international and national NGOs, informed women of their rights, partially to combat child marriages.

Child labor was a serious problem.

The Government maintained accords with Spain and Italy to repatriate unaccompanied minors. Repatriation remained slow due to the lack of agreement by Moroccan families to allow the minors to return home as well as the small number of spaces in reception centers for minors with no place to return. During the year Spanish funds established rehabilitation centers near Tangier and Marrakech to assist with the reinsertion of minors.

Trafficking in Persons.—The law prohibits trafficking in persons; however, there were reports that persons were trafficked to, from, and within the country. The number of minors emigrating to the EU continued to rise, according to the Ministry in Charge of Moroccans Living Abroad. The number of minors emigrating through the Canary Islands quadrupled in 2006, with nearly a third of the minors coming from Morocco.

The Immigration and Emigration Act specifically prohibits trafficking in persons and fines and imprisons those, including government officials, who are involved in, or who fail to prevent, trafficking in persons. Under the law, perpetrators are prosecuted either for fraud, kidnapping, corruption of minors, or for forcing others into prostitution. The government's antitrafficking statutes punish traffickers and complicit public officials with penalties ranging from 6 months to 20 years in prison and the forfeiture of assets.

According to the law, human trafficking and migrant smuggling are illegal. Government statistics did not differentiate between trafficked individuals and voluntary economic migrants. UNHCR protection was available to trafficked individuals. The Government continued to repatriate trafficking victims. It voluntarily repatriated approximately 1,200 illegal immigrants in the first 11 months of the year.

The country was a source for men, women, and children trafficked to Italy, Spain, and other parts of Europe and the Middle East for forced labor and sexual exploitation. Internal trafficking remained a problem. The two most commonly trafficked groups were girls sent involuntarily to serve as child maids and women forced to perform sexual services. Women were trafficked to Saudi Arabia, Syria, and the United Arab Emirates and forced into prostitution after being promised jobs as domestics.

The country was a transit point for trafficked persons. Men and women from Nigeria, India, Bangladesh, Sri Lanka, and Pakistan were trafficked to Europe or Near Eastern countries. Sub-Saharan Africans transiting the country to Europe were also victims of traffickers. Women were often pressured into commercial sexual exploitation and involuntary servitude in exchange for food and shelter.

Internal trafficking was a problem, particularly of women and young girls. According to UNICEF and national NGOs, recruiters habitually visited isolated rural villages in the Atlas Mountains, where they persuaded parents that their daughters would be better off as child maids.

Trafficking of minors for commercial sexual exploitation attracted pedophilic tourists from Europe and the Arab Gulf states.

Organized criminal gangs coordinated some of the clandestine migration to Europe, particularly sub-Saharans transiting the country. Some of this activity may include trafficking. Police in north, who reportedly ignored trafficking for financial gain, were arrested and convicted of a variety of crimes. Most trafficking rings were small criminal groups. Unofficial reports stated that hotel personnel arranged to

transport girls and young women from rural areas to cities to be used in commercial sexual exploitation.

According to the MOI, in 2005 the Government adopted a strategy to fight trafficking based on five major pillars: Security measures, legislation, creation of institutions specializing in fighting illegal migration, international cooperation, and public awareness campaigns.

The National Observatory of Migration is an antitrafficking-in-persons interagency task force that formulates policy. Antitrafficking activities were primarily implemented by MOI. Clandestine migration was the purview of immigration officials; prostitution was a police issue; and child bride cases were reviewed by local authorities, who ultimately report to MOI. Law enforcement officers often participated in training and seminars relating to trafficking and human rights in general.

In February 2006 officials dismantled a large international network that was trafficking and smuggling migrants from India and arrested 70 suspects, including a police officer. At year's end the cases remained open.

Early in the year, two police officers in Casablanca were charged with organizing a criminal gang to facilitate the illegal entry of foreigners and to assist in their exit from the country. At year's end the status of the case was unavailable. In addition, soldiers who were part of a U.N. peacekeeping troop in the Ivory Coast were under investigation at year's end for alleged sexual abuse of Ivorian women and girls. The U.N. has been unable to obtain credible evidence of wrongdoing.

In 2006 a judicial police officer was arrested and prosecuted for corruption and involvement in a local organized criminal activity facilitating illegal migration of citizens to Spain. He received a 4-year prison sentence. In the same region, the courts convicted two other policemen and gave each a 2-month suspended sentence along with fines for forging administrative documents and encouraging illegal migration.

In the first 10 months of the year, the MOI reported that 260 criminal trafficking rings were disbanded. In June 2006 the MOJ announced that arrests of foreigners for perversion and pedophilia had increased by 26 percent compared to the same period in 2005. The sentences of those convicted in 2006 ranged from 2 months to 3 years' imprisonment. Specific numbers of arrests and convictions were not available.

In 2006 according to MOI reports, the Government disbanded more than 350 criminal human smuggling rings, some of which may have included traffickers. The Government prosecuted 51 cases involving 156 persons who were charged with participating, financing, or facilitating illegal entry into or exit out of the country of both Moroccans and foreigners. Of the above mentioned cases, 23 decisions led to convictions, 14 were under investigation, and another 14 were being tried at year's end. Sentences ranged from 2 months' to 12 years' imprisonment in addition to fines ranging from approximately $260 to $65,000 (2,000 to 500,000 dirhams).

According to the MOJ, there are numerous agreements with other countries regarding investigation and prosecution of traffickers. Although the Government has bilateral treaties with relevant countries, it did not extradite nationals charged with trafficking in accordance with Article 721 of the penal code.

Persons with Disabilities.—There are three laws that assist persons with disabilities. The Government has guidelines on how to deal with persons with disabilities, but these procedures have no legal status as yet. Specifically, the law does not mandate access to buildings for persons with disabilities. The Ministry for Social Development, Families, and Solidarity attempted to integrate persons with disabilities into society; in practice, however, integration was largely left to private charities. Typically, families supported persons with disabilities, or they survived by begging.

National/Racial/Ethnic Minorities.—The official language is Arabic; however, both French and Arabic are used in the news media and educational institutions. Science and technical courses are taught in French, thereby reducing participation of the large, monolingual Arabic-speaking or Tamazight (Berber)-speaking populations. Educational reforms in the past decade emphasized the use of Arabic in secondary schools. Failure to transform the university system similarly led to the disqualification of many students from higher education in advanced technical fields. The poor lacked the means to obtain the necessary additional French instruction to supplement the curriculum taught in public schools.

Approximately 60 percent of the population claimed Amazigh (Berber) heritage, including the royal family. Amazigh cultural groups contended that their traditions and language were being lost rapidly to Arabization. In response, official media broadcasts in the Tamazight (Berber) language increased from 4 to 8 hours a day in 2005. In September television programs were added for the first time in Tamazight. Tamazight language classes were included in the curriculum of a limited

number of primary schools. In the 2007–8 school year, the Government instituted an Amazigh language class in 3,470 schools, an increase of 2,806 from the previous academic year.

Other Societal Abuses and Discrimination.—There was some societal violence based on sexual orientation. The penal code criminalizes homosexual acts but was infrequently enforced. On November 23, the home of a man who had hosted an alleged gay wedding the previous weekend was ransacked by an angry mob. On December 10, he and five other participants were tried and convicted for violating the law against homosexual acts. At year's end they remained in jail.

Section 6. Worker Rights

a. The Right of Association.—The Constitution permits workers to establish and join trade unions; in practice, however, the laws reportedly were not implemented in some areas. Most union federations were allied with political parties, but unions were free from government interference. Approximately 5.5 percent of the country's workers were organized.

The labor law details restrictions on the number of overtime hours worked per week and the rate of pay for holidays, nightshift work, and routine overtime. According to national and international NGOs, workers sometimes worked more than the standard 44 hours per week, and overtime hours were often required without pay.

The law specifically prohibits antiunion discrimination but prohibits some public employees (e.g., members of the armed forces, police, and judiciary) from forming unions. The law expressly prohibits companies from dismissing workers for participating in legitimate union-organizing activities and prescribes the Government's authority to intervene in strikes. Employers cannot initiate criminal prosecutions against workers participating in strikes. Unlike in 2006, there were no reports that union officers were subject to government pressure.

The courts have the authority to reinstate arbitrarily dismissed workers and are able to enforce rulings that compel employers to pay damages and back pay. Unions may sue to have labor laws enforced, and employers may sue unions when they believe unions have overstepped their authority.

b. The Right to Organize and Bargain Collectively.—The labor law mandates the right to organize and bargain collectively, and the Government generally upheld this right. Trade union federations competed among themselves to organize workers. Any group of eight workers may organize a union, and a worker may change union affiliation easily. A work site may contain several independent locals or locals affiliated with more than one labor federation; however, only unions having 35 percent of the workforce as members may be recognized as negotiating partners.

Collective bargaining was a longstanding tradition in some parts of the economy, such as the industrial sector, and was becoming more prevalent in the service sector, including banking, health, and the civil service. The wages and conditions of employment of unionized workers generally were set in discussions between employer and worker representatives; however, employers set wages for the vast majority of workers unilaterally. Labor disputes arose in some cases as the result of employers failing to implement collective bargaining agreements and withholding wages.

The law requires compulsory arbitration of disputes, prohibits sit-ins, establishes the right to work, calls for a 10-day notice of a strike, and allows for the hiring of replacement workers. The Government can intervene in strikes, and a strike cannot take place around issues covered in a collective contract for 1 year after the contract comes into force. The Government has the authority to break up demonstrations in public areas where strikes have not been authorized and to prevent the unauthorized occupancy of private space.

Unions may not prevent nonstrikers from working and may not engage in sabotage. Any striking employee who prevents a replacement worker from working is subject to a 7-day suspension. A second offense within 1 year is punishable by a 15-day suspension.

Employers wishing to dismiss workers are legally required to notify the provincial governor through the labor inspector's office. In cases in which the employer plans to replace dismissed workers, a government labor inspector provides replacements and mediates the cases of workers who protest their dismissal.

The Government generally ensured the observance of labor laws in larger companies and in the public sector. In the informal sector, such as in family workshops that dominated the handicrafts sector, employers routinely ignored labor laws and regulations, and government inspectors lacked the resources to monitor violations effectively. Domestic labor is not regulated.

In the Tangier Free Trade Zone, an export processing zone, labor laws and practices fully apply. The proportion of unionized workers in the export zone was comparable to the rest of the economy; academics studying the labor field estimated unionized workers to be less than 6 percent of the workforce.

c. Prohibition of Forced or Compulsory Labor.—The law prohibits forced, compulsory labor and clandestine labor, including by children; however, there were reports that such practices occurred. In practice the Government lacked the resources to inspect the small workshops and private homes where the vast majority of such employment occurred. Forced labor persisted in the practice of adoptive servitude in households.

d. Prohibition of Child Labor and Minimum Age for Employment.—The law protects children from exploitation in the workplace and prohibits forced or compulsory labor; however, the Government did not effectively implement these laws, except in organized labor markets. There were no prosecutions under the child labor law. Noncompliance with child labor laws was common, particularly in the agricultural sector. In 2006 domestic and international NGOs reported that up to 87 percent of the country's underage workers worked on family farms.

In recent years the Government has recognized an ongoing problem with child labor in the country and has strengthened several legal codes aimed at ending the exploitation of children. In 2004 the Government passed reforms to the family code, the labor code, and the penal code, all of which strengthened children's rights. However, the country continued to suffer from a high rate of child labor due to lack of enforcement of these laws.

During the year the Government continued to take steps to alleviate the problem of child labor, reflected in the 2006–15 Child Rescue Plan of Action. The Government expanded coordination with local, national, and international NGOs on various education and training programs during the year.

In 2005 the Government reported that there were 600,000 child workers and that 1.5 to 2 million children were not registered in school. Of those children between the ages of 12 and 14, 18 percent worked. In rural areas 19 percent of children between the ages of 7 and 14 worked; in urban areas children composed 2 percent of the labor force.

In practice children were apprenticed before age 12, particularly in small, family-run workshops in the handicraft industry. Children also worked in the informal sector in textile, carpet, and light manufacturing activities. Children's safety and health conditions and wages were often substandard. Many young girls were exploited as domestic servants.

The labor law sets the minimum age for employment in all sectors at 15 years. According to the law, children under the age of 16 are prohibited from working more than 10 hours per day, which includes at least a 1-hour break. Children under the age of 16 are not permitted to work between the hours of 9 p.m. and 6 a.m. in nonagricultural work or between 8 p.m. and 5 a.m. in agricultural activities. Employment of children under the age of 18 is prohibited in stone quarries, mines, or in any other positions deemed hazardous by the Government.

The labor law prohibited forced, compulsory labor or clandestine labor, but these provisions were difficult to enforce.

The family law protects and gives rights to illegitimate and abandoned children, who find themselves in desperate situations leading to child labor. The same law changed the minimum age for conscription into the armed forces from 18 to 20 years.

The country was a destination for children trafficked from sub-Saharan Africa, North Africa, and Asia and served as a transit and origin point for children trafficked to Europe. Children were also trafficked internally for exploitation as child domestic workers, beggars, and for prostitution.

The number of children working illegally as domestic servants was estimated to be between 66,000 and 88,000, and all were under the age of 15, according to HRW. Of this number an estimated 90 percent were recruited from rural areas, and 84 percent were illiterate. The labor code does not cover domestic labor and therefore does not prohibit the employment of child maids.

The practice of adoptive servitude, in which urban families adopted young rural girls to use them as domestic servants, was widespread. Credible reports of physical and psychological abuse in such circumstances were common. Some orphanages were charged as complicit in the practice. The public generally accepted the concept of adoptive servitude. According to HRW, the majority of child domestics worked 14 to 18 hours per day without breaks, 7 days a week, for salaries of approximately $0.05 to $0.13 (0.4 to one dirham) per hour. Most child domestics did not receive monetary payment; they worked for food, lodging, and clothing. Children were also

"rented" out to street businessmen by their parents or other relatives to beg. Parents received a fee for the use of their children, and the person "renting" the child kept a portion of the day's income from the child's begging.

The Ministry of Social Development, Families, and Solidarity is responsible for implementing and enforcing child labor laws and regulations, which were generally observed in the industrialized, unionized sector of the economy. The labor law provides for legal sanctions against employers who recruit children under the age of 15, with fines ranging from approximately $3,250 to $3,900 (25,000 to 30,000 dirhams). Legal remedies to enforce child labor laws include criminal penalties, civil fines, and withdrawal or suspension of one or more civil, national, or family rights, including denial of legal residence in the country for a period of 5 to 10 years. The Government passed laws prohibiting begging that exploits children and the buying and selling of child brides. According to the MOJ, no employer has been charged with violating child labor laws.

Application of the legal minimum employment age continues to be flouted in both the formal and informal sectors. According to MOJ officials, no employer has ever been convicted of employing a child under the age of 15 despite acknowledgement of the child labor problem. The informal sector, where the majority of children work, is not monitored by the Ministry of Labor's small cadre of labor inspectors. There were no labor inspectors dedicated solely to child labor issues.

HRW reported that police, prosecutors, and judges rarely enforced legal provisions on child abuse or on "forced labor in cases involving child domestics," and few parents of children working as domestics were willing, or able, to pursue legal avenues that were likely to provide any direct benefit.

e. Acceptable Conditions of Work.—The minimum wage was approximately $1.25 (9.66 dirhams) per hour in the industrialized sector and approximately $6.50 (50 dirhams) per day for agricultural workers. Businesses in the informal sector, which hire approximately 60 percent of the labor force, often ignored the minimum wage requirements.

The lowest wage on the Government pay scale exceeded the minimum wage.

Neither the minimum wage for the industrialized sector nor the minimum wage for agricultural workers provided a decent standard of living for a worker and family, even with government subsidies. In many cases several family members combined their incomes to support the family. Most workers in the industrial sector earned more than the minimum wage. Including traditional holiday-related bonuses, workers generally were paid the equivalent of 13 to 16 months' salary each year.

The law provides for a 44–48 hour maximum workweek, with no more than 10 hours in any single day, premium pay for overtime, paid public and annual holidays, and minimum conditions for health and safety, including a prohibition on night work for women and minors. Employers did not observe these provisions universally, and the Government did not enforce them effectively in all sectors.

Occupational health and safety standards were rudimentary, except for a prohibition on the employment of women and children in certain dangerous occupations. Labor inspectors attempted to monitor working conditions and investigate accidents, but they lacked sufficient resources. While workers in principle had the right to remove themselves from work situations that endangered health and safety without jeopardizing their continued employment, there were no reports of workers attempting to exercise this right.

WESTERN SAHARA

Morocco claims the Western Sahara territory, with a population of approximately 383,000, according to recent U.N. estimates, and administers Moroccan law and regulations in the estimated 85 percent of the territory it controls; however, Morocco and the Polisario (Popular Front for the Liberation of the Saguia el Hamra and Rio de Oro), an organization seeking independence for the region, dispute its sovereignty. Since 1973 the Polisario has challenged the claims of Spain, Mauritania, and Morocco to the territory.

The Moroccan Government sent troops and settlers into the northern two-thirds of the territory after Spain withdrew in 1975 and extended its administration over the southern province of Oued Ed-Dahab after Mauritania renounced its claim in 1979. Moroccan and Polisario forces fought intermittently from 1975 until the 1991 ceasefire and deployment to the area of a U.N. peacekeeping contingent, known by its French initials, MINURSO (the U.N. Mission for a Referendum in Western Sahara).

In 1975 the International Court of Justice advised that during the period of Spanish colonization, legal ties of allegiance existed between Morocco and some of the Western Saharan tribes, but the court also found that there were no ties indicating

"territorial sovereignty" by Morocco. The court added that it did not find "legal ties" that might affect U.N. General Assembly Resolution 1514 regarding the decolonization of the territory and in particular the principle of self-determination for its persons.

Sahrawis, as the persons from the territory are called, live in the area controlled by Morocco, and live as refugees in Algeria near the border with Morocco, and to a lesser extent in Mauritania. A Moroccan-constructed sand wall, known as the "berm," separates most Moroccan-controlled territory from Polisario-controlled territory.

In 1988 Morocco and the Polisario accepted the joint Organization of African Unity/U.N. settlement proposals for a referendum allowing the Sahrawis to decide between integration with Morocco or independence for the territory. Disagreements over voter eligibility were not resolved, however, and a referendum has not taken place.

In 1997 then U.N. Secretary-General Kofi Annan appointed James Baker as his personal envoy to explore options for a peaceful settlement. Baker visited the territory, consulted with the parties, offered proposals to resolve the problem, and in 2001 presented a "framework agreement," which Morocco accepted but the Polisario and Algeria rejected. In 2003 Baker proposed a peace plan, which the U.N. Security Council endorsed. The plan proposed that a referendum consider integration with Morocco or independence and addressed other questions agreed to by the parties, such as self-government or autonomy. Morocco ultimately rejected the plan, while the Polisario accepted it.

In 2005 Kofi Annan appointed Peter van Walsum, a former Dutch ambassador to the U.N., as his personal envoy to oversee the political process.

On October 31, the Security Council adopted Resolution 1783, extending MINURSO and its 227-member military staff until April 31, 2008. In the secretary-general's October report to the Security Council, he renewed a call for all parties to engage in dialogue with the U.N. High Commissioner for Human Rights to ensure adequate human rights protection for all. The resolution called on Morocco and the Polisario to continue negotiations and requested that the secretary-general facilitate the talks. The first round of discussion occurred in June and the second in August. Neither session produced breakthroughs, but the parties agreed to continue meeting. Resolution 1783 also called on member states to consider voluntary contributions to the Confidence Building Measures that allow increased contact between family members separated by the dispute. The U.N. High Commission for Refugees (UNHCR) maintained a separate office in Laâyoune to coordinate these measures.

The Moroccan Constitution and laws apply to the civilian population living in the territory under Moroccan administration. Political rights for residents remained circumscribed, and citizens did not have the right to peacefully change their government. International human rights groups and Sahrawi activists maintained that the Moroccan Government subjected Sahrawis who were suspected of supporting either Western Saharan independence or the Polisario to various forms of surveillance, arbitrary arrest, prolonged detention, and in many cases torture.

Since 1977 the inhabitants of the Western Saharan provinces of Laâyoune, Smara, Awsard, and Boujdour (and Oued Ed-Dahab since 1983) have participated in Moroccan national and regional elections. In Morocco's September parliamentary elections, Sahrawis with pro-Morocco political views filled all the parliamentary seats allotted to the territory. No Sahrawis opposed to Moroccan sovereignty were candidates in the elections. According to Moroccan Government statistics, the national election turnout was 37 percent, but 62 percent of registered voters in the territory participated. The international mission that observed the September elections did not monitor voting in Western Sahara, but domestic observers leveled accusations of corruption in some races.

In March 2006 King Muhammad VI appointed a new Royal Consultative Council for Saharan Affairs. The council, which met twice in 2007, was charged with developing an autonomy plan for the territory within the context of the Moroccan state.

A substantial Moroccan Government subsidy aided migration to and development in the portions of the territory under its control. The Government subsidized incomes, fuel, power, water, housing, and basic food commodities for residents of the territory.

During the year there were no confirmed reports of politically motivated disappearances in the territory under Moroccan administration.

On November 20, five skeletons were discovered outside the walls of Laâyoune prison at the site of a construction project. The remains were transported to the local hospital, where government doctors were charged with determining the date and cause of death. The proindependence Collective of Sahrawi Human Rights De-

fenders (CODESA) claimed that police kept the discovery secret until November 28. The Moroccan Government stated that the bodies dated to the early part of the 20th century, while many proindependence organizations claimed they dated to the early days of the Moroccan territorial administration in the 1970s and 1980s. In November the Moroccan Government admitted in statements to the press that during this period activists and dissidents were secretly detained and sometimes killed but stated that the five skeletons were not of that era.

During the year the mothers of 15 Sahrawi activists, who disappeared in 2005 after departing for Spain in a boat, continued to allege that the activists were actually detained by Moroccan authorities. They further claimed that three had possibly been killed during interrogation and that the rest remained in secret custody. The Government insisted that all 15 Sahrawi activists must have died at sea and denied any knowledge of their whereabouts. Neither side had produced any evidence regarding the fate of the 15 by year's end.

The Laâyoune-based Sahrawi Association of Victims of Grave Human Rights Violations Committed by the Moroccan State (ASVDH) maintained a list of persons who allegedly had disappeared or been tortured since the conflict began. The list named more than 500 persons. In 1997 the Moroccan Government pledged that such activities would not recur and agreed to disclose as much information as possible on past cases.

In 2004 authorities stated that they had released information on all confirmed disappearance cases, which totaled 112. However, human rights groups and families claimed hundreds of cases remained outstanding. International human rights organizations estimated that between 1,000 and 1,500 Sahrawis had disappeared in the territory between 1975 and the early 1990s, many of whom were held for long periods in undisclosed locations. The missing persons were both Sahrawis and Moroccans who challenged the Moroccan Government's claim to the territory or other government policies.

On August 10, the Consultative Council on Human Rights (CCDH), a Moroccan Government organization, opened a Laâyoune field office. Since 2000 the CCDH has been paying reparations, including assisting with urgent medical or financial needs, to Sahrawis or the family members of those Sahrawis who had disappeared or been detained. The Laâyoune office processed and paid 1,600 claims between August and December.

Human rights activists in Western Sahara stated that physical beating and torture continued and that the use of psychological and "mental stress" interrogations increased. They also reported increased uses of certain torture methods, including many threats and one allegation of forcing victims to sit on bottles and inserting wires into orifices. Activists alleged that police sometimes beat detainees in transport vehicles rather than in stations or prisons in order to deny abusing persons in government facilities.

Numerous victims of human rights abuses repeatedly named specific police officers as either supervising or using excessive force and/or beating demonstrators, including children. During the year multiple complaints were filed with both police and judicial authorities against these specific officers, who had also had complaints filed against them in previous years. No officer was either suspended or disciplined by year's end, creating the perception of impunity.

The Moroccan Government reported that the Laâyoune police authorities received nine complaints of police misconduct during the year. The Government stated that it had investigated the complaints and found them baseless.

In February Zahra Bassiri, a 14-year-old girl, was arrested after a peaceful demonstration of approximately 50 persons in support of Western Saharan independence, according to the Associated Press. Bassiri stated that police officers began beating her as soon as they put her into a transport van. According to her statement, four policemen threw her on the van floor in order to get a better angle for beating her with their truncheons.

Activists also reported that courts often refused to bring in experts to testify about torture.

Both Moroccan authorities and human rights activists agreed that the Laâyoune prison was outdated, overcrowded, and substandard. The Moroccan Government stated that the facility, built during the Spanish colonial period, was constructed to accommodate 200 inmates but housed 500 during the year. In August the Government broke ground for a new prison, which was scheduled to be completed in 2009. The Moroccan Observatory of Prisons (OMP), a local nongovernmental organization (NGO) that received some financial support from the Moroccan Government, had blanket permission from the Government to enter all prisons, to inspect prison conditions, and to receive complaints.

The OMP regional office in Laâyoune stated that a new prison director decreased overcrowding, improved security by installing metal detectors and cameras to prevent violence, improved access to health care, and created new cells for family visits.

On January 18, prominent proindependence activists, including Brahim Sabbar and Ahmed Sbai, alleged that they were handcuffed, dragged from their cell, and beaten in Laâyoune prison.

On October 12, the Moroccan Ministry of Justice (MOJ) announced that it had instituted a new system by which prisoners may register complaints of abuse through the prison system or via the OMP. Complaints are then forwarded to the MOJ and presented by a government attorney to a judge. Prisoners also availed themselves of the OMP's complaint mechanism in which OMP's attorneys pursued cases through the system.

Human rights activists and NGOs claimed that the court system in Laâyoune dispensed justice unfairly. Many activists claimed that although they were arrested for political activities, they were officially charged with drug offences. On April 15, Muhammad Tamek, cousin of a well-known Sahrawi activist, was arrested in Assa, allegedly as a warning to his cousin, and subsequently sentenced to 4 years in prison on drug smuggling charges. He denied any connection to drug smuggling. A Spanish observer at the trial claimed that the proceedings were neither fair nor transparent. According to the observer, several prosecutorial witnesses did not recognize the defendant.

On June 26, the court in Laâyoune sentenced Sahrawi activists Abdesalam El-Loumadi, Abdesalam Daidda, Sidi Bahaha, Muhammad Mustapha, Zougham El-Houssein, Moulay Daddah, and Belyazid Lamine to prison terms ranging from 10 months to 5 years for participating in an unauthorized protest. At certain times during the trial, family members of the defendants were barred from entering the courtroom, although the restrictions were lifted following protests by defense lawyers.

According to activists, police stopped Muhammad Tahlil, president of the Boujdour branch of the ASVDH, on his way to attend the trial. He was allegedly held at a police station for a period of time, then blindfolded and driven to an unknown location where he was stripped and beaten severely. Tahlil was left on the eastern outskirts of Laâyoune. The Moroccan Government reported that it had investigated this and similar allegations in other cases and found them baseless.

On May 9, Boujdour-based Sahrawi activist and student Sultana Khaya participated in a proindependence demonstration in Marrakech. In the course of police attempts to disperse participants, she was injured and subsequently lost an eye. Khaya and Sahrawi human rights activists, including the Moroccan Association for Human Rights (AMDH), alleged that her injuries were a direct result of a police beating. The Government maintained that she fell and injured herself on the ground.

According to Amnesty International (AI), on March 6, two Sahrawi human rights defenders, Brahim Sabbar and Ahmed Sbai, were sentenced to 1 year in prison on charges of inciting violent protest activities, having led demonstrations in 2005 and 2006 against the Moroccan administration of Western Sahara and for belonging to ASVDH, an unauthorized organization.

AI also reported that on March 6, three other Sahrawis—Ahmed Salem Ahmeidat, Muhammad Lehbib Gasmi, and El-Hafed Toubali—were sentenced to 3 years in prison for forming a criminal gang and setting fire to a building during demonstrations against the Moroccan administration of Western Sahara. The conviction was based on written statements by police officers who claimed that the defendants confessed their guilt. When the men appeared before an examining magistrate, they denied the charges and stated that they were forced to sign the statements after being subjected to beatings by security force personnel.

On October 8, Sabbar and Sbai briefly appeared before a court in Laâyoune and accused of "offending magistrates" because they chanted slogans advocating Sahrawi self-determination at their trial on March 6. They appeared with Ahmeidat, Gasmi, and Toubali, who faced the same charges. All five defendants were expelled from the court by order of the presiding judge shortly after the trial opened because they continued to demand self-determination for Sahrawi persons and to express support for the Polisario. When the defense request that they be brought back to court was rejected, the defense lawyers stated that they were unable to present the defense case. The prosecution asked the judge to apply the law as it stands. On December 17, Ahmed Sbai was released, while Brahim Sabbar remained in prison.

On December 14, police reportedly detained Dahha Rahmouni and Brahim al-Ansari, both members of human rights NGOs, and allegedly beat them in custody. Rahmouni and al-Ansari were released without charge on December 16 after being forced to sign statements they had not read. Police returned the activists' cell

phones and car confiscated during the detention, but not al-Ansari's USB drive, which contained personal information.

During the year activists and NGOs alleged that police violated Moroccan law by holding minors for up to 72 hours without informing parents. Activists also claimed that minors were often seized and arrested for short periods of time, during which they were allegedly beaten before being released. On June 16, police arrested 17-year-old Muhammad Boutabaa following a demonstration. He spent 6 days in custody without being officially charged. The law states that a suspect can only be held for 48 hours, with the possibility of a 24-hour extension at the request of the public prosecutor before being arraigned in court. Boutabaa did not appear before a judge until June 21.

Youths supporting independence were reportedly detained and mistreated. Activists claimed that they were regularly taken into custody, beaten, and released, generally within 24 hours, without being formally arrested or charged.

Police reportedly used excessive force or violence to disperse some proindependence demonstrations, which continued intermittently throughout the year. On May 11, police broke up a demonstration in Laâyoune's central square. Four individuals were injured and several arrested. On May 25, Moroccan police disbanded another demonstration, arrested several persons, and searched the homes of some protestors. Moroccan authorities claimed that they did not intervene in any demonstrations until demonstrators became violent and destroyed personal property.

On June 20, after an investigation carried out by the Moroccan Government, two police officers responsible for the death of a Sahrawi, Hamdi Lembarki, were sentenced to 10 years in prison. Lembarki died in police custody from wounds received at a 2005 demonstration in Laâyoune in support of the independence of Western Sahara.

In 2006 the Urban Surveillance Group, a security group accused of involvement in past abuses, was reorganized, eliminating a police unit and reassigning personnel. Security personnel also received new training, which included a human rights component. The retention of personnel in key roles who allegedly have perpetrated past abuses, however, highlighted continuing problems of impunity.

During a November demonstration, ASVDH and CODESA reported that police used excessive force to disperse demonstrators. Police reportedly pulled children by their hair, pushed them into vans, and kicked demonstrators. One activist reported that police tried to take off her clothes and threatened her with rape. The same activist also reported that her daughter was arrested and beaten with batons, wires, and truncheons on the soles of her feet while being transferred to jail. The police also allegedly removed the girl's veil and smock and threatened to remove her clothes.

On November 9, police allegedly beat an 18-year-old student participating in a demonstration. The student reported that approximately seven policemen also beat another boy and threatened to force him to sit on a bottle.

From January 2004 to November 2005, the Equity and Reconciliation Commission (IER), established by the king, investigated egregious human rights violations that occurred between 1956 and 1999 in Morocco and Western Sahara. The IER received approximately 22,000 allegations of violations, many of which concerned the territory. Investigative teams from the IER visited the territory on several occasions during its term.

From January 2004 to November 2005, the IER assessed 16,861 cases. It held public hearings in Morocco and planned for hearings in the territory. Due to internal IER time constraints and to demonstrations in the territory, hearings in Western Sahara did not take place. The IER mandate did not include the disclosure of names of individuals responsible for the violations nor did it include a mechanism for bringing violators to trial. The AMDH criticized the IER for its inability to refer cases to authorities for prosecution and for underreporting the numbers of victims.

During the documentation phase of its work, the Moroccan Government identified approximately 63 Sahrawi graves. AMDH, however, claimed that many more Sahrawis died in detention during the years under investigation.

In January 2006 the IER published its final report, which provided a historical context, calculated compensation payments, and outlined recommendations on preventing future abuses.

Both the 1991 settlement plan and the 1997 Houston Accords called for the Polisario to release all remaining Moroccan prisoners of war (POWs) after the parties completed the voter identification process. In 2005, despite the ongoing lack of agreement on voter eligibility, the Polisario released all remaining Moroccan POWs, some of whom reportedly suffered serious physical and psychological health problems due to prolonged detention, abuse, and forced labor.

According to the Polisario, the Moroccan Government continued to withhold information on approximately 150 Polisario missing combatants and supporters whom the Polisario listed by name. Morocco formally denied that any Sahrawi former combatants remained in detention. During the year the International Committee of the Red Cross (ICRC) continued to investigate such Polisario claims in addition to Moroccan claims that the Polisario had not fully divulged information on the whereabouts of 213 Moroccan citizens. In a few cases the ICRC found that individuals on the Polisario list were living peacefully in Moroccan territory or in Mauritania.

During the year the Working Group on Forced and Involuntary Disappearances of the U.N. Human Rights Council (UNHRC), in recognition of Morocco's cooperation in resolving cases of missing Algerian and Polisario soldiers, dropped its demand to visit the territory. The total number of unresolved cases in which Morocco was implicated decreased from 249 in 1994 to 58 in November.

Morocco and the Polisario disputed the number of persons in refugee camps. The Moroccan Government continued to claim that the Polisario detained 45,000 to 50,000 Sahrawi refugees against their will in camps near Tindouf, Algeria. The Polisario and Algerian Government claimed that refugee numbers at Tindouf were much higher, and the Polisario denied holding any refugees against their will.

The UNHCR and the World Food Program appealed regularly to donors for food aid and distributed it to approximately 155,000 in refugee camps. However, because Algeria would not allow a census, and partly out of concern over inflated figures, the UNHCR reduced its planning figure to 90,000 through sampling and satellite imagery analysis. The UNHCR provided supplementary rations to pregnant and lactating women, as well as malnourished children under 5 years of age.

The U.N. reported disruptions in the delivery of food aid. Cereals, which accounted for 70 percent of nutrition provided, were not distributed in July.

Local advocacy groups in Western Sahara protested against the treatment of the Sahrawi refugees in the Tindouf camps throughout the year. During a December 14 hearing before the Belgian Parliament, Moroccan Sahrawi activists expressed concerns about human rights abuses in Polisario-run camps in Tindouf. Six young former residents of the camps testified that they were taught weapons handling against their will and were taken from their families and sent to Cuba to undergo military training.

On December 11, during meetings at the sixth session of the UNHRC, Moroccan Sahrawi groups accused the Polisario of keeping residents in its camps by force. They also accused the Polisario of embezzling or diverting international funds meant to assist refugees.

In 2004 the UNHCR began a program of Confidence Building Measures (CBMs), highlighted by family visits that allowed individuals to spend 5 days with long-separated relatives. In August 2005 the program was halted. In November 2006 the U.N. resumed family reunion flights after a 5-month suspension, and flights were ongoing at year's end. During the year 2,109 Western Saharans participated in the family visit program.

The CBMs also included free-of-charge telephone exchanges between relatives in the territory and refugee camps in Algeria. During the year approximately 24,700 telephone calls were made.

The UNHCR reported that the CBM program, which was dependent on contributions from U.N. member states, was threatened by a shortage of funds.

Web sites considered controversial, such as those advocating independence, were at times inaccessible.

In October CODESA applied to the Moroccan Government for recognition as an official NGO. CODESA claimed that Moroccan authorities adopted measures of pressure and harassment to impede the organization's Constitutive Conference planned for October 7. CODESA reported that the owners of the space in which they had arranged to hold the meeting were pressured by the authorities to withdraw permission. The conference was ultimately canceled. At year's end CODESA's application, sent by registered mail to the local authorities, was still pending before the Government, and CODESA chose to take no further steps regarding the issue.

The ASVDH applied to register as an NGO in 2005 but was denied permission by the Moroccan Government. Despite two subsequent administrative court decisions in its favor, the Government continued to refuse to approve its application.

Both CODESA and ASVDH continued to operate informally, but the lack of legal status prevented them from receiving domestic and international funding and from implementing projects.

The laws and restrictions regarding religious organizations and religious freedom in the territory are the same as those in Morocco. The Constitution provides that Islam is the state religion, and that the state provides the freedom to practice one's religion. The Catholic Church continued to operate and minister in the territory.

The Moroccan Government and the Polisario restricted movement in areas regarded as militarily sensitive.

Some Sahrawis continued to have difficulty obtaining Moroccan passports, although the Moroccan Government reissued travel documents to 11 Sahrawis whose passports were confiscated more than 3 years ago.

Antigovernment activists were generally able to travel internationally. Such activists, however, sometimes faced intimidation. In late 2006 a prominent activist returned to the territory after traveling overseas, whereupon, the activist's brother was beaten as an apparent message to the activist.

The Moroccan penal code imposes stiff fines and prison terms on individuals involved in or failing to prevent trafficking in persons. The territory was a transit region for traffickers of persons.

At year's end, six illegal migrants remained at the U.N. Bir Lahlou monitoring site, and MINURSO was coordinating with the International Organization for Migration to return them to their countries of origin.

On July 31, the Moroccan Government reported that two illegal migrants were killed and two seriously injured while trying to break through a security system in Laâyoune. Authorities stated that 37 sub-Saharan persons attempted to break through the surveillance system despite warning shots fired by security forces, and 26 were arrested. In July the Moroccan Government launched an investigation, but at year's end the results had not been made public.

The Moroccan labor code applied in the Moroccan-controlled areas of the territory. Moroccan unions were present in those areas but were not active.

There were no known strikes, other job actions, or collective bargaining agreements during the year. Most union members were employees of the Moroccan Government or state-owned organizations. These individuals were paid 85 percent more than their counterparts in Morocco as an inducement to relocate to the territory. The Moroccan Government exempted workers from income and value-added taxes.

The Moroccan labor code prohibited forced or bonded labor, including by children, and there were no reports that such practices occurred.

Regulations on the minimum age of employment were the same as in Morocco. Child labor did not appear to be a problem.

The minimum wage and maximum hours of work were identical to those in Morocco. In practice, however, during peak periods, workers in some fish processing plants worked as many as 12 hours per day, 6 days per week, which was well beyond the 10-hour day, 44-hour week maximum stipulated in the Moroccan labor code. Occupational health and safety standards were the same as those in Morocco and enforcement was rudimentary, except for a prohibition on the employment of women in dangerous occupations.

OMAN

The Sultanate of Oman is a hereditary monarchy with a population of approximately 2.6 million ruled by Sultan Qaboos Al Bu Sa'id since 1970. Only the sultan can amend the country's laws through royal decree. The 84-member Majlis as-Shura (Consultative Council) is a representative advisory institution that can review legislation. On October 27, approximately 245,000 registered voters participated in generally free and fair elections for all of the council's 84 seats. The civilian authorities generally maintained effective control of the security forces.

Citizens did not have the right to change their government. The Government restricted freedoms of speech, press, assembly, religion, and association. Despite legislated equality for women, discrimination and domestic violence persisted due to social and cultural factors. The Government restricted the activity of nongovernmental organizations (NGOs) and did not permit domestic human rights groups to operate in the country. There was a lack of sufficient legal protection and enforcement to secure the rights of migrant workers. There were reports that expatriate laborers, particularly domestic workers, were placed in situations amounting to forced labor and that some suffered abuse.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life.—There were no reports that the Government or its agents committed arbitrary or unlawful killings.

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, and there were no reports that government officials employed them.

Prison and Detention Center Conditions.—Prison and detention center conditions generally met international standards, although there were reports that some prison cells lacked proper sanitation. The Government permitted expatriate volunteers to visit prisoners and detainees. During the year no international observers visited prisons or detention centers. In June and October 2006 the Government allowed diplomatic representatives to tour two deportation centers for illegal immigrants in Sohar and Salalah; these centers generally met international standards.

d. Arbitrary Arrest or Detention.—The law prohibits arbitrary arrest and detention, and the Government generally observed these prohibitions in practice.

Role of the Police and Security Apparatus.—The Royal Office, part of the cabinet, controls internal and external security and coordinates all intelligence and security policies. Under the Royal Office, the Internal Security Service investigates all matters related to internal security, and the sultan's Special Force has limited border security and antismuggling responsibility. The Royal Oman Police (ROP), also part of the cabinet, performs regular police duties, provides security at airports, serves as the country's immigration agency, and operates the coast guard. The Ministry of Defense, and in particular the Royal Army of Oman, is responsible for border security and has limited domestic security responsibilities.

There were isolated reports of corruption during the year. The ROP's Directorate General of Inquiries and Criminal Investigation is charged with investigating allegations of police abuse, and its findings are turned over to the Directorate General of Human Resources for disciplinary action. There is no public information about the ROP's internal disciplinary action. Officers received human rights training at the police academy.

Arrest and Detention.—The law does not require the police to obtain warrants prior to making an arrest. The law provides that within 48 hours of arrest, the police must either release the accused or refer the matter to the public prosecutor. Within 24 hours the public prosecutor must formally arrest or release the person. The state provided public attorneys to indigent detainees. Authorities must obtain court orders to hold suspects in pretrial detention. Judges may order detentions for 14 days to allow investigation and may grant extensions if necessary. The authorities post the previous week's trial results near the magistrate court building. There was a functioning system of bail. Detainees generally had prompt access to a lawyer of their choice.

In practice the police sometimes failed to follow legal procedures. The police did not always inform detainees of the charges against them or notify a detainee's family or sponsor of the detention.

During the year security services detained several thousand suspected illegal migrant laborers along the country's sea and land borders as part of an ongoing government campaign to halt illegal immigration. Police continued to conduct operations to identify, detain, and deport persons unable to document their legal status in the country upon request.

There were isolated reports that foreign workers suspected of being in the country illegally were detained without charge pending confirmation of their immigration status.

e. Denial of Fair Public Trial.—The law provides for an independent judiciary; however, the sultan can act as a court of final appeal and exercise his power of pardon as chairman of the Supreme Judicial Council, the country's highest legal body with the power to review all judicial decisions. Members of the Supreme Judicial Council included the president of the Supreme Court, the minister of justice, the public prosecutor, and the inspector general. The Administrative Affairs Council approves all judicial nominations, except for Supreme Court judges, president, and deputy president, who are appointed by royal decree based on the council's nomination.

The Ministry of Justice (MOJ) administers all courts. The magistrate court system is composed of courts of first instance, courts of appeal, and the Supreme Court. There are 42 courts of first instance located throughout the sultanate that hear civil, criminal, commercial, labor, and personal status cases. One judge presides over each court of first instance. There are six courts of appeal, each with a panel of three appointed judges. The Supreme Court standardizes legal principles, reviews decisions of lower courts, and monitors judges in their application and interpretation of the law. The Supreme Court consists of five judges. The sultan can pardon or reduce sentences but not overturn a Supreme Court verdict. The Supreme Judicial Council can hear appeals beyond the Supreme Court.

Principles of Shari'a inform the civil, commercial, and criminal codes. Laws governing family and personal status are based on the Government's interpretation of Shari'a.

Trial Procedures.—The law provides for the right to a fair trial, and the judiciary generally enforced this right. Juries are not used. The public prosecutor's office operates independently within the MOJ. All felonies are adjudicated in courts of first instance. All appeals to a judge's ruling must be made within 30 days. The criminal appeals panel hears appeals of rulings made by all courts of first instance. Appeals of appellate court decisions go to the Supreme Court.

According to the law, in criminal cases the police are required to provide defendants with the written charges against them, and defendants have the right to present evidence and confront witnesses. The prosecution and defense counsel question witnesses before a judge in court. Defendants and their lawyers generally had access to government-held evidence relevant to their cases.

In a June 15 interview with cable television station Al-Hurra, former parliamentarian Taybah al-Ma'wali claimed that before and during her 2005 trial on charges of slander, authorities limited her access to information regarding the charges against her and government-held evidence and provided her with 1 week to prepare her defense. She also alleged that during her subsequent 6-month imprisonment, security forces denied visitation rights to members of her family. In January 2006 authorities released al-Ma'wali.

The law provides for the presumption of innocence and the right to counsel. Courts provide public attorneys to indigent detainees and offer legal defense for defendants facing prison terms of 3 years or more. Judges often pronounce a verdict and sentence within 1 day of a trial's completion. Those convicted may appeal jail sentences longer than 3 months and fines over the equivalent of $1,250 (480 rials).

The Administrative Court, under the authority of the Diwan of the Royal Court, reviews complaints about the misuse of governmental authority. It has the power to reverse decisions made by government bodies and award compensation. Appointments to this court are subject to the approval of the Administrative Affairs Council. The court's president and deputy president are appointed by royal decree based on the council's nomination.

The State Security Court tries cases involving national security and criminal matters that require expeditious or especially sensitive handling. The security court procedures mirror those applicable elsewhere in the criminal system. The sultan may exercise his powers to extend leniency, including in cases involving state security.

Ministry and security personnel are subject to a military tribunal system of justice, to which there is limited outside visibility or access.

Political Prisoners and Detainees.—There were no reports of political prisoners or detainees.

Civil Judicial Procedures and Remedies.—Civil cases are governed by applicable civil procedure codes. Citizens and third-country nationals were able to file cases in the courts. There were instances in which courts ruled in favor of domestic servants against their sponsors, requiring sponsors to return the workers' passports and allow them to break the employment contract. In some of these instances, the courts issued orders to apprehend the sponsor and force his appearance before the court. Both citizen and foreign workers can lodge complaints regarding working conditions with the Ministry of Manpower (MOM) for administrative redress. The MOM may refer cases to the courts if it is unable to negotiate a solution.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The law provides for broad governmental discretion, which the Government utilized in practice.

The law does not require police to obtain search warrants before entering homes, although the police often obtained warrants from the public prosecutor's office. The Government monitored private communications, including mobile phones, e-mail, and Internet chat room exchanges. The Ministry of Interior (MOI) required citizens to obtain permission to marry foreigners except nationals of the Gulf Cooperation Council (GCC) countries; permission was not granted automatically. Citizen marriages to foreigners abroad without MOI approval may cause the foreign spouse to be denied entry into the country and prevent a legitimate child from claiming citizenship rights.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The law provides for limited freedom of speech and of the press; however, the Government generally restricted these rights in practice. Journalists and writers exercised self-censorship, due both to the expectation of official censorship and fear of government reprisal.

The law prohibits criticism of the sultan in any form or medium, as well as "material that leads to public discord, violates the security of the state, or abuses a person's dignity or his rights." The Telecommunications Act prohibits knowingly sending a message via any form of communication that violates public order and morals or is harmful to a person's safety. The penal code assigns a sentence of 10 days to 6 months for the crime of "defamation of character." Courts have interpreted these laws to mean that it is illegal to insult a public official.

Various media companies reportedly refused to publish articles by journalists who previously criticized the Government. Some journalists alleged that the Government maintained a "black list" of journalists and writers whose work could not be published in the country. The authorities tolerated a limited degree of criticism of policies, government officials, and agencies, particularly via the Internet; however, such criticism rarely appeared in the mass media. The Government used libel laws and concerns for national security as grounds to suppress criticism of government figures and politically objectionable views.

Ministry of Information censors strictly enforced the Press and Publication Law, which authorized the Government to censor all domestic and imported publications. As a result, all content in both public and private print outlets was subject to official review and approval prior to publication; censors generally disallowed material regarded as politically, culturally, or sexually offensive. However, the censorship process was not transparent.

Some journalists stated that customs officials at the border followed an unwritten policy to confiscate books and tapes containing material considered offensive. Although there were no published reports of such seizures taking place during the year, journalists claimed that customs officials targeted writers on the alleged "black list." Editorials generally were consistent with the Government's views, although authorities tolerated some limited criticism regarding domestic and foreign affairs issues, including GCC policies, which the country participates in determining.

On August 12, the Arabic-language daily Azzamn began circulation, becoming the country's fifth privately-owned newspaper. Other private papers included Arabic-language dailies Al-Watan and Al-Shabiba and English dailies the Times of Oman and Oman Tribune. In addition, there were two state-owned newspapers and more than 30 state-owned and privately-owned magazines in circulation.

The Government owned three radio stations and two television stations, which generally did not air politically controversial material. In 2005 the Ministry of Information approved licenses for one private television station and three private radio stations.

On May 23, the private radio station Hala FM began broadcasting Arabic-language pop music and a limited amount of entertainment and non-political public information. In October the same ownership began test transmission of HI–FM, broadcasting English-language pop and no spoken content. Access to foreign broadcasts via satellite was widespread in the major urban areas.

Internet Freedom.—The government's national telecommunications company made Internet access available for a fee to citizens and foreign residents. However, it blocked numerous Web sites considered pornographic, culturally or politically sensitive, or competitive with local telecommunications services. The criteria for blocking Internet sites were not transparent. Growing use of the Internet to express views normally not permitted in other media led the Government to take additional measures to monitor and censor it. The Government reportedly questioned some chat room contributors critical of government officials or policies, or whose postings precipitated criticism, after tracking the contributors through their Internet service provider addresses.

In January police arrested the founder of the country's most popular chat room site, al-Sablah al-Omania, and 10 of his associates for publishing comments critical of government officials. After a 4-month trial, a court of first instance acquitted the site's founder and three codefendants on charges of slander but sentenced six other defendants with fines ranging from $780 to $10,400 (300 to 4,000 rials), and one codefendant to 1 month in jail. Prior to the trial, the founder of al-Sablah al-Omania shut down the site to "avoid further legal complications." The site remained closed at year's end.

The Government placed warnings on other Web sites that criticism of the sultan or personal criticism of government officials would be censored and could lead to police questioning, which increased self-censorship. While several sites served as replacements for al-Sablah, all were rigorously cautious concerning content, and moderators reportedly quickly deleted potentially offensive material. The Telecommunications Regulatory Authority (TRA) blocked establishments from offering Voice over Internet Protocol services without a TRA license.

Academic Freedom and Cultural Events.—The Government restricted academic freedom, particularly regarding publishing or discussing controversial matters such as domestic politics, through the threat of dismissal if a teacher's work exceeded government boundaries. As a result, professors generally practiced self-censorship. There were no reported cases during the year in which the Government dismissed a professor or other teacher on these grounds.

The appropriate government authority, the police, or a relevant ministry must approve all public cultural events. Organizations avoided controversial issues reportedly due to belief that the authorities might not approve such events.

b. Freedom of Peaceful Assembly and Association.

Freedom of Assembly.—The law provides for circumscribed freedom of assembly, and the Government restricted the exercise of this right in practice. Prior government approval was necessary for all public gatherings. The authorities enforced this requirement with rare exceptions.

Freedom of Association.—The law provides for freedom of association "for legitimate objectives and in a proper manner." The Council of Ministers approves the establishment of NGOs—officially recognized as associations—to work on a set of acceptable issues, including women, children, the elderly, persons with disabilities, and others approved by the council. The council limited freedom of association in practice by prohibiting associations whose activities were deemed "inimical to the social order" or otherwise not appropriate and did not license groups regarded as a threat to the predominant social and political views or the interests of the country. Through either outright denial or imposition of burdensome bureaucratic requirements, the Government effectively blocked the formation of even the most benign organizations.

In May the Ministry of Education, with the approval of the Council of Ministers, permitted America-Mideast Educational and Training Services, Inc. (AMIDEAST) to become the first foreign NGO to open a permanent office in the country.

Formal registration of nationality-based associations was limited to one association for each nationality. The law states that associations must register with the Ministry of Social Development, which is responsible for approving association bylaws. The average time required to register an association was about 2 years.

Women's associations, which total 52, were able to register somewhat faster because their applications required approval only by the Minister of Social Development. However, women's associations are subject to the same laws as other associations. Some women's associations received limited government funding or in-kind support, while others were self-funded. With the inclusion of AMIDEAST and five new women's associations, a total of 71 registered associations existed at year's end.

c. Freedom of Religion.—The law provides for the freedom to practice religious rites as long as doing so does not disrupt public order. The Government generally respected this right, but within defined parameters that placed limitations on the right in practice. The law provides that Islam is the state religion, and that Shari'a is the source of legislation. Most citizens were Ibadhi or Sunni Muslims, with some Shi'a and a few non-Muslim citizens. The Government permitted worship by non-Muslim residents. All religious organizations must be registered with the Government.

Non-Muslims were free to worship at churches and temples built on land donated by the sultan. In May 2006 the Government issued a legally-enforceable circular that formalized previously unwritten prohibitions on religious gatherings in locations other than government-approved houses of worship. The circular also prohibited non-Islamic institutions from issuing publications within their communities without prior approval from the Ministry of Endowments and Religious Affairs (MERA). The law does not prohibit proselytizing, but the MERA can stop individuals or groups from engaging in it if the ministry receives complaints. The Government may use immigration regulations and laws against harassment to enforce the ministry's policy.

Members of all religions and religious groups were free to maintain links with members abroad and undertake foreign travel for religious purposes. Individuals and groups were allowed to bring religious material printed abroad into the country.

The MERA monitored sermons at mosques to ensure imams did not discuss political topics or instigate religious hatred or divisions. The Government expected all imams to preach sermons within the parameters of standardized texts distributed monthly by the ministry. Imams may be suspended or dismissed for exceeding government boundaries; however, there were no reported suspensions or dismissals during the year. The Government monitored but did not attempt to control the content of sermons in non-Islamic communities.

Societal Abuses and Discrimination.—There was no Jewish population and no reports of anti-Semitic acts or public statements by community or national leaders that vilified Jews. Anti-Semitism was present in the media, however, and anti-Semitic editorial cartoons depicting stereotypical and negative images of Jews, along with Jewish symbols, were published during the year. These expressions occurred primarily in the privately-owned daily newspaper Al-Watan without government response.

For a more detailed discussion, see the 2007 International Religious Freedom Report.

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons.—The law does not provide for these rights; however, the Government generally respected these rights in practice. The law prohibits forced exile, and there were no reported cases during the year.

Protection of Refugees.—The law provides for the granting of asylum or refugee status in accordance with the 1951 U.N. Convention relating to the Status of Refugees and its 1967 protocol, although the country is not party to either the convention or the protocol. In practice the Government provided protection against refoulement, the return of persons to a country where there is reason to believe they feared persecution, but did not routinely grant refugee or asylum status. The ROP is responsible for determining refugee status but did not accept refugees for resettlement during the year. The law does not specify a timeframe in which the ROP must adjudicate a resettlement application.

Government officials reported that during the year several hundred Somalis holding U.N. refugee cards entered the country illegally via Yemen to look for work or to transit to other Gulf countries. The authorities stated that Yemen had already granted the Somalis refugee status, and that none of the Somalis applied for protection or resettlement before being deported.

Tight control over the entry of foreigners effectively limited refugees and prospective asylum seekers. Authorities apprehended and deported hundreds of Somalis, Yemenis, Ethiopians, and Eritreans who sought to enter the country illegally by land and sea in the south and Afghanis and Pakistanis who generally came to the country by boat via Iran in the north. Authorities generally detained these persons in centers in Salalah or the northern port city of Sohar, where they stayed an average of 1 month before being deported to their countries of origin.

The Office of the U.N. High Commissioner for Refugees (UNHCR) did not visit Oman during the year, and UNHCR did not maintain an office or personnel in the country.

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

The law does not provide citizens with the right to change their government. The sultan retains ultimate authority on all foreign and domestic issues.

Elections and Political Participation.—The law does not provide for political parties. There are direct elections only for the Consultative Council (Majlis as-Shura). Citizens 21 years or older (except active military and security personnel) may vote. Election regulations closely prescribe permissible campaign activities, allowing candidates to place posters and conduct public events only in designated locations after notifying government-affiliated electoral commissions. During the year the central electoral commission for the first time allowed candidates to place campaign ads in local newspapers with strict limitations on size and content.

On October 27, 631 candidates competed in Consultative Council elections. Electoral commissions reviewed potential candidates against a set of educational and character criteria before allowing candidates' names on the ballot. There were no reports that any individual was rejected as a candidate for political reasons. Approximately 63 percent of more than 388,000 registered voters participated in elections for the 84 council seats. None of the 20 female candidates were elected. There were no notable or widespread allegations of fraud or improper government interference in the voting process. Although the Government did not permit independent monitoring of the elections, the Ministry of Information invited foreign journalists to cover the voting in several locations throughout the country.

The Consultative Council serves as a conduit of information between citizens and government ministries; however, it has no formal legislative powers. Government ministries or the cabinet author all draft legislation. The president of the council is elected by royal decree, and its two vice presidents are elected from within its membership. No serving government official is eligible to be a consultative council member. The Consultative Council may question government ministers in public or in private, review all draft laws on social and economic policy, and recommend new

laws or legislative changes to the sultan, who makes the final decision. Any five members of the council can make an official request for information from a minister, who has 2 weeks to respond, generally in person.

The 70 members of the State Council (Majlis ad-Dawla) are appointed by the sultan and may include former government officials. The State Council serves as an advisory body that reviews draft laws proposed by the Government and presents its opinions to the sultan and his ministers in cooperation with the Consultative Council. The State Council president is appointed by royal decree, and its two vice presidents are elected from within its membership.

The State Council and the Consultative Council form the 154-seat Council of Oman. The term of office in both councils is 4 years. There are no term limits, although state council members historically have served two terms.

Citizens had indirect access to senior officials by petitioning their patrons, usually the appointed local governor, for redress of grievances. Successful redress depended on the effectiveness of a patron's access to appropriate decision makers. Citizens can contest decisions of government ministers in the administrative court.

There were 14 women in the 154-seat Council of Oman. There were four appointed female ministers, three of whom serve in the 32-member cabinet.

The Council of Oman and the cabinet of Ministers are composed of representatives from a variety of linguistic, religious, racial, and other backgrounds.

Government Corruption and Transparency.—According to the World Bank's Worldwide Governance Indicators, corruption was not a significant problem, although there were isolated reports of government corruption during the year. The law provides criminal penalties for official corruption.

Public and private media questioned the Government's handling of disaster relief funds following Cyclone Gonu, which caused extensive damage throughout Oman's northern coast on June 6. The Government responded by publishing accounting records.

The law does not provide public access to government information. All royal decrees and ministerial decisions are published in the Official Gazette for public access.

Section 4. Governmental Attitudes Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

The Government restricted NGO activity. There were no registered domestic human rights NGOs and no government-controlled or autonomous human rights groups in the country.

No association may receive funding from an international group without government approval. Individuals convicted of doing so could receive up to 6 months in jail and a $1,310 (500 rials) fine. Heads of domestic NGOs reported that the Government periodically asked to review their financial records to confirm sources of funding and required NGOs to inform the Government of any meetings with foreign organizations or diplomatic missions.

In 2006 there were reports that the Government threatened an activist involved in a foreign-registered organization with arrest or loss of government employment or scholarships. There were no further reports of this practice during the year.

During the year there were no visits by international human rights organizations. In November 2006 the Government allowed the U.N. special rapporteur (UNSR) for trafficking in persons to visit the country on a fact-finding mission, the first visit of a U.N. official with a human rights portfolio. In April the UNSR published her report on the country, criticizing the Government for insufficient effort to detect, investigate, and prosecute cases of trafficking in persons.

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

The law prohibits discrimination against citizens on the basis of sex, ethnic origin, race, language, religion, place of residence, and social class. However, the Government did not effectively enforce the law. Societal and cultural discrimination based on gender, race, social class and disability existed.

Women.—The law prohibits rape, and the Government generally enforced the law. Foreign nationals working as housemaids occasionally reported that they had been raped by their sponsors or by employees of labor recruitment agencies. According to officials in foreign missions, police investigations resulted in few rape convictions; sponsors repatriated most of the women who made the allegations. Spousal rape is not criminalized.

The law does not specifically address domestic violence; however, assault, battery and aggravated assault carry a maximum sentence of 3 years in prison. There was no evidence of a pattern of spousal abuse, although allegations of such abuse in civil courts handling family law cases were reportedly common. Victims of domestic vio-

lence may file a complaint with the police; however, due to cultural and societal customs, women often sought private family intervention to protect them from violent domestic situations.

According to a 2006 report by the World Health Organization, female genital mutilation (FGM) occurred in rural areas to a limited extent. There is no law prohibiting FGM; however, the Ministry of Health prohibited doctors from performing the procedure in hospitals. The problem remained sensitive and was not discussed publicly. Planners at the Ministry of Health have not taken action to eliminate FGM.

Prostitution was illegal. However, observers reported that, despite strict cultural norms and immigration controls, women from Eastern Europe, South Asia, North Africa, and China engaged in prostitution.

Despite legal and some social progress, including the appointment of women as ministers, ambassadors, and senior government officials, women continued to face many forms of social discrimination. Aspects of Islamic law and tradition as interpreted in the country discriminated against women. The Personal Status and Family Legal Code, which is based on Shari'a, favors male heirs in adjudicating inheritance. Many women were reluctant to take an inheritance dispute to court for fear of alienating the family. Women married to noncitizens may not transmit citizenship to their children.

Although women may own property, government officials applied different standards to female applicants for housing loans, resulting in fewer approvals for women. The law restricts women from receiving free government housing unless they are divorced, widowed, or listed in the registry of social affairs as fatherless or extremely poor. Illiteracy among women 45 and older hampered their ability to own property, participate in the modern sector of the economy, or educate themselves about their rights.

Government policy provided women with equal opportunities for education. More than half of all first degree university students were women, and women comprised roughly one third of all post-graduate students at Sultan Qaboos University.

Educated women have attained positions of authority in government, business, and the media; however, many educated women still faced culturally based job discrimination. According to recent statistics, approximately 31 percent of all civil servants were women, and women held 56 percent of the teaching positions in government schools. In both the public and private sectors, women were entitled to maternity leave and equal pay for equal work. The government, the country's largest employer of women, observed such regulations, as did many private sector employers.

The Ministry of Social Development is the umbrella ministry for women's affairs. The ministry provided support for women's economic development through the Oman Women's Association and local community development centers.

Children.—Primary school education for children, including noncitizen children, was free and universal but not compulsory. According to recent statistics from the Ministry of Education, primary school enrollment was 65 percent, and the ratio of female to male enrollment was equal in primary education. Most children attended school through secondary school.

The Government provided free health care for all children up to age 6. The infant mortality rate remained low, and the reported rate of infant immunization against diseases such as TB, polio, and hepatitis B continued above 90 percent.

There were no public reports of violence against children; however, the Government called publicly for greater awareness and prevention of child abuse. FGM allegedly was performed on some girls ages 1 to 9.

Child labor existed in the informal, subsistence, and family business sectors of the economy; however, it was not a problem in the organized labor market.

Trafficking in Persons.—The law does not prohibit trafficking in persons; however, the penal code criminalizes "slavery and the transportation, receiving, or in any way handling someone in a state of slavery or semi-slavery." Those convicted face 3 to 5 years in prison. The sultanate is a destination country for men and women primarily from Pakistan, Bangladesh, India, and the Philippines, many of whom migrate willingly but subsequently may become victims of trafficking when subjected to conditions of involuntary servitude as domestic workers and laborers. Oman may also be a destination country for women from the People's Republic of China, the Philippines, Morocco, and Eastern Europe for commercial sexual exploitation. Oman is also a transit country for illegal migration to the United Arab Emirates and other Gulf countries.

During a November 2006 fact-finding visit, the UNSR for trafficking in persons received reports that some local recruitment agencies brought domestic servants and casual laborers to the country under fictitious contracts and sponsor relationships. Some workers complained of long working hours, the withholding or nonpayment of

wages, lack of access to means of communication, and other forms of physical, mental, and verbal abuse. The UNSR also heard reports that sponsors restricted workers' freedom of movement through confinement and by confiscating passports and other labor documents.

The Government did not report any law enforcement activities to prosecute and punish trafficking offenses or institute special screening procedures to distinguish illegal migrants from trafficking victims. There are no government protective services for victims of trafficking.

The Government operated a 24-hour hotline to register complaints from potential victims and worked with foreign governments to prevent trafficking in persons. The MOM, ROP, and public prosecutor's office are primarily responsible for preventing, investigating, and prosecuting trafficking crimes.

Persons with Disabilities.—The labor law provides persons with disabilities with the same rights prescribed for other citizens. While there were no reports of discrimination committed by the Government against persons with disabilities, there was societal and cultural discrimination against these persons.

The February Global Disability Report by the UNSR on disabilities stated that the country had failed to enact legislation or take other steps to ensure equal educational opportunities for persons with disabilities, particularly children.

According to the law, private enterprises employing more than 50 persons should reserve at least 2 percent of positions for persons with disabilities. In practice this regulation was not widely enforced. The law does not apply to public sector jobs. While the Government did not provide statistics on the number of persons with disabilities it employed, persons with disabilities, including visually impaired persons, worked in government offices.

The Ministry of Social Development is responsible for protecting the rights of persons with disabilities. Legislation mandates access to buildings for persons with disabilities. There was one government-sponsored rehabilitation center in the Muscat area and 17 private rehabilitation centers throughout the country. The Ministry of Education initiated programs in the Muscat area to reintegrate students with disabilities into the mainstream education system. Persons with physical disabilities, who numbered 40,000 to 45,000 according to 2003 census figures, generally were not charged for physical therapy and prosthetics.

Other Societal Abuses and Discrimination.—Despite various campaigns sponsored by the Government to encourage acceptance of persons with HIV/AIDS, societal attitudes remained fearful toward persons with the disease. According to recent Ministry of Health statistics, there were approximately 1,000 reported cases of HIV/AIDS.

On December 2, the Ministry of Heritage and Culture, in cooperation with UNICEF, launched a 4-year, inter-departmental National Response Strategy to HIV/AIDS, which is intended to raise awareness and develop an integrated strategy to counter the spread of the disease.

In 2006 the Ministry of Health promoted a "Peer Education" pilot project in the Muscat area to improve awareness and education about the disease among youth and opened an outreach center in Sur to provide free HIV/AIDS testing and counseling. UNICEF and the Ministry of Health operated a toll-free AIDS hotline that fielded more than 8,000 calls in 2006. The Ministry of Health temporarily closed the hotline and outreach center in early 2007 pending plans to expand services.

The penal code criminalizes homosexuality. Individuals can be prosecuted based on a complaint and sentenced to a jail term of 6 months to 3 years.

Section 6. Worker Rights

a. Right of Association.—In July 2006 the Government officially recognized workers' rights to form unions and a general federation to represent unions at regional and international fora. Workers may form more than one union per firm and more than one federation. At year's end, according to the MOM, workers had formed 24 unions at the enterprise level. The law prohibits employers from firing or imposing penalties for union activity. The new legislation also eliminated the requirements that unions must notify the Government at least 1 month in advance of union meetings and that union leaders must speak and write Arabic.

Some government control over union activities remained. The law prohibits accepting grants or financial assistance from any source without the ministry's prior approval. The July 2006 legislation added that union formation requires 25 workers regardless of the size of the firm.

The law does not grant members of the armed forces, public security institutions, employees of the state, or domestic workers the right to form unions.

b. The Right to Organize and Bargain Collectively.—According to the law, unions and federations may practice their activities freely and without interference from outside parties. The law and subsequent implementing regulations from the MOM, issued in November 2006, explicitly allow for collective bargaining and guarantee the right to strike. The regulations require employers to engage in collective bargaining over the terms and conditions of employment, including wages and hours of work. The regulations also affirm that in case of a strike, unions or worker representatives must inform the employer at least 3 weeks in advance. The regulations also state that strikes must cease at the start of collective bargaining procedures.

On May 11, 270 workers at the Port of Salalah went on strike demanding higher wages and changes to policies covering health and safety. The MOM declared the strike illegal because workers had not provided the port with sufficient advance notification of their intent to strike. On May 12, the strike ended with most of the striking workers returning to their jobs. The port, government, and worker representatives subsequently achieved a negotiated settlement that met some of the workers' demands.

There were no export processing zones.

c. Prohibition of Forced or Compulsory Labor.—The law prohibits forced or compulsory labor, including of children. The law prohibits forced labor and sets penalties not to exceed more than 1 month in prison and/or a fine of $1,300 (500 rials).

At times foreign workers were reportedly placed in situations amounting to forced labor. In 2006 the Supreme Court ruled that foreign workers can change employers without first receiving permission from their original sponsor. However, some employers of domestic workers continued to withhold documents releasing them from employment contracts or demanded release fees totaling as much as $1500 (600 rials), before allowing them to change employers. In November 2006 the MOM issued a legally enforceable administrative circular that prohibited employers from withholding workers' passports, but the Government did not assign penalties to the offense.

d. Prohibition of Child Labor and Minimum Age for Employment.—The law specifically prohibits forced or compulsory labor by children, and there were no reports of the practice. In July 2006 the Government raised the fines from $260 (100 rials) per violation to $1,300 (500 rials) and increased possible prison terms for repeat offenders from 1 week to 1 month.

The minimum age for employment is 15 years, but for certain hazardous occupations, the minimum age is 18. Children 15 to 18 can only work between the hours of 6 a.m. and 6 p.m. Minors are prohibited from working in hazardous occupations, for more than 6 hours per day, on weekends, or on holidays. The MOM generally enforced the law; however, in practice, enforcement often did not extend to some small family businesses that employed underage children, particularly in the agricultural and fishing sectors.

Child labor did not exist in any formal industry. As a cultural practice, Bedouin children voluntarily participated in camel racing for their families. In 2005 the Government raised the minimum age of camel riders from 12 to 18 years, to rise annually by 1 year until the 18-year minimum is achieved in 2009. The initial minimum age was set at 14 years in 2005.

e. Acceptable Conditions of Work.—Work regulations, including rules governing the workplace and the rights and duties of both workers and employers, must be approved by the MOM and posted in the workplace by employers of 15 or more workers. Any employer with 50 or more workers must establish a grievance procedure. All employees, including foreign workers, have the right to take disputes over conditions of work to the MOM's Directorate of Labor Care for adjudication. In some cases worker representatives were able to file collective grievances. If the MOM cannot negotiate a settlement between the worker and his/her employer, the parties may seek recourse in the appropriate courts. Many foreign workers were not aware of this right, however, and others were reluctant to file complaints for fear of retribution from unscrupulous employers. In most cases the MOM released the worker from service without deportation and awarded compensation for time worked under compulsion, while fining the guilty employers.

The MOM also maintained a 24-hour complaint hotline in both English and Arabic to which workers can report labor abuse or violations. According to midyear government statistics, the MOM received 1,966 complaints via the hotline regarding dismissals, salaries and working conditions. Expatriate workers accounted for 786 of those complaints.

On October 1, approximately 600 Indian and Nepali workers in a Muscat-area cleaning company reportedly protested poor living conditions on the company-owned and operated compound and alleged contract violations, including nonpayment of

wages and unexplained deductions from workers' monthly salaries. The police reportedly used aggressive tactics to break up the protest after workers became violent and damaged company property. Police detained 12 of the workers without charges for approximately 3 weeks prior to deporting them.

Government inspectors performed random inspections to enforce implementation of work place regulations and ensure acceptable working conditions. During the year the MOM hired approximately 100 new inspectors, more than doubling the capacity of its labor inspectorate. The International Labor Organization provided the new class of inspectors with training in international labor standards.

The Labor Care Directorate of the MOM is responsible for enforcement of, and compliance with, workplace laws and regulations. Its responsibilities include occupational safety and health, labor inspections, dispute settlement, women's employment, issues related to child and forced labor, and the resolution of individual and collective labor disputes.

There is a minimum wage for citizens of $363 (140 rials) per month. Minimum wage regulations did not apply to a variety of occupations and businesses, including small businesses that employed fewer than five persons, dependent family members working for a family firm, and some categories of manual labor. There is no minimum wage for foreign workers. There were reports that migrant laborers in some firms and households worked more than 12-hour days for as little as $78 (30 rials) per month.

The private sector workweek was 40 to 45 hours and included a rest period from Thursday afternoon through Friday. Government workers had a 35-hour workweek. While the law does not designate the number of days in a workweek, it requires at least one 24-hour rest period per week and mandates overtime pay for hours in excess of 48 per week. Government regulations regarding hours of employment were not always enforced. Employees who worked extra hours without compensation could file a complaint with the MOM's Directorate of Labor Care.

Every worker has the right to 15 days of annual leave during the first year of continual employment and 30 days per year thereafter.

The law states that an employee may remove himself from dangerous work without jeopardy to his continued employment if the employer knew about the danger and did not implement corrective measures. All employers are required by law to provide first aid facilities. Employees covered under the labor law may recover compensation for job-related injury or illness through employer-provided medical insurance. Domestic workers are not covered under the labor law, but a separate Ministerial Decision stipulating the rules and conditions of domestic employment obligates the employer to provide domestic workers with local medical treatment free of charge throughout the contract period. Medical professionals reported that some employers did not provide low-skilled, migrant workers with medical insurance or provided them with coverage as low as $12 (5 rials) per month with any excess costs deducted from their salaries. Inspectors from the Department of Health and Safety of the Labor Care Directorate generally enforced the health and safety standard codes. As required by law, they made regular onsite inspections. Some companies found guilty of withholding salaries were fined and prohibited from receiving labor clearances. Such actions resulted in the immediate payment of salaries.

QATAR

Qatar is a hereditary emirate ruled by the Al-Thani family, headed by Emir Sheikh Hamad bin Khalifa Al-Thani. The population is approximately 900,000, of whom approximately 200,000 are citizens. The emir exercises full executive power. The 2005 Constitution provides for continued hereditary rule by the emir's male branch of the Al-Thani family. Shari'a (Islamic law) is a main source of legislation, and the emir legislates by issuing a decree, generally after consultation with leading citizens, an arrangement institutionalized in the appointed 35-member Advisory Council (Majlis al-Shura) that assists the emir in formulating policy. On April 1, citizens elected the 29 members of the advisory Central Municipal Council. Monitoring by the government-appointed Qatar National Human Rights Committee (NHRC) and informal observations by diplomatic missions uncovered no apparent irregularities. Political parties are forbidden by law. The civilian authorities generally maintained effective control of the security forces.

Citizens lacked the right to change their government peacefully. There were judicially sanctioned corporal punishments and arbitrary and prolonged detentions in overcrowded and harsh facilities. The Government continued to restrict civil liberties, such as freedoms of speech (including the Internet), press, assembly, and as-

sociation. Some limitations on religious freedom existed. There were also some restrictions on foreign travel, as well as arbitrary deportations, sometimes after detention for several years. Trafficking in persons, primarily in the labor and domestic worker sectors, was a problem. Legal and cultural discrimination against women limited their full participation in society. The unresolved legal status of "Bidoons" (Arabic for "without" meaning "without citizenship;" stateless persons with residency ties) resulted in discrimination against these noncitizens. Worker rights were severely restricted, especially for foreign laborers and domestic servants.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life.—There were no reports that the Government or its agents committed arbitrary or unlawful killings.

b. Disappearance.—There were no reports of politically motivated disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Constitution and the law prohibit such practices. While there were allegations that police investigators regularly abused incarcerated suspects during interrogations to elicit confessions, no cases were investigated during the year. Documentation of abuses was very limited, due partly to hesitancy by alleged victims to make public claims of torture or abuse.

A July 2006 U.N. Committee Against Torture report called into question the country's overall implementation of its obligations under the Convention against Torture and Other Cruel, Inhuman, and Degrading Treatment or Punishment, citing the lack of a comprehensive definition of torture in domestic law and the absence of training and education for law enforcement, medical personnel, and public officials about the prohibition.

During December 2006 trial proceedings for illicit relations, an Indian expatriate alleged that authorities intentionally burned his hands and legs with cigarettes during interrogation to result in his confession. The allegation was dismissed because of a lack of medical evidence.

The Government administered corporal punishment (lashes) prescribed by its interpretation of Islamic law in cases of alcohol consumption. In one example, on April 18, the court sentenced an Arab expatriate to 40 lashes after he confessed to drunk driving. According to local lawyers, the law against alcohol consumption is not applied fairly, since the law does not prescribe a certain level of alcohol to be present in the blood in order to be charged. Although the law allows stoning and amputation, no cases were pursued. Punishments were not administered publicly.

Prison and Detention Center Conditions.—According to a 2005 report by the government-funded NHRC, despite efforts at improvement, prison and detention center conditions were deficient in terms of parole, medical release, overcrowding, and food. There were no visits by independent human rights observers. Although notification was often delayed, consular visits to detainees were permitted. Additional requests by diplomatic representatives to visit the Deportation Detention Center (DDC), the Central Prison, the State Security Prison, and police detention centers were not approved. The NHRC conducted at least eight visits to prisons and detention centers during the year but did not request to visit the State Security Prison.

The Capital Police Detention Center (CPDC) held a large number of detainees in cells without beds; mattresses were placed on the floor. Gulf Cooperation Council (GCC) citizen detainees were held separately from foreigners and under better conditions. The State Security Prison was used to hold prisoners convicted of security crimes. The conditions in the State Security Prison were generally better than those at the Central Prison. Some men and women awaiting civil or criminal trial as plaintiffs were held with others awaiting deportation at the DDC. Some male and female defendants awaiting trial were held with criminals at the Central Prison because of overcrowding at the CPDC.

d. Arbitrary Arrest or Detention.—The Constitution prohibits arbitrary arrest and detention; however, these rights were restricted in practice. Thousands of noncitizens were apprehended and held at the DDC without charges or legal justification awaiting deportation, some for more than 3 years. Although individuals may be detained at the State Security Prison for indefinite periods under the 2002 Protection of Society Law and 2004 Antiterrorism Law, there were no reported cases during the year. There were an unknown number of reported cases of individuals held for up to 30 days without charges in accordance with the 2003 State Security Law. This law allows an exception to the Criminal Law, by which a person accused of one of the crimes that fall under the jurisdiction of the State Security Department may be held up to 30 days before being referred to the Public Prosecutor's Office.

Role of the Police and Security Apparatus.—Civilian authorities maintained effective control over the state security and internal security forces, police, coast guard, border police, fire department, and immigration authorities. The Government has mechanisms to investigate and punish abuse and corruption. While there were allegations that abuse was regularly used by police investigators during interrogations, no cases were investigated during the year, resulting in a climate of impunity.

Arrest and Detention.—The law requires that persons be apprehended openly with warrants based on sufficient evidence and issued by a duly authorized official, be charged within 24 hours, and be brought before a court. As exceptions, the law permits detention without charges for up to 2 years (6 month periods which can be extended) and allows detention for up to 6 months without charges for investigation purposes, extendable indefinitely by a special court order.

In normal cases a judge may order a suspect released, remanded to custody to await trial, held in pretrial detention pending investigation, or released on bail. Judges may also extend pretrial detention for 1 month at a time to allow authorities to conduct investigations. The accused is entitled to legal representation throughout the process and prompt access to family members in nonsecurity cases. There are provisions for state-funded legal counsel for indigents in criminal cases. Suspects detained in security cases generally were afforded access to counsel, but access to family members was delayed. There were reported cases of incommunicado detention by the Government within the State Security Prison.

Law No. 17 of 2002 (Protection of Society) provides for official exemption from the prohibition of arbitrary arrest and detention and the Code of Criminal Procedure. Although detainees may have access to counsel, under this law criminal charges are not filed; therefore, there are no charges to refute. Counsel may only petition the prime minister for reconsideration. Decisions taken under this law may not be appealed in the courts. The law empowers the minister of interior to detain a defendant for crimes related to national security, honor, or impudence upon the recommendation of the Director General of Public Security. Under this statute the detention period can range from 2 weeks to 6 months and can be extended up to 2 years at the discretion of MOI officials. The law normally allows detention for up to 6 months without charges but also allows for indefinite detention upon order of the court. This provision for indefinite detention has not been used. The prime minister adjudicates complaints against these detentions. There was at least one known case of a citizen who had been arrested in 2006 and detained for more than 1 year under this statute, but authorities released this individual during the year.

In May 2006 Amnesty International (AI) alleged that 18 persons had been detained in 2005 under the laws for the "protection of society" (Law No. 17 of 2002) and "combating terrorism" (Law No. 3 of 2004), and authorities released these individuals during the year; all expatriates were deported. Another expatriate previously in custody since 2006 under these conditions was found innocent by the court and subsequently deported.

Amnesty.—In accordance with custom on the occasion of the Holy Month of Ramadan, in November the emir granted amnesty to 85 prisoners and 56 prisoners on the annual "International Human Rights Day."

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary, although in practice it is not, as all judges held their positions at the discretion of the emir. Nevertheless, there were no reports of political or governmental interference in the courts. Approximately 25 percent of the judges were foreign nationals dependent on residence permits granted by the civil authorities. The emir appoints all judges based on the recommendation of the Supreme Judicial Council.

The law provides for a three-tiered court system: The courts of first instance, appeals, and cassation. The courts of first instance include courts of justice (civil, criminal and commercial) and Shari'a (personal status) courts. The courts of appeals (Appeal Court of Justice and Shari'a Court of Appeal) hear appeals of decisions from the courts of first instance. The Court of Cassation with one chamber for the appeals of Shari'a cases and one for appeals from the Court of Justice hears cases from the appeals court that may have been contradictory to established law or where the law may have been mistakenly interpreted. The Court of Cassation is the court of final appeal.

New laws during the year established administrative and constitutional courts. The Constitutional Court was established within the Court of Cassation to rule on disputes related to the constitutionality of laws and rules and jurisdiction of lower courts.

An administrative court of at least one circuit was established within each of the three tiers (first instance, appeal, and cassation). Each circuit consists of three

judges and is the sole party concerned with settling administrative disputes within government entities.

There are no provisions in the law for the establishment of security tribunals. The established court system would handle such cases. The Constitution provides for the establishment of military tribunals, but their use is restricted except under martial law, and only military crimes committed by the armed forces and the security forces may come before such tribunals.

There are provisions for nonjudicial proceedings for administrative discipline of military and security personnel. No such proceedings were reported during the year.

Trial Procedures.—The law provides for the right to a fair trial for all citizens, and the judiciary generally enforced this right. Shari'a, however, does not accord women equal status in judicial proceedings.

Both Muslim and non-Muslim litigants are tried under the unified court system. Shari'a, civil, and criminal law courts are all united under the Supreme Judicial Council, which regulates the judiciary. Trials are by jury and open to the public, but the presiding judge can close the courtroom to the public if the case is deemed sensitive. Beginning in October the president of the Supreme Judicial Council issued a decision to ban journalists and other media from reporting on court sessions. Although not previously enforced, the president cited Article 187 of Law 23 of 2004 as the basis of the ban.

Lawyers prepare litigants and speak for them during the hearing. Non-Arabic speakers are provided with interpreters. Defendants are entitled to legal representation throughout the trial and pretrial process. There are provisions for state-funded legal counsel for indigents in criminal cases. In matters involving religious issues, Shi'a and Sunni judges may apply their interpretations for their respective group. There was an adequate number of both Shi'a and Sunni judges.

Criminal cases normally are tried within 5 to 7 months after suspects were detained. Although infrequently used in practice, suspects are entitled to bail, except in cases of violent crimes. Foreigners charged with minor crimes can be released to their citizen sponsor, although they are prohibited from departing the country until the case is resolved. Defendants have the right to be present and the right of appeal. Their attorneys have access to government-held evidence relevant to their cases, once the case has been filed in the court. Defendants may consult with an attorney in a timely manner.

Defendants have the right to confront and question witnesses against them and present witnesses and evidence on their behalf. Defendants are presumed innocent. In practice, however, those charged with a crime continue to carry the burden of the charge against them by state security forces before, during, and after trial, even if found innocent. In either case, for noncitizens, deportation normally follows. Citizens are forbidden from continued service in or acquisition of sensitive positions, even if they have been found innocent.

The law pertaining to civil cases restricts the right to appeal, since the appellant must deposit with the court $5,495 (20,000 riyals) for the appeal if the case has been decided by the court of appeal and $1,374 (5,000 riyals) for the appeal if the case has been decided by the court of first instance. An additional $1,374 (5,000 riyals) must be paid to the court in each case to proceed. Sums may be seized, in whole or in part, should the competent court decide to reject the right of appeal. The law extends these rights to all residents.

Political Prisoners and Detainees.—Of the 37 individuals convicted in the 1996 planned counter-coup, 19 received sentences of death and 18 were sentenced to life in prison. Of the 37, 29 remained in prison at year's end. Eight of the individuals have been released upon order of the emir, including a member of the ruling family that had been sentenced to death. It is believed the others were released for health reasons.

Civil Judicial Procedures and Remedies.—The law and judiciary generally permit persons with civil grievances to seek redress in the court system, although the judiciary is not impartial and independent in practice. There are civil and criminal remedies available for those seeking damages for, or cessation of, human rights violations, but no cases were reported during the year. In 2006 a laborer brought a lawsuit against his sponsor for suppression of the right of freedom of movement. The resolution of the case was unknown at year's end.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The Constitution and the Criminal Procedures Code prohibit such actions, and the Government generally respected these prohibitions in practice. Traditional attitudes of respect for the sanctity of the home and the privacy of women provided protection against arbitrary intrusion for both citizens and noncitizens. Judicial authorities must grant warrants before police may search a residence or business, except in

cases involving national security or emergencies, of which there were none reported during the year. Police and security forces were believed to monitor telephone calls and e-mails.

Citizens must obtain government permission to marry foreigners and may apply for residence permits or citizenship for their spouses. Such permission generally was granted, but there were more restrictions on female than male citizens. Under the law marriage to a female citizen does not entitle the husband to citizenship.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech and of the press in accordance with the law, and the Government limited these rights in practice. Journalists and publishers continued to self-censor due to political and economic pressures when reporting on government policies, material deemed hostile to Islam, the ruling family, and relations with neighboring states. There were reports that security authorities threatened both individuals and organizations against publishing certain articles. According to a regional human rights organization, interference of media owners in the content of media material was prevalent.

The 1979 Press and Publications Law provides for criminal penalties and jail sentences for libel and slander, including injury to dignity, as well as for closure and confiscation of assets of the publication. All cases involving the media fall under the jurisdiction of the criminal courts. According to Freedom House's Freedom of the Press report for 2007, one noncitizen journalist was sentenced to 1 year in prison for slandering a Qatari citizen under this law.

Citizens avoided discussing publicly sensitive political and religious issues. The much larger foreign population did not express itself on sensitive topics. The Government did not prosecute anyone for expression of views. During the year the government-supported Qatar Foundation continued to fund the "Doha Debates," a series of public debates among noncitizens on internationally controversial topics broadcast by the BBC.

While the seven daily newspapers are not state-owned, owners are members of the ruling family or have close ties to government officials. Foreign newspapers and magazines were reviewed and censored for objectionable sexual, religious, and political content.

During the year several Qatari writers whose work appeared in regional and international media outside of Qatar reported that their work was deliberately banned from appearing in the local press. In some cases all of the work from the author was banned; in other cases specific articles deemed to be critical of the Government were banned.

The censorship office in the Qatar Radio and Television Corporation and customs officials censored material. There were no specific reports of political censorship of foreign broadcast news media or foreign programs, although foreign movies were censored.

State-owned television and radio reflected government views. However, callers to a popular morning show on the state-owned radio station frequently discussed topics such as government inefficiency and the lack of responsiveness to citizens' needs.

Doha-based Arabic language Al-Jazeera Satellite Channel focused on coverage and commentary on international news topics. Al-Jazeera and the Government claimed that the channel was independent and free of government influence, but it was government-subsidized and avoided criticizing government policies. Al-Jazeera covered local news when there was an international component.

In November 2006 the Doha-based Al-Jazeera English channel began broadcasting. Al-Jazeera English covered in-depth some government policies, particularly labor practices. In August the channel aired an investigative documentary entitled, "Blood, Sweat, and Tears," which highlighted forced labor practices in the Gulf, with several references to Qatar. The documentary was also shown on the Al-Jazeera Arabic channel.

Internet Freedom.—The Government restricted the peaceful expression of views via the Internet and censored the Internet for political, religious, and pornographic content through a proxy server, which monitored and blocked Web sites, e-mail, and chat rooms through the state-owned Internet service provider (ISP). For example, the Arab Times, an Arab-American online newspaper, which at times published articles critical of the Government, was not available to users in the country. Other sites such as boingboing.net, a technology and fashion site, were also blocked. A user who believed that a site was censored mistakenly could submit the web address to have the site reviewed for suitability. In some cases the ISP responded by unblocking the site after an internal investigation. Statistics on such instances, however, were not available.

Academic Freedom and Cultural Events.—Academic freedom was exercised and cultural activities took place with restrictions in accordance with the general legal framework. Instructors at Qatar University noted that they often exercised self-censorship.

There were no reported government restrictions on cultural events.

b. Freedom of Peaceful Assembly and Association.

Freedom of Assembly.—The law provides for, but regulates, freedom of assembly by requiring a permit for public gatherings. A number of restrictions and conditions must be met in order to acquire a permit, for example, the permission of the director general of public security, whose decision is not subject to appeal. In practice the Government generally does not allow political demonstrations. The Government permitted one during the year: In March there was a peaceful demonstration arranged by the Central Municipal Council to show support for Iraqi unity.

Freedom of Association.—The law provides the right to form private societies and professional associations, but the Government severely limited this right in practice. The law forbids formation of and membership in political parties. The law allows noncitizens to participate in private societies only in cases where their participation is deemed necessary to the work of the society. However, the prime minister must approve their participation, and their number cannot exceed 20 percent of the total membership. The law also imposes strict conditions on the establishment, management, and function of societies and associations. They are prohibited from engaging in political matters and must get approval from the Ministry of Labor and Social Affairs, which can deny their establishment if deemed a threat to the public interest. In the case of professional societies, they must pay $13,736 (50,000 riyals) in licensing fees and $2,747 (10,000 riyals) in annual fees. There is a requirement for frequent reregistration. Permits are valid for only a 3-year period, after which they must renew their license and again pay the same fees.

A single application form not applicable to all potential organizations restricts registration. Since this law was enacted in 2004, 15 associations have been approved, and an additional 24 were under consideration at year's end. During the year the ministry approved one request for a nongovernmental human rights organization designed to support persons with disabilities. Applications first submitted in 2005 (applications must be resubmitted yearly) to establish a Journalists Association and a Teachers Association were pending at year's end.

A 2006 law regarding the establishment of "private establishments having public interest" may allow for relaxed requirements for the formation of independent local and international NGOs in the country. Although virtually untested, as written the law allows the registration of independent NGOs without the administrative hurdles and monetary requirements of the previously enacted law governing the formation of associations.

Informal organizations, such as community support groups and activity clubs, operate without registration; however, they may not engage in activities that could be deemed "political."

The regulations prohibit international affiliation of associations.

c. Freedom of Religion.—The Constitution provides for freedom of worship and forbids discrimination based on religion in accordance with the law and the requirements of protecting the public order and morality; however, the Government continued to prohibit proselytizing of Muslims by non-Muslims and placed some restrictions on public worship. Among non-Muslims, only Christians have requested and been allowed to rent space for public worship. Adherents of other faiths, however, may privately practice their religion without harassment.

The state religion is Islam. Both Sunni and Shi'a Muslims practiced Islam freely. Shi'a Muslims (approximately 10 percent of the citizen population) organized traditional Shi'a ceremonies and performed rites in their own mosques because they chose not to perform them publicly. Shi'a Muslims were permitted to build and decorate Shi'a mosques without restrictions.

The Government and the ruling family are linked inextricably to Islamic institutions and practices. The Ministry of Islamic Affairs administers the construction of mosques, clerical affairs, and Islamic education for adults and new converts. The Ministry of Education administers Islamic education in the public schools. The emir participated in public prayers during both Eid holiday periods and personally financed the Hajj journeys of poor pilgrims.

Between May 7 and 9, the fifth Conference for Religious Dialogue took place in Doha. Representatives from the three largest monotheistic religions—Christianity, Islam, and Judaism—were invited. Invitations were extended to the Roman Catholic Church, Anglican Church, Coptic Church, Middle East Churches Council, Orthodox

Church, the Vatican, and Jewish rabbis, among others. Rabbis from the United States and other countries attended and participated.

There was no prohibition of or action to discourage specific religions or religious factions. Hindus, Buddhists, Baha'is, and members of other religious groups do not operate as freely as Christian congregations; however, they did not seek official recognition from the Government during the year.

The Government gave legal status to Catholic, Anglican, Eastern Orthodox, Coptic, and many Indian Christian churches; other religious congregations may request recognition, but none are known to have done so. The Government allowed recognized congregations to open bank accounts and sponsor clergy for visas. Construction continued on six Christian churches on a large tract of property leased from the Government. No new requests have been reported.

Religious services were held without prior authorization from the Government; however, congregations have been asked not to advertise them in advance or use visible religious symbols such as outdoor crosses.

Converting to another religion from Islam is considered apostasy and is technically a capital offense; however, since the country gained independence in 1971, there has been no recorded execution or other punishment for such an act.

Shi'a Muslims were well represented in the Government and business communities. There are no political parties in Qatar.

According to the Criminal Code, individuals caught proselytizing on behalf of an organization, society, or foundation, for any religion other than Islam, may be sentenced to a prison term of up to 10 years. Proselytizing on behalf of an individual for any religion other than Islam can result in a sentence of up to 5 years. Individuals who possess written or recorded materials or items that support or promote missionary activity can be imprisoned for up to 2 years.

While disclosure of religious affiliation is required when applying for a passport or other identity documents, affiliation is not reflected in the issued documents.

Islamic instruction was compulsory in public schools. While there were no restrictions on non-Muslims providing private religious instruction for children, most foreign children attended secular private schools. There were no religious private schools.

The Government regulated the publication, importation, and distribution of non-Islamic religious literature. Individuals were allowed to import Bibles and other religious items for personal or congregational use. Government officials only monitored Islamic religious literature and copies of the Koran. Religious materials for use at Christmas and Easter were readily available in local shops. Bibles were not publicly available in local bookstores, either in Arabic or English.

Societal Abuses and Discrimination.—There was no indigenous Jewish community; the few Jews in the country were expatriates with no restrictions on their traveling to or working in the country. On occasion in response to political events and developments in the region, some of the country's privately owned Arabic-language newspapers carried cartoons depicting offensive caricatures of Jews and Jewish symbols and editorial comparisons of Israeli leaders and Israel to Hitler and the Nazis. These occurred primarily in the daily newspapers, Al-Watan, Al-Sharq, Al-Arab, and Al-Raya, and drew no government response. The Government does not officially collect or publish statistical data on the religious affiliation of the population.

For a more detailed discussion, see the 2007 International Religious Freedom Report.

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons.—The Constitution provides for these rights, and the Government generally respected them in practice, with notable exceptions. There were no restrictions on internal travel, except around sensitive military and oil and industrial installations. Under a 2003 law for Protection of State Security, the Government prevented some citizens from foreign travel. In general, women under the age of 30 required permission from male guardians to travel, whereas women over age 30 did not require permission to travel. Men may prevent females and children under their guardianship from leaving the country by providing their names to immigration officers at ports of departure, but no such cases were reported during the year. The Government did not allow noncitizen custodial parents to take their children out of the country without the permission of the citizen parent. Citizens critical of the Government faced restrictions on their right to travel abroad, but there were no specific cases reported during the year.

The Constitution prohibits internal and external forced exile of citizens, and the Government respected this prohibition in practice.

In February 2006 the emir issued orders to begin to reinstate citizenship for as many as 6,000 persons from the Al-Murrah tribe whose citizenship the Government revoked between October 2004 and June 2005. Each case was reviewed separately, and by year's end citizenship was restored to all but approximately 150–200 of those who had lost it.

The Constitution provides that citizens who have left the country have the right to return. Foreign women who were married to citizens were granted residence permits and could apply for citizenship; however, they were required to relinquish their foreign citizenship.

Freedom of movement for expatriate workers was severely restricted. Citizen employment sponsors frequently confiscated the passports of their expatriate workers. In addition, expatriate workers could not travel outside of the country without their sponsor's permission and an exit visa.

Protection of Refugees.—The Constitution prohibits the extradition of political refugees; however, Qatar is not a party to the 1951 U.N. Convention relating to the Status of Refugees and its 1967 protocol, and the Government has not established a system for providing protection or status to refugees. Those attempting to enter the country illegally, including persons seeking asylum from nearby countries, were refused entry. Individuals who were able to obtain local sponsorship or employment were allowed to enter and could remain as long as they were sponsored. They were not, however, granted asylum status. Entries were generally based on political or friendship ties.

The Government generally provided protection against refoulement, the return of persons to a country where there is reason to believe they feared persecution. In May the Government cancelled deportation orders for at least one Qatari-born resident of Somali origins to Somalia in a case that possibly would have constituted attempted refoulement.

There were no reports that the Government cooperated with the Office of the U.N. High Commissioner for Refugees (UNHCR) to assist refugees and asylum seekers in the country. On April 2, the U.N. High Commissioner for Refugees visited the country to discuss cooperation. In late October the UNHCR regional representative and director of international relations visited the country to offer training in rescue and relief works for disaster-hit areas.

Stateless Persons.—Although the UNHCR has not released exact numbers, there are between approximately 1,200 and 1,500 stateless Bidoons in the country. The Government provides a legal means for long-term residents to apply for and acquire citizenship; however, in practice restrictions and uneven application of the law prevent stateless persons from acquiring citizenship.

Citizenship is derived "jus sanguinis" solely from the father. Women are not permitted to transmit citizenship to their children, even if the child is born in wedlock in the country. As with expatriate residents, stateless persons faced discrimination in employment, education, housing, health services, marriage and birth registration, access to courts/judicial proceedings, and owning land and property.

The 2005 nationality law allows noncitizen residents to apply for citizenship after residing in the country 25 consecutive years, but only 50 may be granted per year, and only a small number have been granted under this provision. There were reports of summary deportation orders issued against long-term residents and Bidoons, although all family and economic ties remained in the country.

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

The Constitution does not provide citizens the right to change their government peacefully. The Constitution provides for hereditary rule by the emir's branch of the Al-Thani family. The constitutional provision for legislative authority vested in an advisory council with 30 elected members and 15 members appointed by the emir has not yet been implemented. The influence of Bedouin tribal traditions was still strong, and the Government did not permit political parties or opposition groups to organize.

Elections and Political Participation.—The emir exercises most executive powers, including appointment of cabinet members. On April 1, citizens elected the 29 members of the third Central Municipal Council for 4-year terms. Informal monitoring by diplomatic missions uncovered no apparent irregularities. Nearly 50 percent of eligible voters participated. The council addresses local issues such as street repair, green space, trash collection, and public works projects. Its role is to advise the Minister of Municipal Affairs and Agriculture. The council does not have the authority to change government policy.

Influence of traditional attitudes and roles continued to limit women's participation in politics; however, some women served in public office as: Minister for education; president of the Permanent Election Committee; head of the General Authority for Health, vice president of the Supreme Council for Family Affairs (SCFA) with ministerial rank, head of the General Authority for Museums, and president of Qatar University. Also, one woman was reelected to and served on the Central Municipal Council.

Approximately 75 percent of total residents could not participate in elections or hold public office, as these rights are limited to families that were in the country prior to 1930. The total electorate is believed to be less than 50,000. Limits on political participation also exist for persons whose citizenship was withdrawn but subsequently restored. According to Law 38 of 2005, they are denied the right to candidacy or nomination in any legislative body for a period of 10 years from the date of restoration of their citizenship.

Government Corruption and Transparency.—The law provides criminal penalties for official corruption, and no specific cases of corruption were reported during the year. Public officials were not subject to financial disclosure laws.

On December 4, emiri decision No. 84 established the National Committee for Accountability and Transparency. The committee is charged with implementing articles of the U.N. Convention for Combating Corruption, developing a national strategy to support transparency, implementing an awareness campaign, investigating complaints from the public, managing the state's properties, suggesting related legislation, and training staff.

The law does not provide public access to government information, and little was readily available, particularly financial data. The Government publishes its laws in the official gazette; however, it did not facilitate access to certain economic statistics, judicial decisions, or draft legislation being analyzed or considered by the Government or advisory council. The Ministry of Economy and Commerce and the Central Bank provided published materials on laws and procedures for the public, but these efforts were not consistent throughout the Government. Although there is a mechanism for individuals and private institutions to request this information from the ministries and the planning council, information regarding the budget, government expenditures, and draft laws was generally not available.

Section 4. Governmental Attitudes Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

No international or domestic NGO or international organizations focusing on human rights or humanitarian issues were resident in the country, with the exception of UNESCO. During the year representatives from the Solidarity Center, the National Democratic Institute, the American Bar Association, UNHCR, and the Amman Center for Human Rights visited the country for short periods.

On May 28, the secretary general of AI participated in a "Doha Debate" on torture in the country. During the visit, the secretary general publicly noted that the issue of statelessness related to the Al-Murrah tribe is a key human rights problem. She credited the country with the establishment of the NHRC but noted that it must be strong and independent to be effective.

The law provides for the right to form private independent societies and associations, including NGOs; however, since the law was enacted in 2004, the Government approved only one application for establishment of a nongovernmental human rights organization supporting persons with disabilities. By law, domestic associations or NGOs may not engage in political activity or be critical of the Government. Unlike in the previous year, there were no known attempts to register a foreign NGO in the country. A foreign NGO attempted to register between 2005 and 2006, but it was hampered by government red tape and lack of sponsor.

The NHRC is an organization funded by the Government. An emiri decree established the NHRC in 2002 to investigate and improve local human rights conditions. Its 12 members are all appointed by the Government, five from government ministries and seven from civil society. Since May 2006 votes by government members do not count, but they continue to participate in NHRC deliberations. In May 2006 the committee released a report highlighting numerous human rights violations identified during 2005. The report was published in all local newspapers and made available on their Web site. Although the report was intended to be published annually, no further public reports have been issued. During the year the NHRC visited prisons and detention centers at least eight times to investigate conditions and issued quarterly recommendations to the MOI and the ministerial council. These reports were not made available to the public.

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

The Constitution prohibits discrimination based on nationality, race, language, religion, and disability. However, in practice government actions were heavily influenced by local custom and legal, cultural, and institutional discrimination existed based on gender. There were no reports of discrimination based on religious affiliation. Noncitizens were afforded fewer rights under the law. Although there were no reports of discrimination based on sexual orientation, sodomy is a criminal offense.

Women.—According to the Qatar Foundation for Women and Children Protection, a quasi-governmental local organization, domestic violence against women was a problem. A total of 107 cases of domestic abuse against women were reported to the foundation during the year, including 82 reports of physical abuse, two of sexual abuse, and four of psychological abuse. According to the organization, the increase was due to increased awareness among the community, the requirement that all health care facilities report suspected abuse cases, and the use of the established hot line system. There were no arrests or convictions for family domestic violence among citizens publicized in the press, although cases involving noncitizens appeared. The law criminalizes domestic violence and rape but does not address spousal rape. There were cases of rape publicized between expatriates, but none were reported involving citizens.

In late September the SCFA established a shelter under the supervision of the Qatar Foundation for Women and Children Protection to accommodate abused women and children. Since its opening, the shelter has accommodated two women and one child. The shelter provided psychological counseling in one case and legal counseling in two other cases that were brought before the court.

Many foreign domestic servants were sexually harassed and mistreated. Most domestic servants did not press charges for fear of losing their jobs.

The legal system allows leniency for a man found guilty of committing a "crime of honor," or a violent assault against a woman for perceived immodesty or deviant behavior. Although not deemed an honor killing by the court, on January 14, the Court of Appeals commuted the 3-year imprisonment sentence awarded to a Jordanian teenager to "1 suspended year" for killing his sister as the court stated that there was no overwhelming evidence to prove that it was a case of premeditated murder. The lower court observed that it could not be termed a case of honor killing as the postmortem report proved the victim was a virgin.

Prostitution is illegal and was considered a problem by the Government. Government officials reported an increasing number of cases involving prostitution.

Sexual harassment is also illegal and carries penalties of imprisonment and/or fines. There was no new information regarding prosecutions at year's end.

Traditions and the interpretation of Shari'a restricted activities of women. The Government adhered to an interpretation of Shari'a that recognizes that Muslims have the automatic right to inherit from their Muslim spouses. Non-Muslim spouses (invariably wives, since Muslim women cannot legally marry non-Muslims) do not inherit unless their spouse formally wills them a portion (up to one-third of the total) of their estates. Similarly a Muslim husband does not automatically inherit the property of a non-Muslim wife. Muslim wives have the right to inherit from their husbands. The proportion that women inherit depends upon their relationship to the deceased; however, in the cases of siblings, sisters inherit only one-half as much as their brothers.

In cases of divorce, young children usually remain with the mother, regardless of her religion, unless she is found to be unfit. According to the 2006 Family Status Law, in the case of divorce, the age of children who remain in the custody of the mother has been raised to 13 years for males and to 15 years for females. In certain conditions the court may extend the age of maternal custody to 15 years for males and to the time of marriage for females. As an exception, the mother retains custody of children with disabilities with no age limit stipulated.

According to a new law on government housing passed during the year, a citizen woman married to a noncitizen man residing in the country the previous last 5 years may benefit from the Government housing system. Widows and divorced women may also benefit from the law if they have children and have not inherited a house from a deceased husband. Unmarried males or females can benefit from this law if he or she supports parents, brothers, and sisters or is above 35 years old. In practice this law appeared to be applied fairly.

Women may attend judicial court proceedings and may represent themselves, but they were generally represented by a male relative. The testimony of two women equals that of one man, but the courts routinely interpreted this requirement on a case-by-case basis. A non-Muslim woman is not required to convert to Islam upon

marriage to a Muslim, but many make a personal decision to do so. Children born to a Muslim father are considered to be Muslim.

According to the latest official survey from 2004, women made up 3.6 percent of the overall workforce and 30.6 percent of the citizen workforce, serving as university professors, public school teachers, and police. Women served as professionals in government service, education, health, and private business. Women received equal pay for equal work, but often did not receive equal allowances, which generally covered transportation and housing costs.

Although women above age 30 were legally able to travel abroad alone, tradition and social pressures caused most women to travel with male escorts. According to hotel proprietors, government policy prevented women from booking local hotel rooms.

The SCFA, a government department, seeks to improve the status of women and the family under both civil and Islamic law. The council contributed to a number of national and international conferences, studies, and reports on the status of women in the country. The council played an integral role in the drafting of legislation affecting women and children. On November 25 and 26, the SCFA held a workshop on combating violence against women, a subject once considered taboo in the country. The discussion focused on the first-ever study of "Violence against Women in Qatari Society."

Children.—The Government is committed to the welfare of citizen children. The Government provided for a well-funded, free public education system (elementary through university) and a complete medical protection program. Education was compulsory for citizen children through the age of 15 and was free through primary school (the equivalent of ninth grade) for all citizen children and for noncitizen children whose parents worked in the Government sector. There was generally no difference in attendance of girls and boys at the primary, secondary, and post-secondary levels.

Medical coverage for noncitizen children was limited. The lack of primary educational and medical services to noncitizen children caused hardship for a substantial part of the expatriate population living in the country. Health care services were provided equally for citizen girls and boys.

There was no societal pattern of child labor or abuse of children. There were isolated cases of children used by their families or by organized groups for begging, especially during religious occasions. There were also some cases of children who had suffered from various forms of family violence and physical and sexual abuse. The Qatar Foundation for the Protection of Women and Children reported that 29 cases involving abuse of children were reported to the organization (14 boys and 15 girls) during the year. Among those, there were 15 cases of physical abuse, eight of psychological abuse, and four of sexual abuse.

The Qatar Foundation for the Protection of Women and Children maintained a children's hot line called the "Friendly Line" for use by children and conducted awareness campaigns on the rights of the child. The system allowed both citizen and noncitizen children to call with questions and concerns ranging from school, health, and psychological problems to concerns about sexual harassment. This hot line was operated in conjunction with the family abuse hot line; statistics on use were not available.

Trafficking in Persons.—There is no specific antitrafficking law. In addition, provisions of the Sponsorship Law create conditions that could lead to forced labor activities and slave-like conditions. Although the law criminalizes slavery, forced labor, and forced prostitution, prosecutions have not occurred.

On April 25, the U.N. Special Rapporteur (UNSR) on Trafficking in Persons noted that Qatar is a country of destination and, in some instances, of transit for trafficking of migrant workers, mainly for forced labor, including on camel farms and for sexual exploitation. The UNSR criticized the sponsorship system as an unjust arrangement that increases the vulnerability of foreign migrant workers by rendering them dependent on their sponsors and therefore fosters demand for trafficking. The UNSR also raised concern that the labor law excludes foreign domestic workers from protection and in practice places them in a situation whereby their working conditions are regulated as private matters.

Qatar is a destination for men and women trafficked for the purposes of forced labor and, to a lesser extent, commercial sexual exploitation. Men and women from Africa, South Asia, and the Middle East travel willingly to Qatar as laborers and domestic servants but often subsequently face conditions of forced labor and physical and sexual exploitation. There are reports that Nepalese and Indians recruited for work in the country as domestic servants were then coerced or forced into farm labor in Saudi Arabia.

The country was a destination for some women and girls who traveled to the country voluntarily to work in hotels, cafes, and restaurants but were forced into prostitution. Most often, victims were not prosecuted for prostitution; the women were issued a deportation order and sent to the DDC. Women and girls also traveled to the country to work as domestic servants, where they were vulnerable to domestic servitude and physical and sexual exploitation and unprotected by labor legislation. The Indian Embassy reported that 236 maids had been forced into these conditions.

Legislation guiding the sponsorship of expatriate laborers created conditions constituting forced labor or slavery. Under the law expatriate laborers were not allowed to leave the country without a signed exit permit or change employment without a written release from their sponsor. The dependence of foreign laborers on their employer for residency rights and the inability to change employment or to travel without the sponsor's permission leaves them vulnerable to abuse and arrest. Some sponsors intimidated and coerced foreign employees to work for longer periods, reduced or withheld pay, and commonly withheld passports and failed to obtain or renew residence permits.

Workers without valid residence permits were arrested and detained at the DDC. There were a total of between 1,100 and 1,500 detainees awaiting deportation at the DDC at all times.

Principal traffickers include individual employers, contractors, and employment recruitment agencies. Most victims travel legally into the country by means of recruiting agencies in their home countries, but then subsequently face conditions of forced labor and trafficking after they reach the country. Some workers are recruited for jobs in the country but then abandoned by their recruiters upon arrival in the country or by employers after the work is completed, making them even more vulnerable to trafficking.

Violators of the law banning child camel jockeys may receive 6 months' imprisonment or a fine of approximately $825 (3,000 riyals). In cases involving the employment of minors, the punishment is 3 years' imprisonment or a fine of approximately $2,700 (10,000 riyals). There were no reported cases, and there have been no prosecutions under this law.

Traffickers can be prosecuted under slavery or forced labor articles of the Criminal Law of 2004, which bans forced or coerced labor with penalties of up to 7 years and a fine of no more than $2,750 (10,000 riyals). The criminal law also addresses crimes that violate human liberty and sanctity (kidnapping) with penalties of imprisonment not more than 10 years.

The Money Laundering Law specifically defines as a money laundering crime the handling of money related to trafficking of women and children. Although the 2005 Labor Law expands some worker rights, it does not extend to domestic workers.

No antitrafficking or related cases against employers or labor recruitment agencies were prosecuted during the year, and there was no indication that the Government assisted with international investigations or extradited citizens who were accused of trafficking in other countries.

While there is no evidence of institutional involvement by government bodies or officials, some may own or operate companies that subject their employees to forced labor conditions.

The country's antitrafficking prevention efforts continued during the year. A government committee conducted visits to camel racing tracks to ensure compliance with the Government's ban on the use of child camel jockeys. The police services continued to incorporate antitrafficking training into the basic training curriculum for police officers. A media campaign highlighted sponsors' responsibilities and resources available to victims. During the year a number of seminars and conferences were held highlighting the migrant worker problem in Qatar and the greater GCC.

In 2005 a human rights department was established in the MOI to receive and process victims of human rights abuses and trafficking in persons. The department did not report any cases during the year.

In 2005 the Government opened a shelter for trafficking victims to serve the needs of abused domestic workers, other laborers and children. The shelter was under the management of the National Trafficking in Persons Coordinator, and referral by police or other government agencies for access was no longer required. According to government policy, any person facing criminal or immigration violations, i.e. absconding, cannot be considered a victim by the shelter and will not receive assistance. This policy severely limits the effectiveness of the shelter.

Although the Government has identified various agencies to implement antitrafficking reforms, it did not systematically monitor its antitrafficking efforts.

Persons with Disabilities.—The law requires the allocation of resources for persons with disabilities and prohibits discrimination against such persons. The Government acts on complaints from individuals and from the NHRC and enforces compliance.

The law requires that 2 percent of all jobs in government agencies and public institutions be set aside for persons with disabilities. Private sector businesses employing a minimum of 25 persons were required to hire persons with disabilities. Employees who violated these employment provisions were subject to fines. There were no reported cases during the year.

Sheikha Hissa bint Khalifa bin Ahmed Al-Thani, the Special Rapporteur of the U.N. Commission for Social Development on Disability and a Qatari citizen, noted October 20 that government schools in Qatar are providing only 21 percent of the required services for their students with disabilities, while the private and Independent Schools in general provide 68 percent of the required services, according to a recent survey. Sheikha Hissa also noted that there are only three public places in Qatar with the required standards of accessibility for persons with disabilities, and new buildings are not taking this aspect into consideration.

According to the NHRC, some violations with regard to persons with disabilities occurred in the Ministry of Municipal Affairs and Agriculture in 2005, in which a number of employees were transferred from their jobs because they were categorized as persons with disabilities. Although authorities concerned were notified, no action was taken. The SCFA was charged with ensuring compliance with the rights and provisions mandated under the law; however, compliance was not effectively enforced.

National/Racial/Ethnic Minorities.—The Government discriminated based on nationality in the areas of employment, education, housing, and health services. Noncitizens did not receive the same benefits as citizens. They were required to pay for residence permits, health care, electricity, water, and education (services that were provided without charge to citizens). Noncitizens generally could not own property; however, the law provided for property ownership in three designated areas. The largest noncitizen groups were Indian, Nepalese, Sri Lankan, expatriate Arabs, Filipino, Bangladeshi, Iranian, Pakistani, and Indonesian. In the private sector, Iranians occupied some of the highest positions.

Although born, raised and schooled in the country, noncitizen residents and Bidoons are afforded no more rights under the law than temporary migrant laborers. They were discriminated against in medical care, education, employment, and mobility.

Other Societal Abuses and Discrimination.—The law prohibits same-sex relations between both males and females. Penalties for adults range from a maximum of 7 to 15 years' imprisonment. There were at least three cases before the court during the year. The verdict in the 2006 case involving a Qatari male and an Asian expatriate male remained unknown at year's end.

There was discrimination reported against HIV patients if they were citizens or were in the country for at least 5 years with a legal residence permit. They were usually reported to the Preventive Health Department to maintain statistical records about the extent of contagious diseases in the country and to receive treatment. HIV-positive foreigners were deported to their home country, while HIV-positive citizens were quarantined and received treatment. According to the Qatar National Health Authority on December 1, a total of 228 HIV/AIDS cases have been detected in the country. More than half the number of patients are citizens and in the age group of 18 to 35. There are approximately 10 cases reported per year.

Section 6. Worker Rights

a. The Right of Association.—The labor law and regulations provide for the right of workers' associations for citizens over 18 years of age in private enterprises with more than 100 citizen workers. In practice the law makes union formation difficult. Noncitizens were not eligible to form worker committees, and foreign workers can only be members of joint labor-management committees. Those working in the Government sector are prohibited from joining a union. The law and regulations permit only the single General Union for the Workers of Qatar (composed of various General Committees for the Workers in a trade or industry, which are in turn made up of worker committees at individual firms) and forbid affiliation with groups outside the country. There were no worker committees, joint labor-management committees, general committees, or a national trade union.

b. The Right to Organize and Bargain Collectively.—No labor unions existed during the year. Under the labor law, workers are granted the right to bargain collectively and to sign joint agreements, i.e. agreements reached between employer and worker regarding a work-related issue. The right was circumscribed by the Government's control over the rules and procedures of the bargaining and agreement processes. Collective bargaining was not freely practiced, and there were no workers under collective bargaining contracts. The law also grants workers the right to

strike, but the restrictive conditions imposed by the statute make the likelihood of a legal strike extremely remote. Nevertheless, foreign workers staged at least 10 strikes during the year to seek redress and improvement in their work situation from employers. In most cases, strike organizers were summarily deported.

Government employees, domestic servants, and those in the public utility, health, and security services are prohibited from striking. They may legally seek permission to hold a public gathering; however, none are known to have occurred. Private employers set wages unilaterally without government involvement. Local courts handled disputes between workers and employers; however, foreign workers avoided drawing attention to problems with their employers for fear of retaliation and deportation. According to resident Embassies of expatriate workers and some individual migrant workers, the labor department was widely perceived to be objective within its narrow mandate when dealing with the nonpayment of wages. The labor department claimed that it resolved 80 percent of worker complaints amicably with a very small percentage referred to the labor courts for judgment.

In 2006 the Government established a secretariat for labor relations charged with enforcing laws relating to collective bargaining and overseeing labor relations. During the year the labor inspection section increased its staff to at least 50 and trained inspectors, who were provided with the power of law enforcement.

There were no export processing zones.

c. Prohibition of Forced or Compulsory Labor.—The law prohibits forced or compulsory labor, including by children; however, there were reports that such practices occurred, and the Government did not enforce the law. Foreign workers in many cases were employed under circumstances that constituted forced labor. According to government figures, more than 85 percent of the workforce was comprised of foreign workers who, entirely dependent on their employer for residency rights, were vulnerable to abuse. For example, employers must give consent before exit permits are issued to any foreign employee seeking to leave the country. Some employers temporarily withheld this consent to force foreign employees to work for longer periods than they wished. Unskilled workers and domestic servants were particularly vulnerable to nonpayment or late payment of wages. During the year compulsory labor by children occurred.

d. Prohibition of Child Labor and Minimum Age for Employment.—The law prohibits forced and compulsory labor by children, and the Government generally enforced this prohibition with respect to citizen children; however, some child labor occurred. The labor law stipulates the minimum age for employment as 16 years. The labor law provides that minors between the ages of 16 and 18 can be employed with parent or guardian permission, and some children worked in small, family-owned businesses such as small markets or as office clerks. Minors may not work more than 6 hours a day or more than 36 hours a week. Employers must provide the labor department with the names and occupations of their minor employees and obtain permission from the Ministry of Education to hire a minor. The labor department may prohibit the employment of minors in jobs that are judged dangerous to the health, safety, or morals of minors.

Violators of the law banning child camel jockeys may receive 6 months' imprisonment or a fine of approximately $825 (3,000 riyals). In cases involving the employment of minors, the punishment is 3 years' imprisonment or a fine of approximately $2,700 (10,000 riyals). There have been no cases investigated or prosecuted under this law.

e. Acceptable Conditions of Work.—Although the labor law provides the emir with authority to set a minimum wage, he did not do so. The average wage of noncitizen workers did not provide a decent standard of living for a worker and family. The law prescribes a 48-hour workweek with a 24-hour rest period, although most government offices followed a 36-hour workweek. Employees who worked more than 48 hours per week or 36 hours per week during the holy month of Ramadan were entitled to overtime pay. Government offices and major private sector companies adhered to this law; however, it was often not observed with respect to unskilled laborers and domestic and personal employees, the majority of who were foreigners. Many such workers frequently worked 7 days per week, and more than 12 hours per day with few or no holidays, no overtime pay, and no effective means to redress grievances.

The rights of foreign workers continued to be severely restricted. Some employers mistreated foreign domestic servants, predominantly those from South Asia, Indonesia, and the Philippines. Such mistreatment generally involved the nonpayment or late payment of wages and in some cases involved rape and physical abuse. Some foreign Embassies provided temporary shelter for 48 hours to their nationals who left their employers as a result of abuse or disputes before transferring the case to

local government officials. According to their Embassies, the majority of cases were resolved within 48 hours. Those not resolved within 48 hours were transferred to the Criminal Evidence and Investigation Department of the MOI for a maximum of 7 days. Cases not resolved within 7 days were transferred to the labor court, a special section of the first instance civil court.

During the year the Embassies of India, Nepal, and Sri Lanka received a combined total of more than 15,000 complaints from male and female workers alleging mistreatment by their employers. The Nepalese Embassy reported that they received 10 to 11 complaints per day, and the Sri Lankan Embassy received between 50 and 60 per day. Complaints included sexual harassment, delayed and nonpayment of salaries, forced labor, contract switching, holding of passports, poor accommodation, nonrepatriation, physical torture or torment, overwork, imprisonment, and maltreatment. Abused domestic servants usually did not press charges for fear of losing their jobs. According to the Indian Embassy, 208 of their reportedly 313,000 nationals died in the country during the year, of which 17 were deemed suicide. Of the 208 total, 113 died of cardiac arrest, eight of whom were younger than 30 years of age. According to the Nepalese Embassy, 158 of their reported 266,000 nationals died. Heart attacks claimed 107, work-related accidents 22, and suicides eight. Local support groups believed that authorities reported the cause of death as heart attacks to hide workplace deaths.

The Government has enacted regulations regarding worker safety and health, but enforcement, which is the responsibility of the Ministry of Energy and Industry, the Ministry of Health, and the Labor Department, while improving, was uneven due to insufficient training and lack of personnel. Diplomatic representatives visited labor camps and found the majority of unskilled foreign laborers living in cramped, dirty, and hazardous conditions, often without running water, electricity, or adequate food. The Labor Inspection Section conducted a limited number of random inspections of labor camps and when found to be below minimum standards, the operators received a warning, after which compliance was mandatory. Statistics on the number of inspections were not available, but foreign labor attaches reported that most labor camps in the country remained far below minimum standards.

In April 2006 two foreign construction workers reportedly died from exposure to toxic gases at a labor camp at Ras Laffan. An estimated 1,000 workers violently protested their deaths, and the organizers were detained and deported. Because the incident was considered a state security matter involving an oil or gas facility, officials from the NHRC were prevented by security authorities from inspecting the camp after the incident to help ensure respect for workers' health and safety. For this reason, compliance with standards was not documented.

The Department of Public Safety oversaw safety training and conditions, and the state-run petroleum company had its own safety standards and procedures. The regulations listed partial and permanent disabilities for which compensation may be awarded, some connected with handling chemicals and petroleum products or construction injuries. The law does not specifically set rates of payment and compensation. The Government provided free medical treatment to workers who suffered work-related sickness or injuries.

Foreign workers may enter the country on a visitor's visa, but a sponsor is needed to convert a visitor's visa to a work visa, and the worker must have a sponsor's permission to depart the country. The Government punished a small number of individual sponsors and employers who severely violated residence and sponsorship laws by prohibiting them from importing labor until they rectified the situation.

The law does not provide workers the specific right to remove themselves from hazardous work conditions, and workers often hesitated to do so for fear of dismissal. The law provides any worker with the right to seek legal relief from onerous work conditions; however, pursuing such relief risked deportation, and there were no reports of workers seeking such relief during the year.

SAUDI ARABIA

The Kingdom of Saudi Arabia is a monarchy, ruled by the Al Saud family, with a population of 22.7 million, including 6.1 million foreigners. Since 2005, King Abdullah bin Abd Al-Aziz Al Saud has ruled the Kingdom and serves as custodian of Islam's two holiest sites in Mecca and Medina. The Government bases its legitimacy in governance according to its interpretation of Islamic law (Shari'a) and the 1992 Basic Law. The Basic Law sets out the system of government, rights of citizens, the powers and duties of the Government. The law also provides that the Koran and the Traditions (Sunna) of the Prophet Muhammad serve as the country's

Constitution. In December 2005 the country held male-only elections on a nonparty basis for half of the members of municipal councils, the first elections for any government position since 1963. The civilian authorities generally maintained effective control of the security forces.

During the year, the following significant human rights problems were reported: No right to peacefully change the Government; infliction of severe pain by judicially sanctioned corporal punishments; beatings and other abuse; arbitrary arrest and detention, sometimes incommunicado; denial of fair public trials; political prisoners; exemption for the rule of law for some individuals and lack of judicial independence; restrictions on civil liberties such as the freedoms of speech, including the Internet, assembly, association, movement, and religion; corruption and lack of government transparency. Violence against women and discrimination on the basis of gender, religion, sect, and ethnicity were common. Limitations on the rights of foreign workers remained a severe problem.

Improvements during the year included less restriction on some issues reported in the media, including complaints against the Government and a lifting of restrictions on several banned books. According to human rights activists from an un-licensed nongovernmental organization (NGO), the Ministry of Interior (MOI) allegedly sought to enforce a ban on the use of torture by police officers and dismissed some officers failing to adhere to this ban. Sources reported that women's participation in the teaching, nursing, and care-provider professions increased.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life.—The Government and/or its agents did not commit any politically motivated killings; however, several individuals died after beatings that took place while in the custody of the Committee for the Promotion of Virtue and Prevention of Vice (CPVPV), also known as the religious police or Mutawwa'in. The Government executed persons for criminal offenses after closed trials, making it impossible to determine whether the accused persons were allowed to present a defense or were denied basic due process.

On May 23, religious police allegedly beat to death 28-year-old Suleiman al-Huraisi who was detained for the possession and sale of alcohol. After a 3-month investigation, MOI officials charged two members of the religious police. On November 28, a court citing lack of evidence acquitted them.

On June 1, a member of the religious police reportedly arrested Ahmad al-Bulawi in Tabuk on suspicion of being in "illegal seclusion" with an unrelated woman. An autopsy revealed he had been beaten on his face before dying at the religious police center. On July 30, the Tabuk General Investigation and Prosecution Authority ruled that the arresting authorities, members of the religious police and a security guard, were not guilty of any wrongdoing.

During the week of August 5, a Bangladeshi man died in Medina while in the custody of the religious police. They arrested him for allegedly washing a car while he should have been attending prayers. The head of the religious police, Ibrahim al-Gaith, claimed that the man had fainted and that there were no signs of assault. At year's end the case was pending with the Shari'a court of Medina.

b. Disappearance.—There were no reports of politically motivated disappearances during the year.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Basic Law prohibits torture, and Shari'a prohibits judges from accepting confessions obtained under duress. Nevertheless, there were reports of authorities physically abusing and torturing prisoners. The National Society for Human Rights (NSHR), a human rights organization originally endowed by King Fahd, received complaints of torture by the religious police, the General Administration of Narcotics Control, and the Directorate of General Investigations. According to the NSHR, detainees and prisoners were subjected to torture, abuse, and violence during interrogation and were coerced into signing confessions.

During the year, the nonlicensed domestic human rights group Human Rights First reported that during the past 4 years there was a significant decline in the use of torture in prisons including the formal banning of the use of torture and dismissal of some officials who failed to implement this ban.

MOI officials were responsible for most alleged incidents of physical abuse and torture of prisoners, including beatings, lashings, and suspension from bars by handcuffs. On April 18, an Internet news site SABQ.org posted five video clips of a prison guard beating prisoners at the al-Ha'ir Correctional Facility. The videos show a prison guard repeatedly beating the prisoners on the palms of their outstretched hands and the soles of one prisoner's feet.

During the year the religious police harassed and detained citizens and foreigners of both sexes. According to the NSHR report covering the 2006 calendar year, they received numerous complaints of beatings, humiliation, confiscation of personal property and unnecessary body searches and the use of coercion to sign confessions.

During the year according to Human Rights Watch (HRW), the press reported 153 beheadings of individuals who were convicted of murder, narcotics-related offenses, and armed robbery, as well as of rape, sorcery and adultery.

The Government also punished persons for various offenses with amputations for theft, and lashings, including for alcohol-related offenses or for being alone in the company of an unrelated person of the opposite sex. In contrast to previous years, there were no reports of lashings in the women's prisons.

In March 2006 in Qatif, seven men found a woman and her male companion together in a car and gang-raped them both. The perpetrators were sentenced to between 8 months and 5 years in prison and between 80 and 1,000 lashes. The same court also sentenced the woman and her ex-boyfriend to 90 lashes for being unmarried and alone in a car with an unmarried person of the opposite sex at the time of the incident. On November 14, after her lawyer requested a review of the case, the Higher Court of Justice sent the case back to the Qatif General Court which increased the woman's sentence from 90 lashes to 200 lashes and 6 months in prison and increased the perpetrators sentences to between 2 and 9 years each. The court also suspended her lawyer, Abdulrahman al-Lahem, for "insulting the Supreme Judicial Council and disobeying the rules and regulations," reportedly for his efforts to publicize the woman's case. The court confiscated al-Lahem's license and asked him to appear before a disciplinary session at the Judicial Investigation Department of the Ministry of Justice (MOJ). On November 24, the MOJ issued a statement "clarifying" the role of the two victims who "exposed" themselves to the crime because of their behavior. The statement stated that because the victims were alone in the car, they had violated Shari'a and were thus liable for punishment. On December 17, King Abdullah pardoned both victims, citing his authority to overrule judgments not specifically prescribed by Islamic legal code.

Prison and Detention Center Conditions.—Unlike the previous year, there were no reported prison visits by the governmental Human Right Commission (HRC) or the NSHR. In 2006 both the HRC and the NSHR visited prisons, and these visits were in accordance with international standard modalities. The NSHR visited and reported abuses in 20 prisons and detention centers.

During the visits in 2006 the HRC and NSHR found that there were some prisons and detention centers with below-acceptable standards in hygiene, food, medical, and social services, and prolonged detention of detainees and prisoners in poor health and brutalization by guards. Also in 2006, many detention centers and prisons remained overcrowded, and some prisoners served their sentence yet were detained for additional unlimited periods of time.

In the Western Province, media and international human rights organizations reported that during the year poor health conditions existed in some prisons and detention centers. According to the March 9 article published by London-based newspaper Asharq al-Awsat, authorities reacted slowly to the NSHR on prison conditions, including prisoners suffering from tuberculosis. In January, according to the newspaper Al Watan, two prisoners at a prison in Jizan died of tuberculosis. In an April HRW report, prisoners were cited as claiming that seven prisoners had died at the Buraiman prison in Jeddah, mostly as a result of tuberculosis. While the Government investigated the deaths, it had not released any information by year's end. Similarly, in April, HRW reported detainees' accounts of the conditions in a deportation center in Jeddah. HRW cited the death of a Bangladeshi man following a 25-day hunger strike as well as the death of a woman's infant, who died from hypothermia and malnourishment.

Consular visits to prisoners were restricted. Notification of relevant consulates in the cases of several dual national prisoners was delayed. In several cases involving the internal security police that dealt with cases of allegations of terrorism, threats to internal security, organized crime, and espionage, consular access was granted slowly and only with assistance from other consular offices and the sending of diplomatic notes. During consular visits, officers from the internal security police were present.

d. Arbitrary Arrest or Detention.—The Basic Law prohibits arbitrary arrest and detention and limits the period of arrest to 5 days without charges being filed; however, because of ambiguous implementation of the law and a lack of due process, the MOI maintains broad powers to detain persons indefinitely. In practice, persons were held for weeks or months and sometimes longer.

Role of the Police and Security Apparatus.—The king, the minister of interior, the minister of defense, and the Saudi Arabian National Guard (SANG) commander all have responsibility in law and in practice of law enforcement and maintenance of order. King Abdullah remained in command of the SANG. Crown Prince Sultan, the minister of defense and aviation, had responsibility for all of that ministry's military armed forces. The minister of interior, exercised control over government internal security forces, the internal security police (Mabahith), the Directorate of General Investigation, the General Administration of Narcotics Control, and border forces. The General Intelligence Presidency (GIP), reporting directly to the king, is the Government's primary external intelligence agency and maintained its own forces. The religious police constitute a semiautonomous agency, which reports to the king via the Royal Diwan (royal court). The MOI also has undefined oversight role of the religious police. The religious police monitor public behavior to enforce strict adherence to conservative Islamic norms. There were no reports of investigations of security forces during the year.

Arrest and Detention.—According to the criminal procedure legislation, "no person shall be arrested, searched, detained, or imprisoned except in cases provided by law and any accused person shall have the right to seek the assistance of a lawyer or a representative to defend him during the investigation and trial stages." Any person can be summoned to be investigated and an arrest warrant can be issued based on sufficient evidence. The law also prohibits arbitrary arrest and detention. However, in practice, persons were held weeks, months, and sometimes longer without due process. The regular police, the religious police, if accompanied by a regular police officer, and the internal security police can arrest and detain persons. However, in practice, the authorities arrested and detained persons without following legal guidelines.

On February 2, according to HRW, internal security police arrested Isam Basrawi, and five other men, all of whom are prominent reform advocates, as well as Basrawi's assistant. Police arrested another associate in his car in Jeddah, and two others in Medina. The eight men arrested on February 2 were: Sulaiman al-Rashudi, Abd al-Rahman al-Shumairi, Abdulaziz al-Khuraiji, Sa'ud Mukhtar al-Hashimi, Musa al-Qarni, al-Sharif Saif al-Din Shahin and Hussain al-Sadiqi. Also according to HRW, on March 16, police arrested former judge Sulaiman al-Rashudi, who reportedly intended to sue the Ministry of Interior over its failure to charge and speedily try detainees in internal security service prisons. At year's end the men remained in prison. They have not been charged; however, there were allegations in the media that they financed terrorism outside the country.

According to the NSHR, some police officers detained individuals with no justifiable cause and abused their authority by threatening to detain individuals to pressure them to obtain confessions or information relevant to the investigation.

Regulations provide bail for less serious crimes, although authorities sometimes released detainees on the recognizance of a patron or sponsoring employer without payment of bail.

If accused persons were not released, authorities typically detained them for 2 months before sending the case to trial or, in the case of some foreigners, summarily deporting them. There were no established procedures providing detainees the right to inform their family of their arrest. There were no established procedures providing for appeal of deportation.

The religious police generally complied with the requirement that a police officer accompany them at the time of an arrest. However, there were cases in which religious police detained persons without the presence of a police officer. In the more conservative Nejd region, including Riyadh, there continued to be reports that religious police accosted, abused, arrested, and detained citizens and noncitizens, especially women, for allegedly violating dress and behavior standards. There were also several reports of religious police in Mecca taking similar actions.

The risk of harassment was substantial. The religious police detained men for offenses that included eating in restaurants with women not related to them, making lewd remarks to women in shopping malls, following cars lawfully transporting women, or walking in groups through family-only sections of shopping centers. Young unmarried men are prohibited from entering most shopping malls. Religious police detained women of many nationalities for actions such as riding in a taxi with a man who was not her relative, appearing with her head uncovered in shopping malls, and eating in restaurants with males who were not her relatives. Some detainees were held for days, sometimes weeks, without officials notifying families or, in the case of noncitizens, Embassies.

Authorities may detain without charge, or charge with attempting to destabilize the Government, persons who publicly criticize the Government.

Suspected terrorists arrested by the internal security police were held incommunicado in special prisons during the initial phase of the investigation. This period may last weeks or months under the MOI's broad legal authority. Access to detainees by family or lawyers was restricted.

The Government continued to discriminate against and detain members of the Shi'a minority. According to community leaders in the Al-Ahsa region during the year internal security police forces increased arrests of Shi'a for such activities as propagating their beliefs and organizing or participating in informal, recurring social gatherings with other Shi'a. Allegedly, these arrests are often made on little more than the suspicion of participation. Detainees are typically held in custody less than a month, and often released without explanation.

Citizens can report abuses by security forces at any police station, to the governmental HRC, and to the NSHR; however, no information was available on the results of complaints.

Amnesty.—During the year the Government continued its tradition of pardoning or granting amnesty on special occasions, including holy days and during Ramadan. Approximately 15,000 prisoners were granted amnesty during the year.

e. Denial of Fair Public Trial.—The Basic Law provides for an independent judiciary. The courts do not have jurisdiction over senior members of the royal family. Some members and associates of the royal family have influenced judges. The Supreme Judicial Council, whose members are appointed by the king, appoints, transfers, and removes judges. The MOJ disciplines judges. The Basic Law allows for a public trial; however, most trials were closed. Juries are not used. Despite laws providing for suspects' rights to legal counsel and requiring public trials, most trials were held in secret and without defense lawyers.

There are two types of courts: Shari'a and special. The legal system is based on the Government's interpretation of Islamic law in all courts. The law makes no distinction among court systems concerning the rights available to defendants in criminal cases. Courts exercise jurisdiction over common criminal cases and civil suits regarding marriage, divorce, child custody, and inheritance. Their jurisdiction extends to non-Muslims for crimes committed in the country. Cases involving relatively small penalties were tried in summary courts. More serious crimes are adjudicated in courts of common pleas from which appeals may be made to the courts of appeal. Special courts include commercial courts.

Other civil proceedings, such as those involving claims against the Government and enforcement of foreign judgments, are held before various specialized administrative tribunals including the Commission for the Settlement of Labor Disputes. The Board of Grievances hears complaints against government actions, including against the religious police. Plaintiffs have won their cases against government actions in these tribunals and have been able to enforce foreign judgments.

According to businessmen, courts were ineffective and slow, court procedures were not well established, and judges possessed religious rather than legal training. They also complained that judges often acted capriciously and did not base judgments on precedent, leading to widely divergent rulings.

According to press reports, on October 2, the king allocated $1.9 billion (7.1 billion riyals) for judicial reforms in the country. Reforms had not been implemented by year's end.

The Government permitted Shi'a citizens to use their own Jaafari legal tradition to adjudicate cases involving domestic issues, inheritance, and Islamic endowments. During the year the MOJ allowed for an increase in the size of the Shi'a court system. The Jaafari system, with jurisdiction over cases in Al-Ahsa/Qatif area only, consisted of two basic courts, each with two judges in Qatif and Al-Ahsa and a three judge appeals court of first instance in Qatif. The Jaafari courts, however, have limited power. For example, if a litigant disagreed with the Shi'a court's decision, that person could seek a verdict in a Sunni court which would overrule any previous determination. In September in response to these limits, the Jaafari judges threatened to resign if more power was not granted to the court. By year's end no new authority was granted to the court but the judges had not resigned.

Cases of non-Muslims and foreigners were handled in Shari'a courts.

The military justice system has jurisdiction over uniformed personnel and civil servants who are charged with violations of military regulations. The defense minister and the king review the decisions of military tribunals. There are no special security courts.

According to the MOJ, judges are free to base their decisions on any of the four Sunni schools of jurisprudence. In practice, judges usually follow Hanbali jurisprudence.

The Supreme Judicial Council may not reverse decisions made by courts of appeal; however, the council may review lower-court decisions and refer them back to a lower court for reconsideration.

The Council of Senior Religious Scholars (Ulema) is an autonomous advisory body of 20 senior religious jurists, including the minister of justice, which interprets Shari'a thereby establishing the legal principles to guide lower-court judges.

On November 14, authorities suspended Abdulrahman al-Lahem, the lawyer for the female victim in the March 2006 Qatif rape, and confiscated his license to practice because of his attempts to publicize the case.

On June 16, Rizana Nafeek, a Sri Lankan maid, faced beheading after a panel of three Shari'a judges found her guilty of murdering an infant in her care. Nafeek had no legal representation. In addition, because she was allegedly provided forged documents in Sri Lanka, she may have been 17 at the time the child under her care died. At year's end Nafeek continued to wait for the court to hear her appeal; the infant's family has continuously refused to consider clemency.

Trial Procedures.—The Criminal Procedure Law provides persons under investigation the right to a lawyer and permits lawyers to present arguments in criminal courts. The law also provides that convicted persons be informed of their right to appeal rulings. An attorney is not provided at public expense. Defendants have the right to confront or question witnesses against them; however witnesses are questioned before the initiation of a trial and not during the trial. Defendants have access to government-held evidence relevant to their cases. The majority of trials are closed to the public but the accused may request to have a public trial.

In a Shari'a court, the testimony of one man equals that of two women. Under the Hanbali interpretation of Shari'a, judges may discount the testimony of persons who are nonpracticing Muslims or who do not adhere to Hanbali doctrine. Legal sources reported that testimony by Shi'a was often ignored in courts of law or was deemed to have less weight than testimony by Sunnis.

Female parties in court proceedings such as divorce and family law cases generally had to deputize male relatives to speak on their behalf. In the absence of two witnesses, or four witnesses in the case of adultery, confessions before a judge were almost always required for criminal conviction—a situation that has led prosecuting authorities to coerce confessions from suspects by threats and abuse.

Laws and regulations state that defendants should be treated equally; however, sentencing was not uniform and crimes committed against Muslims received harsher penalties than those against non-Muslims. In wrongful death cases, the amount of indemnity or "blood money" awarded to relatives varied with the nationality, religion, age, and sex of the victim. A sentence may be changed at any stage of review, except for punishments stipulated by the Koran.

Shari'a considers Hindus to be polytheists and on this basis justifies discrimination in calculating accidental death or injury compensation. According to the country's Hanbali interpretation of Shari'a, once a court determines fault, a Muslim male receives 100 percent of the amount of compensation determined, a Jew or Christian male receives 50 percent, and all others receive 1/16 of the amount a Muslim male receives. Women receive 50 percent of what men receive in each of these categories.

Provincial governors, and members of the royal family, have authority to reduce a sentence. In cases between two individuals, the wronged party has the right to accept money or impose no punishment instead of the punishment decreed by the judge. Senior members of the royal family were not subject to the same rule of law as ordinary citizens.

The king and his advisors review cases involving capital punishment. The king has the authority to commute death sentences and grant pardons, except for capital crimes committed against individuals. In such cases, he may request the victim's next of kin pardon the killer—usually in return for compensation from the family of the convicted person or from the king.

Political Prisoners and Detainees.—According to the HRW, on July 16, the internal security police arrested two prominent reformers, Dr. Abdullah al-Hamid, a lawyer, who had previously been jailed for 17 months after organizing a petition that called for the country to become a constitutional monarchy, and 'Isa al-Hamid, his brother. On November 9, HRW reported that the Partial Court in Buraida sentenced the al-Hamid brothers on November 7. Professor Abdullah al-Hamid received a 4-month prison term while 'Isa al Hamid received a 6-month sentence, each for instigating a public demonstration during which women peacefully protested the continued detention of relatives without charge or trial, according press reports.

Civil Judicial Procedures and Remedies.—The Basic Law provides for an independent and impartial judiciary in civil matters, but the judiciary lacks jurisdiction over some members of the royal family, whose members and associates influence ju-

dicial decisions. There were reports of lawsuits seeking damages for, or cessation of, human rights violations. There were administrative and judicial remedies available for alleged violations. There were significant problems enforcing domestic court orders.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The Basic Law guarantees the inviolability of homes and the privacy of correspondence. The Criminal Procedure Law requires authorities obtain a warrant prior to searching a residence or a court order prior to perusing personal correspondence and documents. Royal decrees include provisions for the Government to defend the home from unlawful intrusions, while laws and regulations prohibit officials from intercepting mail and electronic communications except when necessary during internal security and criminal investigations, and then the police must demonstrate reasonable cause obtain permission from a provincial governor. The Government generally respected this inviolability; however, there were some cases in which the Government infringed on these rights, such as the confiscation of private properties including mobile phones and cars and religious police raids on private residences.

Despite these provisions, customs officials routinely opened mail and shipments to search for contraband, including material deemed pornographic or that appeared to be non-Sunni Islamic religious material. The authorities also opened mail and used informants and wiretaps in internal security and criminal matters. Informants and, in some districts, an informal system of ward bosses reported "seditious ideas," antigovernment activity, or "behavior contrary to Islam" in their neighborhoods to the MOI.

The Government enforced most social and Islamic religious norms. Citizens have the right to sue to enforce these laws. For example, citizens sued to dissolve "unequal" marriages between tribal and nontribal individuals or between tribal members in which the status of one tribe was perceived to be superior to another. Citizens also sued to punish those who "insulted Saudi values and norms." Women may not marry noncitizens without government permission; men must obtain government permission to marry noncitizen women outside the six states of the Gulf Cooperation Council (GCC). In accordance with Shari'a, women are prohibited from marrying non-Muslims; men may marry Christians, Jews, and Muslims. The Government does not refuse marriage licenses between Sunni and Shi'a couples; tradition and culture, not law, restrict marriages between Sunni and Shi'a citizens.

According to the law, men who work in certain government positions, such as the military, cannot marry noncitizens, although exceptions are made in practice. The Government subjects top civil servants and security officials to extensive questioning when applying to marry foreigners. In response to certain cultural norms, the Government is more lenient when approving marriages to foreigners to elderly and disabled citizens. The marital restrictions also applied to citizens studying overseas on government scholarships. Violators risked disciplinary action; however, this policy was frequently violated, and there were no reports of sanctions being imposed.

Religious police practices and incidents of abuse varied widely across the country. According to an official 2006 report, there were 4,957 field officers working in 1,310 centers in all 13 provinces. In certain areas, the religious police and freelance religious vigilantes harassed, abused, arrested, and detained citizens and foreigners. At year's end there was no updated data regarding these incidents.

Religious police enforcement of strict standards of social behavior included closing commercial establishments during the five daily prayer observances, insisting upon compliance with strict norms of public dress, and dispersing gatherings of women in public places designated for men, as well as preventing unaccompanied men from entering public places designated for families. Religious police frequently reproached both citizen and foreign women for failure to observe strict dress codes and arrested men and women found together who were not married or closely related.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Basic Law does not provide for freedom of speech or the press and the Government generally did not respect these rights in practice. According to the Basic Law, the media's role is to educate the masses and promote national unity. Media outlets can legally be banned or publication production temporarily halted if outlets are deemed to promote "mischief and discord, compromise the security of the state and its public image, or offends a man's dignity and rights." The Government continued to restrict freedom of speech and press by interrupting publication and dissemination of news sources critical of the royal family or of Islam. Authorities prevented or delayed distribution of foreign print media, effectively censoring foreign print media and publications. During the year discussions took place that tested the boundaries of permissible topics for media coverage,

including political and social reforms, domestic and child abuse, rights of women and human rights, corruption, drug and alcohol abuse, crime rates and violence, trafficking in persons, HIV/AIDS, and the religious police.

The Government continued to enforce existing laws based on Article 12 of the Basic Law, which provides the state with the authority to "prevent anything that may lead to disunity, sedition, and separation." In theory, all public employees are enjoined from "participating, directly or indirectly, in the preparation of any document, speech or petition, engaging in dialogue with local and foreign media, or participating in any meetings intended to oppose the state's policies." Academics from public universities did, however, criticize government institutions such as the Ministry of Commerce, public schools and hospitals, and the religious police in the local press.

In May and June the press extensively covered the deaths of two citizens that were allegedly caused by members of the religious police. The deaths resulted in significant criticism—both in the print press and in online forums—with many commentators demanding a public trial for members of the religious police.

The print media were censored and privately owned; some owners had close ties to members of the royal family. Journalists routinely practiced self-censorship by refraining from direct criticism of government officials. An unwritten, yet routinely followed media policy prohibits the dissemination of criticism of the royal family and the Government. A 1982 government media policy statement urges journalists to uphold Islam, oppose atheism, promote Arab interests, and preserve the cultural heritage. The Ministry of Culture and Information must approve the appointment of and may remove all senior editors. The Government provides guidelines to newspapers regarding controversial issues. The government-owned Press Agency reports on official government news. All newspapers in the country must be licensed by the Government.

Members of the royal family owned two London-based Arabic dailies, Asharq al-Awsat and Al-Hayat.

On August 27, the Ministry of Culture and Information prevented the distribution of Al-Hayat newspaper, confiscating 250,000 copies from retailers countrywide. According to a variety of news sources the halted distribution stemmed from the ministry's disapproval of the Western-style format and criticism of local issues; others ascribed the shutdown to a specific article in the confiscated edition of Al-Hayat that implied a link between respected religious scholars and terrorism. Al-Hayat was permitted to resume publication 4 days later.

The Saudi Journalist Association operates under a government charter. Membership is voluntary and open to both men and women. Although theoretically noncitizen journalists working in the country were eligible to join as non-voting members, some foreign journalists alleged that the association was effectively open only to citizens. While noncitizens can technically become members, they have no voting rights, and may not attend the General Assembly. The organization's nine-member board of directors includes two women, all approved by the Ministry of Culture and Information.

In July the English language press reported that media personnel gathered in Jeddah to discuss press liberalization in the country indicated that access to basic information—especially government statistics and commentary on policies—was limited.

In January during the visit of the Spanish minister of justice Juan Fernando Lopez Aguilar, four female journalists were denied access to Imam Muhammad bin Saud Islamic University, where the minister was to give a lecture. Security guards employed by the university and enforcing university regulations indicated that women are strictly banned from the men's campus. The incident resulted in the cancellation of the lecture.

Prominent Shi'a intellectuals often had difficulty publishing Shi'a related stories in national media. In January one writer and activist contacted various newspapers about a story he had drafted explaining the significance of the Ashura Shi'a holiday. Unable to find a national media outlet willing to accept the story, he published the article in Bahrain.

The Government owned and operated most domestic television and radio channels. In domestically broadcast programs, government censors removed any reference in foreign programs and songs to politics, religions other than Islam, pork or pigs, alcohol and sex. Private, Saudi-owned satellite networks operated freely in the country. Local offices of the MBC, Orbit and ART media groups, while headquartered outside of the country, operated under a system of self-censorship. Many other foreign satellite stations broadcast a wide range of programs into the country.

There are no private radio stations in the country. In February Okaz newspaper reported that the Saudi Investment Authority, which grants business licenses to investors wishing to initiative business operations, received 30 applications for new, private media outlets in the country; however, the minister of culture and information had not approved the license requests. At year's end these requests were still pending.

Although technically illegal, there were several million satellite-receiving dishes in the country that provided citizens with foreign television programming. Access to outside sources of information, such as Arabic and Western satellite television channels and the Internet was widespread. Foreign television programming was not censored by the Government. Royal or affluent merchant families own most of the media companies that brought foreign television programming to the country via satellite.

During the year the Consultative Council (Majlis Al-Shura) continued delayed television coverage of some of its proceedings. Sessions were open to print journalists, and Channel 1 broadcast Council deliberations twice weekly. According to the online electronic journal Al-Sabaq, Khalid al-Madkhali, anchor of government-owned Al-Ekhbariah TV, was suspended for his provocative questions during an interview with religious scholar and President of the Consultative Council Sheikh Saleh al-Hameed. Al-Madkhali was reinstated after Sheikh Saleh al-Hameed indicated that he was not offended.

On June 6, according to Amnesty International (AI), university professor Sa'id Bin Zu'air was arrested on charges of financially aiding terrorists; other sources have argued that he may have been arrested to prevent him from appearing on Al-Jazeera and criticizing the Government. He remained detained at year's end.

The Government continued to ban books, magazines, and other materials that it considered sexual or pornographic. The Ministry of Culture and Information banned publications from being sold in the country on a case-by-case basis.

In January the press reported that literary critic Saad Al-Bazae published a book entitled "The Jewish Component in Western Civilization," which promoted Jewish contributions in history. The Riyadh International Book Fair included this book, and included other titles, also by citizens, that were previously excluded including "Girls of Riyadh" by Rajaa Al-Sanae and several books by Turki Al-Hamad.

Internet Freedom.—The Government restricted access to the Internet, and Saudi Telecommunications Company (STC) reportedly monitors e-mail and Internet chat rooms. During the year, more individuals and groups exchanged views via the Internet, including by electronic mail and blogs. The Government continued to block access to Web sites which it deemed sexual, pornographic, politically offensive, "un-Islamic," or disruptive because of controversial religious and political content.

Access to the Internet was available only through local government-monitored servers. According to the Communications and Information Technology Commission, there were approximately 2.3 million subscribers and users. Some citizens circumvented controls by accessing the Internet through servers in other countries. The Government had a process through which citizens could request reconsideration of a decision to block a particular Web site, and authorities reportedly at least partially unblocked some Web sites.

The law criminalizes defamation on the Internet, hacking, unauthorized access to government Web sites, and stealing information related to national security. At year's end there were no reported prosecutions.

Early in the year, according to press reports, a Web site managed by Ra'if Badawi dealing with alleged transgressions on the religious police was closed.

Several times during the year, according to a foreign press report, telecommunications authorities blocked www.menber-alhewar.com, the "Dialogue and Creativity" Internet forum of Ali al-Dumaini, a political reform activist, where members sought to discuss issues of human rights, tolerance, and democracy.

On December 10, security agents detained Fouad Ahmed al-Farhan, a blogger with the popular pro-reform Web site Alfarhan.org, and questioned him "about violating non-security regulations." In one of his last posts before his detention, al-Farhan sharply criticized 10 influential business, religious, and media figures.

Academic Freedom and Cultural Events.—The Government continued to restrict academic freedom. The Government prohibited the study of evolution, Freud, Marx, Western music, and Western philosophy. Informants reportedly monitored classroom comments and reported to the Government and religious authorities.

There were fewer restrictions on the annual Riyadh book fair which took place in February, than in the past. Religious police were required to wear identity badges. The Book Fair also featured more mixed gender, "family" days with 9 of the total 10 days for families and a new physical layout that allowed greater participa-

tion of women in all cultural activities, including entrances that facilitated women's access. Also, a woman participated in a panel discussion with men for the first time with her voice piped in from another room. Additionally, the Book Fair featured previously taboo subjects such as mythology and gender studies.

The Government censored public artistic expression and prohibited cinemas and public musical or theatrical performances, except those considered folkloric. Media personalities called for vigilance during the annual al-Janadriyyah Cultural Festival in March to ensure that there were no disturbances by conservatives and religious police.

Cultural fora sponsored by private citizens continued to operate, although one forum on youth issues planned for the spring was cancelled by the Government because of a rumor the event would be mixed gender. The Government instructed fora hosts not to invite foreign participants, and to avoid discussing political matters. In the first part of the year, citizens in the Hofuf community reported the forced closing of all 12 formally organized social fora in the Al-Ahsa region, both Sunni and Shi'a.

The Government restricts the public showing of films; there are no movie theaters open to the public.

On January 16, the newspaper Asharq al-Awsat reported that the religious police prohibited the Eastern Province Literary Club, based in Dammam, from screening the Iranian movie At Five in the Afternoon. The film, directed by Iranian director Samira Makhmalbaf, discusses the new opportunities for women in Afghanistan following the fall of the Taliban regime. Some members of the club believed the religious police objected to the showing of the film on the grounds that it expressed the point of view of a Shi'a woman.

Public performance of plays and music were allowed if traditional and part of a special event. In August, despite limited access, an all-female cast presented a play entitled "The Mother's House," which was well received by the female public in Riyadh and Abha.

b. Freedom of Peaceful Assembly and Association.

Freedom of Assembly.—The Basic Law does not address freedom of assembly, which the Government strictly limited in practice and prohibited in the form of public demonstrations.

Public meetings were usually segregated by gender. However, Jeddah Chamber of Commerce and other commercial and medical gatherings are frequently mixed gender. At media press conferences, female journalists may be restricted to the front row seats, rather than provided a separate room with closed-circuit television. The authorities monitored large, nonfamily gatherings, particularly if women were present. The religious police dispersed any large non-family groups found in public places, such as restaurants. However, men and women can mix in some public places that cater to noncitizens. In Jeddah, a local Saudi-American business group routinely held its general meetings in a hotel where male and female citizens and noncitizen participants mix freely. On July 19, five women were arrested after they held a sit-in outside of a prison to advocate for timely trials for relatives who had been imprisoned. Unlike in 2006, there were no government-permitted peaceful political demonstrations during the year.

Freedom of Association.—The Basic Law does not address freedom of association, and the Government strictly limited it in practice.

The Government prohibited the establishment of political parties or any group that the Government considered opposing the regime or possibly overstepping the bounds of criticism by challenging the king's authority. All associations must be licensed by the MOI and comply with its rules and regulations, however, previous requests for licensing from citizens have gone unanswered.

For example, human rights activist Ibrahim al-Mugaiteeb and his group HRFS applied for a license for HRFS in November 2002, and despite its continued activity, the group, received no response to his request by year's end. As the group is formally "unlicensed" it remained unclear which group activities were permitted, and which could draw criticism or punishment from the Government.

On September 11, according to HRW, a group of citizens presented a second request, following an initial 2003 request, to the minister of social affairs to register the "National Saudi Committee fo Human Rights." By year's end, there was no reply; the 2003 request was followed by a 2004 arrest of several members of the group, after they publicly petitioned for a Constitution, among other proposals.

On September 23, a group calling itself the Association for the Protection and Defense of Women's Rights in Saudi Arabia transmitted a petition with 1,100 signatures to the king asking for a repeal of the ban on women driving. At year's end there was no government reply. According to HRW, the group received a warning

against mounting any demonstrations. The association did not have any legal status at year's end.

c. Freedom of Religion.—The Basic Law states that Islam is the official religion. All citizens are required to be Muslims. The legal system is based on the government-sanctioned interpretation of Islamic law.

There is no legal recognition or protection of religious freedom, and it was severely restricted in practice. The Government limited the practice of all but the officially-sanctioned version of Islam and prohibited the public practice of other religions, including Shi'a and Sufi sects. The Government stated that as a matter of public policy it protects the right to private worship for all, including non-Muslims who gather in homes for religious services. However, this right was not always respected in practice and is not defined in law.

Moreover, the public practice of non-Muslim religions is prohibited. While the Government also stated its policy to protect the right to possess and use personal religious materials, it did not provide for this right by law.

Conversion by a Muslim to another religion is considered apostasy, a crime punishable by death if the accused does not recant. There have been no reports of executions for apostasy since 1992.

Citizens and especially foreigners were widely accused of believing in and sometimes practicing "magic" and "superstition." Under the Government's interpretation of Shari'a, magic was regarded as one of the worst forms of polytheism, and is an executable offense; however, in practice, individuals convicted of magic were infrequently executed. An unknown number of detainees were held in prison on the charge of "sorcery" or the alleged practice of "black magic" or "witchcraft." According to news reports in October, an anti-sorcery department of the religious police branch in Taif, reported arresting 25 "charlatans" in the past year, and that allegedly only one was a citizen. On November 23, police officers in Taif arrested a Nigerian woman for alleged "witchcraft." No further information was available concerning her case or those of the other detainees at year's end.

During the year there were fewer reports of confiscation of religious materials at the airports in Jeddah and Dhahran, and fewer religious police raids on religious gatherings in the Western Hijaz region and in the Eastern Province. In addition, there were reports of larger public and private celebrations of Shi'a holidays in Qatif.

For example, the January Ashura commemorations (marking the martyrdom of Imam Hussein during the first 10 days of the Islamic New Year) in January were the largest in recent history and were allowed to be held in every village in the Shi'a-dominated Qatif area. A large public performance with more than 10,000 persons in attendance took place depicting the death of Imam Hussein. In the mixed Sunni/Shi'a Al-Ahsa area, public celebrations of Ashoura were prohibited. Local province leaders instead conducted a blood drive and shops were allowed to close to commemorate the holiday.

On March 9, the Government allowed community celebrations of the Shi'a Arbaeen holiday (marking the fortieth day after Imam Hussein's death) in a Qatif village but prohibited these celebrations in Al-Ahsa and Dammam. However, even in Qatif, the Government limited the scope of certain religious processions.

In Al-Ahsa, celebrations surrounding the "Gergean" holiday resulted in police actions and arrest. Gergean, which occurs on the eve of the 15th day of Ramadan, is a street festival noted for children passing from house to house singing and collecting nuts and sweets from villagers. On September 25, the Ministry of Education in Al-Ahsa issued a decision banning the celebration of the Gergean festival. The ministry decision banning the commemoration quoted a 1993 fatwa (issued by the Permanent Committee for Scholastic Research and Religious Opinion) that stated such a celebration "is a heresy with no origins in Islam and every heresy is an aberration and should be abandoned and warned against and should not be celebrated anywhere, neither in schools nor establishments nor anywhere else." On September 27, security forces raided the King Fahd neighborhood in Al-Ahsa and destroyed all signs and decorations celebrating Gergean. On November 21, a resident of the Akar neighborhood in Al-Ahsa was arrested on charges that 2 months earlier he had marked the festivity by giving sweets to children. The man was released after 7 days imprisonment.

In August the Saudi Arabian Airlines' Web site warned that non-Islamic religious items brought by foreign visitors would be confiscated. After the airline's policy was questioned by the press and foreign government officials, the ban was lifted.

Throughout the year there continued to be instances in which Sunni imams, who are paid government stipends, used anti-Jewish, anti-Christian, and anti-Shi'a language in their sermons including from the Grand Mosque in Mecca and the Prophet's Mosque in Medina. The HRC complained to the Government about such ser-

mons. Reportedly the Ministry of Islamic Affairs (MOIA) disciplined a few imams and dismissed others.

In April a Shi'a activist was arrested after sponsoring a Shi'a religious gathering in his home. He was later released after serving 1 week of his 1-month sentence. Also in April domestic intelligence police arrested small numbers of Shi'a citizens for organizing celebrations of the Prophet's birthday.

In May a Filipino Christian was deported after 8 months in detention and 60 lashes. In October 2006 police had arrested him in Jeddah and falsely charged him with drug possession. The police later dropped those charges and formally charged him with proselytizing.

In May a citizen was arrested, later released, and then rearrested because he had converted to Christianity. The man claimed that security forces tortured him. At year's end no information was available on a scheduled trial.

On June 23, Sheikh Saleh al-Fawzan, a senior member of the Senior Council of Ulema member, issued a fatwa that seemed to define "liberals" as non-Muslims, which many viewed as grounds for violence against liberals. No violence ensued; however, on June 26, although he did not retract the fatwa, Sheikh al-Fawzan clarified his statement, rejecting any suggestion of violence.

In December 2006 the religious police raided a private gathering of the Ahmadiyya religious group, an Islamic community. Reportedly, the religious police detained 49 noncitizen members, including children. In January other Ahmadiyya foreign workers were arrested. The Government reported that it deported approximately 150 persons, all noncitizens. In February two more Ahmadiyya noncitizens were arrested in Riyadh and deported. The Government provided no explanation for their arrests or for the deportations.

At year's end, Hadi al-Mutif, Sulaimani Ismaili Shi'a, remained imprisoned for "insulting the Prophet Muhammad." In his first trial in 1996, al-Mutif was sentenced to death. Reportedly the sentence was commuted to life imprisonment, and al-Mutif has served at least 12 years. In response to his two suicide attempts reported by NGOs, the Government has kept him in isolation since January.

The Government did not officially permit non-Muslim clergy to enter the country for the purpose of conducting religious services, although some did under other auspices, and the Government generally did not disrupt discreet religious functions. Such restrictions made it difficult for most non-Muslims to maintain contact with clergymen and attend services but did not prevent them from gathering to practice their faith. Proselytizing by non-Muslims, including the distribution of non-Islamic religious materials such as bibles, was illegal. Anyone wearing religious symbols in public that were considered idolatrous within the Hanbali school risked confrontation with the religious police.

Under the Hanbali interpretation of Shari'a, judges may discount the testimony of non-Muslims or those who do not adhere to "correct doctrine." Islamic religious education was mandatory in public schools at all levels. Regardless of the Islamic tradition to which their families adhere, all public school children receive religious instruction that conforms to the conservative Hanbali tradition of Sunni Islam. Expatriate non-Muslim students in private schools were not required to study Islam.

There were reports that religious police pressured employers and sponsors to reach verbal agreements with non-Muslim employees that they would not participate in private or public non-Muslim worship services.

Societal Abuses and Discrimination.—The Government continued to enforce the Wahhabi interpretation of Sunni Islam. Adherents of Shi'a Islam faced significant political, economic, legal, social, as well as religious discrimination, condoned by the Government including limited employment and education opportunities, under-representation in official institutions. There were also restrictions on the practice of their faith and on the building of places of worship and community centers.

The Shi'a Muslim minority, estimated to be between 8 and 10 percent of the citizen population, lived mostly in the Eastern Province, although a significant number resided in the Western Province and in Najran in the southwest. Members were subjected to officially sanctioned discrimination of various forms.

The Government appointed more Shi'a judges to the Ja'afari courts in the Eastern Province and one Shi'a and one Ismaili to the board of the HRC. While they constituted approximately 40 percent of the Eastern Province population, no Shi'a served as regional sub-governors or mayors in the Eastern Province, and only three of the 59 government-appointed municipal council members were Shi'a.

There were no public places of worship for non-Muslims. Although significant numbers of Christians, Hindus, Buddhists, and a few Jews resided in the country, no public churches, temples, or synagogues were allowed. There were reports of violence against and harassment of Christians, due to societal discrimination against foreign workers coupled with religious discrimination.

On January 21, former Senior Council of Ulema member Abdullah bin Abdulrahman bin Jibrin called Shi'a "rejectionists" and claimed that Shi'a work with Christians to kill Sunni Muslims, especially in Iraq. He also claimed that Shi'a are liars, apostates, and heretics, and called for the expulsion of Shi'a from Muslim countries.

The Government required noncitizens to carry legal resident identity cards, which contained a religious designation for "Muslim" or "non-Muslim." There were reports that individual religious police pressured sponsors and employers not to renew legal resident identity cards of non-Muslims whom they had sponsored for employment if it was discovered or suspected that those individuals had led, sponsored, or participated in private non-Muslim worship services.

There were reports that some non-Muslim foreign workers were targeted by Muslim co-workers and accused falsely of proselytizing, knowing that the non-Muslims would be censured and possibly deported. There were reports that some sponsors withheld pay and residence renewal based on religious factors.

According to the Anti-Defamation League, there was anti-Semitism in the media, characterized by stereotypical images of Jews along with Jewish symbols, and comparisons of Israeli Government actions to those of the Nazis. Anti-Semitic editorial comments appeared in the Government and private print and electronic media.

In November 2006 the Government announced a multi-year project to revise textbooks, curricula, and teaching methods to promote tolerance and remove content disparaging religions other than Islam. During the year the Government reported that a process to revise the textbooks to eliminate intolerant and discriminatory language was underway. While some progress has been made in this regard, there were intolerant statements toward religious groups that remained at year's end. Public officials, teachers, and government-paid imams continued to make such statements. Some teachers were removed from the classroom for this practice.

For a more detailed discussion, see the 2007 International Religious Freedom Report.

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons.—The Basic Law does not provide for these rights.

Freedom of movement was restricted. The Government restricted this right for women based on its interpretation of Islamic law. All women in the country were prohibited from driving. The Government must issue an exit visa for an individual to leave the country. Male citizens under the age of 21 require the permission of their guardian if they want to travel outside the country. Foreign women married to citizens, or minor and single adult daughters of citizen fathers, must obtain written permission from a male relative. Women can obtain their own photo identity cards, although the Government required permission from a male relative or guardian. Citizen women with valid passports can obtain identity cards on the basis of her own passport; however, if a woman does not have a passport, she needs a male guardian to verify her identity. During the year the Government continued to issue national identity cards to women, despite a 2006 national campaign against the practice by some religious conservatives.

Noncitizen women married to citizens required permission from their husbands or fathers to travel. If a husband refused to grant permission to travel to his noncitizen wife, she could divorce her husband or not travel. If she divorced her husband, the Government could issue her an exit visa, but she was unlikely to be allowed to reenter the country. Women may not leave the country without the permission of a close male relative. Females and minor children, even those with dual nationality, may also be subject to "black listing" by government entities or family members wishing to prohibit their travel. Women may not rent furnished apartment on their own, but they may rent unfurnished apartments. Restrictions on travel apply to all children, females of any age, and adult males (until they receive a passport after the age of 21) of citizen fathers. In practice female residents of various nationalities are subject to travel restrictions. In cases involving custody disputes of citizens or resident noncitizens, the male guardian is legally able to prevent the travel of his spouse and his minor and adult children out of the country.

Foreigners were allowed to reside or work in the country under the sponsorship of a citizen or business. On September 18, the Council of Ministers approved new regulations that would make it easier for foreign businessmen to visit the country. The council agreed to permit foreign businessmen to acquire a 12-month, multiple-entry visa without an invitation from a local company or letter of introduction from the Chamber of Commerce. The new visa regulations, as well as the introduction of online visa applications, are part of an effort to attract greater foreign investment and remove bureaucratic obstacles to creating more partnerships between foreign and local investors.

The Government required citizens and foreign residents to carry identification cards. It did not permit foreigners to change their workplace without their sponsor's permission.

During the year the Government continued to provide citizenship under Article 9 of the law on naturalization facilitating the acquisition of citizenship for certain foreigners and to some of the thousands of native residents who live in the country without possessing citizenship. Some stateless Arab residents (Bidoon) are unable to obtain passports and have limited ability to travel abroad.

The Basic Law prohibits employers from retaining foreign workers' passports; however, in practice, most sponsors reportedly retained possession of foreign workers' passports. Foreign workers must obtain permission from their sponsors to travel abroad. If sponsors were involved in a commercial or labor dispute with foreign employees, they may ask the authorities to prohibit the employees from departing the country until the dispute is resolved. In some contract disputes, sponsors used this leverage to force employees to accept disadvantageous settlements or be deported.

The Government seized the passports of all potential suspects and witnesses in criminal cases and suspended the issuance of exit visas to these individuals until the case was concluded. As a result, some foreign nationals were forced to remain in the country for lengthy periods against their will.

The Government did not use forced exile; however, it previously revoked the citizenship of opponents of the Government who resided outside the country.

Citizens may emigrate. The Government prohibited dual citizenship; however, children who held other citizenship by virtue of birth abroad were permitted to leave the country using noncitizen passports. A 2005 citizenship law allows certain long-term residents and other foreigners to obtain citizenship.

The Government continued its imposed travel bans on some reformers. The authorities sometimes confiscated passports of suspected opposition members and their families. In addition, the Government revoked the rights of some citizens to travel outside the country. The Government revoked the right to travel for political reasons without notifying the individual or providing opportunities to contest the restriction.

According to the NSHR, some Shi'a activist writers and public figures have been stripped of their identity cards for as long as 15 years and denied any document proving their nationality because they had allegedly illegally acquired national identity. In this group, some had papers proving that they had been serving in government posts for long periods. Others had their identity cards taken away. After a royal order to verify and correct the data, they were told that their tribal origin had not been verified.

Protection of Refugees.—The Basic Law does not provide for the granting of asylum or refugee status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 protocol, but the Government has established a system for providing protection to refugees. In practice the Government claimed to provide protection against refoulement, the forced return of persons to a country where there is reason to believe they feared persecution. The Basic Law provides that "the state will grant political asylum, if so required by the public interest."

The Government provided temporary protection to individuals who may not qualify as refugees under the 1951 convention and the 1967 protocol. Government policy is not to grant refugee status to persons in the country illegally, or who have overstayed a pilgrimage visa.

The Government cooperated with the Office of U.N. High Commissioner for Refugees (UNHCR) and other humanitarian organizations in assisting refugees and asylum seekers.

The UNHCR Representative Office to the GCC countries reported that as of December, the Government permitted 151 Iraqi refugees at the Rafha refugee camp to reside in urban areas. As of December, 83 Iraqi refugees remained inside the camp. NGOs present in the camp included the Saudi Red Crescent and the International Islamic Relief Organization. According to a representative of the UNHCR, since 1991 the UNHCR has facilitated the resettlement of more than 25,000 Iraqi refugees.

During the year the UNHCR did not find any evidence of forcible repatriation. However, in September there were reports of the deportation of Chinese Muslim Uighurs allegedly residing illegally in the Jeddah area.

According to the NGO Refugees International, the Bidoon are not given passports. Also, citizenship is not granted to children of citizen women married to noncitizens. Palestinians, who number about 287,000 in country, mostly have legal residence status only. They are not assisted or formally recognized as refugees by the U.N.

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

The Basic Law states that the Government is established on the principle of shura (consultation). However, in practice, citizens did not have the right to change the Government peacefully. The Basic Law requires the king and crown prince to hold open majlises, open-door meetings held by the king, a prince, or an important national or local official where, in theory, any male citizen or foreign national may express an opinion or a grievance. The Basic Law states that all individuals have the right to communicate with public authorities on any issue. The Government interpreted this as a right to be exercised within traditional nonpublic means, not through the use of mass media.

On September 23, a petition with 1,100 signatures was transmitted to the king seeking a repeal of the ban on women driving. According to HRW, the group circulating the petition received a warning against mounting any demonstrations. At year's end there was no official government reply.

Elections and Political Participation.—Under the family monarchy system enshrined in the Basic Law, only a few members of the ruling family have a voice in the choice of leaders, the composition of the Government or in changing the political system. In October 2006 the king issued the new succession law that amended the 1992 Basic Law and formalized the process by creating the Allegiance Commission that will select a king and crown prince upon the death or incapacitation of either. The Allegiance Commission is composed of the sons and grandsons of Abdulaziz bin Abd al-Rahman al-Faysal Al Sa'ud. This commission expands the role of the ruling family in the selection process. The Government ruled on civil and religious matters within the limitations established by the Basic Law, religious law, tradition, and the need to maintain consensus among the ruling family and religious leaders.

The king serves as prime minister and his crown prince serves as deputy prime minister. The king appoints all other ministers, who appoint subordinate officials with cabinet concurrence.

Only male, nonmilitary citizens of at least 21 years of age were eligible to vote in the nationwide 2005 elections for 592 seats on 178 municipal advisory councils (half of the total seats). Women were not permitted either to vote or to stand for office. There were no independent election observers. Unofficial estimates were that between 10 and 15 percent of eligible voters actually voted. The king completed the formation of the councils in 2005 by appointing 592 men to fill the other half of the council seats.

The 1992 Basic Law also created the Consultative Council that reviews, votes on, and provides recommendations to the king on some legislation proposed by the ministries. The Consultative Council consists of 150 appointed male members to 4-year terms in 2005 and is divided into 11 committees. The council has been granted authority to initiate its own legislation, which is sent to the king for approval. In 2006 the council appointed six women as part-time consultants on matters of family and women's issues. The Government generally accepted the council's proposed amendments. The council held hearings with some government officials to review the performance of their ministries; all government ministers were required to submit to hearings. Some but not all of these hearings are televised after the fact. The council has the power to request documents from government ministries. It has indirect and limited budget authority in that it must approve the spending priorities of different ministries. The council effectively blocked the imposition of new taxes.

The Supreme Ulema Council is another advisory body to the king and the cabinet. It reviews the Government's public policies for compliance with Shari'a. The council is an important source of religious legitimacy and the Government responded to the council's opinions on legislation and policy generally.

Communication between citizens and the Government traditionally has been expressed through client-patron relationships and by affinity groups such as tribes, families, and professional hierarchies. Ministers and district governors could be approached for discussion at a majlis, which were held on a weekly basis.

During the year and since 1992 various groups, including women and Shi'a, have submitted petitions calling for political reform. Since its establishment in 1996, the London-based Movement for Islamic Reform in Arabia (MIRA) has claimed it advocates the peaceful overthrow of the royal family. The head of MIRA and host of Satellite Islah TV, Saad al-Fagih, is a supporter of terrorism and provided financial and material support to al Qa'ida and Usama bin Laden. Previously, MIRA and the London-based extremist Committee for the Defense of Legitimate Rights (CDLR) had advocated overthrowing the monarchy by force. MIRA and the CDLR criticized the Government, using the Internet and satellite radio stations. During the year MIRA continued to call for the overthrow of the Government and called for gatherings in

various mosques in the country through its Web site and radio and satellite TV broadcasts.

In August 2006 the Paris-based group Saudi Democratic Opposition Front (SDOF), announced its formation and called for the peaceful overthrow of the monarchy. It claimed a "desire for democracy" and an enhancement in liberties in society. The SDOF stated it would coordinate its activities with other opponents of the Government, chiefly MIRA. The SDOF is led by Prince Talal Muhammad al-Rashid who has been exiled since 1980. He is the son of the last ruler of the Rashidi emirate, conquered by the al-Saud family in the early 20th century. During the year the SDOF was inactive aside from posting articles critical of the Government and the religious establishment on its Web site.

There were no women or religious minorities in the cabinet. At least four of the 150-member Consultative Council were Shi'a.

Government Corruption and Transparency.—The World Bank's Worldwide Governance Indicators reflected that corruption was a problem and there was widespread public perception of corruption on the part of some members of the royal family and the executive branch of the Government. The absence of transparency in government accounts and in decision making encouraged this perception. There are no laws providing public access to government information. Information concerning specific instances, allegations regarding corruption, or government actions against corruption was not publicly available within the country. However, allegations such as those surrounding the British Aerospace-Al Yamamah arms deal were known to those with access to foreign media.

On February 19, the Council of Ministers approved a national strategy, including the establishment of the National Authority to Protect Honesty and Combat Corruption under the direct supervision of the king. The strategy's main goals are to root out corruption, promote accountability, create jobs, and increase wages. The king was widely credited with having reduced corruption in some industries. The awarding of major government contracts has become more transparent. Defense contractors report that over the past 5 years there has been a change in the bidding process, and there is now an open bidding process for defense contracts.

Section 4. Governmental Attitudes Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

The Government viewed its interpretation of Islamic law as the only necessary guide to protect human rights. The MOI licenses and monitors compliance with rules and regulations by NGOs, including professional associations, charities, and social organizations. The two licensed domestic human rights institutions, the governmental HRC and the NSHR operated in a restricted ambit, reliant on government support. The one nonlicensed human rights group, HRFS, operated without legal status. On September 11, according to HRW, a group of citizens presented a second request, following-up an initial one in 2003, to the minister of social affairs to register the "National Saudi Committee of Human Rights." By year's end there was no reply.

The NSHR, which was endowed by King Fahd, continued to receive requests for assistance and complaints about the Government. Since its creation in 2004, the NSHR has received approximately 8,568 complaints. Most of its members are academics, and two of its former members are ministers (social affairs, and education). Ten of its 41 members were women. The NSHR established offices in Jeddah, Dammam, Riyadh, and Jizan. The NSHR attempted to resolve cases by working with government agencies. The NSHR reported that government officials cooperated with requests for information and action to resolve complaints. According to an Arab News November 28 article, the fact that the NSHR has a women's section—and the HRC does not—resulted in the NSHR receiving more cases relating to family violence than the HRC. For example, in the previous 2 years the HRC only received 10–15 cases of that nature, according to HRC President Turki al-Sudairi.

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

The law prohibits discrimination based on race, but not nationality. Racial discrimination occurred. There is legal and systemic discrimination based on gender. The Government and private organizations cooperated in providing services for persons with disabilities; however, there is no legislation mandating public access. The Shi'a minority continued to suffer social, legal, economic, and political discrimination.

Women.—Shari'a prohibits abuse and violence against all innocent persons, including women. However, domestic violence, gender discrimination, and severe restrictions on women's freedom of movement remained serious problems.

Shari'a also criminalizes rape, which is punishable by death, although this punishment did not extend to spousal rape. Statistics on incidents of rape and convictions were not available. Cases of rape were difficult to document in view of the associated social stigma against the victims; however, rape against women and boys and domestic violence against women remained serious problems. The majority of rape cases were never reported because victims face stringent societal reprisal, often being deemed unfit for marriage or even punished as a result of having been raped.

In Qatif, the sentencing of the female victim of rape to lashing provided an example of discrimination and acceptance of societal abuse of women. There were no laws specifically outlawing domestic violence. According the Ministry of Social Affairs, more than 550 domestic violence cases were reported during the year. The Riyadh Central Hospital counted 102 abuse cases of women from January to August. On November 19, Al Madina newspaper reported that in the previous 2 years, there were 325 reported cases of domestic violence against women in the Mecca region. According to the NSHR, women continued to suffer largely unreported abuse at the hands of their husbands, fathers, and brothers. Violence against women was widely tolerated by the community. Abusers were rarely prosecuted, and investigations were rarely carried out for complaints of violent attacks, rape, murders, or suicides of women. Women who reported rape faced imprisonment and accusations of adultery.

On July 11, in response to the lack of services for the victims of domestic violence, the king issued a royal decree establishing the National Family Safety program hosted by King Abdulaziz Medical City National Guard, including a national campaign to fight family violence and a social survey of the reality of family violence and child abuse. Media reports highlighted the lack of effectiveness of Ministry of Social Affairs and NSHR programs to address domestic violence, including shelters, because of the lack of qualified personnel and ineffective mechanisms to ensure protection. The National Guard Hospital also launched a free hot line for complaints of family violence.

In addition, local print media in the Mecca region reported in October 2006 that despite the Ministry of Social Affairs' approval for establishing the "General Department for Social Protection," abuse victims complained of ineffectiveness and a lack of "qualified personnel."

In November the national newspaper Okaz reported an incident in which two women in Taif were brutally beaten by their husbands; the article called for the establishment of an NSHR branch in Taif.

Violence or sexual abuse against female domestic migrant workers was common. However, fewer than 20 cases were reported in the press during the past year. Roughly 500 domestic workers sought shelter at their respective Embassies, although not all for sexual abuse. Foreign Embassies received many reports that employers abused foreign women working as domestic servants. Some Embassies with large domestic servant populations maintained safe houses for citizens fleeing work situations that included forced confinement, withholding of food, and nonpayment of salaries, beating, physical abuse, and rape. Female employers were also often accused of committing many abuses, such as forced confinement, withholding of food, nonpayment of salaries, and beating the domestic workers.

An Indonesian domestic servant alleged that she was raped by her employer's 17-year-old son and became pregnant by him. She ran away a few weeks later to the Indonesian Embassy which helped her file a case. The authorities detained the accused several days for questioning, then released him and closed the case. She has since given birth and requested that a DNA test be conducted to confirm paternity of her child in order to bolster the case against her alleged attacker.

In August two Indonesian maids died and two others were severely injured after their sponsors beat them with ropes, power cables, handcuffs, canes, and feet. The survivors were detained by authorities following their release from the hospital on charges of sorcery, but they were released to the custody of the Indonesian Embassy in October. Their attackers remained in police custody pending investigation.

Prostitution is illegal. However, some women (and men), primarily noncitizens, reportedly engaged in prostitution. The extent of prostitution was not known. Trafficking of women and children for commercial sexual exploitation occurred.

Law and custom discriminated against women. There were no women serving on the Shura Council. However, there were women appointed to consult with the Shura Council. Nevertheless, women—particularly in villages and rural areas—continued to face discrimination and remained uninformed of their rights under Shari'a. Although they have the right to own property and are entitled to financial support from husbands or male relatives, women have few political or social rights and were not treated as equal members of society. In accordance with the religious establish-

ment's interpretation of Shari'a, women were prohibited from marrying non-Muslims, but men were permitted to marry Christians and Jews.

There were no legally recognized human rights groups focusing specifically on women's rights. "The Association for the Protection and Defense of Human Rights in Saudi Arabia" was established during the year. The group circulated petitions by e-mail and on Web sites seeking the right of women to drive. NSHR also addressed various women's rights issues.

Women were restricted in their use of public facilities when men were present and sat in specially designated sections. Women risked arrest by the religious police for riding in a vehicle driven by a male who was not an employee or a close male relative.

All women, including noncitizen spouses of citizen men, and children required the permission of a male citizen to receive an exit visa to travel.

In public, women must wear an abaya (a black garment that covers the entire body) and also to cover her head and hair. The religious police generally expected Muslim women to cover their faces and non-Muslim women from other Asian and African countries to comply more fully with local customs of dress than non-Muslim Western women.

Women were also subject to discrimination under Shari'a as interpreted by the Government, which stipulates daughters receive half the inheritance awarded to their brothers. While Shari'a provides women with a basis to own and dispose of property independently, women were often constrained from asserting such rights because of various legal and societal barriers, especially regarding employment and freedom of movement. In a Shari'a court, the testimony of one man equals that of two women.

Divorce laws also discriminated against women. For example, women had to demonstrate legally specified grounds for divorce, but men may divorce without giving cause. In doing so, men were required to immediately pay an amount of money agreed upon at the time of the marriage, which serves as a one-time alimony payment. Women who demonstrate legal grounds for divorce also were entitled to this alimony. Some women claimed their husbands refused to sign the final divorce papers, leaving them in a state of limbo, unable to travel, obtain a business license, attend a university or college, or seek hospital care. If divorced or widowed, a Muslim woman normally may keep her children until they attain a specified age: 7 years for boys and 9 years for girls. Custody of children over these ages was awarded to the divorced husband or the deceased husband's family. Numerous divorced foreign women continued to be prevented by their former husbands from visiting their children after divorce.

Women had access to free but segregated education through the university level. They constituted more than 58 percent of all university students but cannot study architecture, civil engineering, or any vocational training, such as automechanics. Approximately 5 to 7 percent of government scholarships for studying overseas were given to women. Men may study overseas; the law provides that women may do so only if accompanied by a spouse or male guardian or the family provides written permission. The Government paid the fees for a male guardian (or in some cases an older female guardian) to accompany female students on scholarships.

Most employment opportunities for women were in education and health care. During the year, women's participation in the teaching, nursing and care-provider professions increased.

Despite limited educational opportunities in many professional fields, some female citizens were able to study abroad and returned to work in professions such as architecture and journalism. Many foreign women worked as domestic servants and nurses.

Women who wished to enter nontraditional fields were subject to discrimination. Women may not accept jobs in rural areas if there are no adult male relatives present with whom they may reside and who agree to take responsibility for them. Most workplaces in which women were present were segregated by gender. Frequently, contact with a male supervisor or client was allowed only by video conference, telephone, or fax machine. However, the degree of segregation varied by region, with the central region having the most restrictions and the eastern and western regions more relaxed. Despite gender segregation, the law provides women the right to obtain business licenses for work in fields that might require supervision of foreign workers, interact with male clients, or deal on a regular basis with government officials.

While there is no law prohibiting women from obtaining licenses to open businesses, they face many obstacles. Applications for licenses in most sectors were denied because most governing ministries did not have women's sections that could monitor the business. Even though the commerce ministry abolished the require-

ment for a woman to have a male representative with her whenever conducting business transactions with the Government, reportedly many government agencies still insisted on this requirement.

In hospital settings and in the energy industry, women and men worked together, and in some instances women supervised male employees. The 2005 labor law expanded the right of women to maternity leave and required employers to provide child care if they employed 50 or more female employees.

Children.—The Government provided all citizen children with free education and medical care. Children were segregated by gender in schools, usually beginning at the age of 7; however, schools were integrated through the fourth grade, or around the ages of 10 and 11, in some areas.

Abuse of children was a problem, although it was difficult to gauge its prevalence since the Government kept no national statistics on child abuse. Although in general the culture greatly prizes children, studies by doctors indicated that severe abuse and neglect of children appeared to be more widespread than previously reported.

At least three NGOs, one in Riyadh, one in Qasim, and one in Jeddah, ran shelters for women and children. According to press reports, in the previous 2 years there have been 196 reported cases of domestic violence against children under 15 in the greater Mecca region.

In November the chairman of the HRC stated publicly that some foreign children, brought into the country during the Hajj pilgrimage, were subjected to exploitation in prostitution.

Trafficking in Persons.—The law does not prohibit all forms of trafficking in persons, but penalizes forced labor through Articles 229–242 of the Labor Law. Due to the long time required to resolve criminal cases, the majority of cases involving trafficking were settled out of court by mediation and settlements. Some criminal prosecutions of abusive employers are publicized by the media. Regulations for implementing the labor law were issued, but domestic laborers remained unprotected.

The country was a destination for workers from Lebanon, Jordan, Egypt, Bangladesh, India, Indonesia, Nepal, Pakistan, Vietnam, Kenya, Ethiopia, the Philippines, and Sri Lanka. Some foreign workers were subjected to conditions that constituted involuntary servitude, including nonpayment of wages, debt bondage, withholding of passports, other restrictions on movement, and physical or psychological intimidation. Domestic employees were especially vulnerable to abuse. Women from Yemen, Morocco, Pakistan, Nigeria, Ethiopia, and Tajikistan were also trafficked to the country for commercial sexual exploitation. Others were reportedly kidnapped and forced into prostitution after running away from abusive employers. In addition, the country is also a destination for children from Niger, Yemen, Pakistan, Afghanistan, Chad, and Sudan for forced labor as beggars and street vendors. Many of the large Embassies maintained unofficial (unlicensed) safe houses.

In July the Philippines, Indonesian, and Sri Lankan Embassies housed approximately 500 abused domestic workers. However, as of September the number decreased from 500 to 200 workers.

The government's measures to protect trafficking victims included a public awareness campaign and strengthened cooperation with countries of origin such as Yemen and with NGOS such as UNICEF. However, the problem remained significant. Due to a lack of victim identification procedures in deportation centers and police stations, many victims of trafficking reportedly were arrested and deported rather than afforded sensitive protection services. Some victims were protected at one of three shelters run by the Ministry of Social Affairs operating in Riyadh, Dammam, and Jeddah. Others feared arrest or deportation due to their status as runaways (technically illegally in the country) or as prostitutes; as such, most victims fled directly to their respective Embassies to await repatriation rather than approach the Government. The Government assisted some domestic worker trafficking victims with shelter, access to legal and medical services, and temporary residency status, including temporary relief from deportation. The Government did not provide information about whether protection services were afforded to victims of commercial sexual exploitation.

On April 12, the Indonesian Embassy reported that almost 400 women sought refuge from their employers. The Embassy provided 284 women with shelter and transferred another 100 to the Embassy's headquarters.

Trafficking victims were treated at public hospitals. Employers often illegally retained the passports of foreign laborers, including domestic workers, sometimes resulting in forced labor. Most victims settled their cases out of court due to the length of time it takes to receive a judgment and a perception of judicial bias against noncitizens.

There were no reports of government or police involvement in trafficking during the year.

The Government distributed a brochure outlining noncitizen worker's rights and obligations, as well as contact information for seeking help and assistance. The brochure is distributed to foreign Embassies and is available at ports of entry.

Persons with Disabilities.—There is no legislation that mandates public accessibility; however, newer commercial buildings often included such access, as did some newer government buildings. The provision of government social services increasingly brought persons with disabilities into the public mainstream. The law provides hiring quotas for persons with disabilities. The Government and private charitable organizations cooperated in education, employment, and other services for persons with disabilities.

Foreign criminal rings reportedly imported children with disabilities for the purpose of forced begging. According to Ministry of Social Affairs, there were numerous government-sponsored centers for persons with disabilities, including organizations for children with Down syndrome and autism. Disabled persons, however, were still hidden away from society. Police generally transported persons with mental disabilities found wandering alone in public to their families or a hospital.

National/Racial/Ethnic Minorities.—Although racial discrimination is illegal, there was substantial societal prejudice based on ethnic or national origin. Foreign workers from Africa and Asia were subject to various forms of formal and informal discrimination and had the most difficulty in obtaining justice for their grievances. For example, some bilateral agreements governed pay, benefits, and work conditions. Consequently, pay scales for identical or similar labor or professional services were set by nationality such that two similarly qualified and experienced foreign nationals performing the same employment duties received varied compensation based on their nationalities.

Throughout the year, the media reported on married couples forced to divorce by family members because either the husband or wife was from "inappropriate lineage," i.e., a nontribal family or from an inferior tribe. For example, claiming Mansour al-Timani, the husband of Fatima, had lied about his tribal lineage, the half-brothers of Fatima al-Timani successfully filed for the divorce of their sister and her husband. Fatima and the couple's son spent 7 months living in a women's shelter. In July 2006 she chose imprisonment rather than living with her half brothers or in a shelter. After the divorce, prison officials forbade her husband from visiting her because the court had voided their marriage. In September NSHR sent a letter to the Royal Court requesting a review of the case; at year's end the case had not been reviewed.

Collectively known as Bidoons ("without" in Arabic), these native-born residents lack citizenship. The reasons are diverse: Due to an ancestor's failure to obtain nationality, including descendents of nomadic tribes who were not counted among the native tribes during the reign of the country's founder, King Abdulaziz; descendants of foreign-born fathers who arrived before citizenship was institutionalized; and rural migrants whose parents failed to register their births. Bidoon were denied employment and educational opportunities because of their lack of citizenship, and have limited ability to travel. Bidoons are among the poorest residents of the country because of their marginalized status.

Other Societal Abuses and Discrimination.—During the year there were reports that some Shi'a activist writers and other public figures were banned from traveling and the Government had confiscated their passports.

Under Shari'a as interpreted in the country, sexual activity between two persons of the same gender is punishable by death or flogging. It is illegal for men "to behave like women" or wear women's clothes and for women to wear men's clothes. There were reports of societal discrimination based on sexual orientation.

There were reports of discrimination, physical violence, and harassment toward homosexuals. In October a court in al-Baha Province sentenced two men to 7,000 lashes each for engaging in sexual intercourse with other men. According to AI, the two men have reportedly received part of their sentence.

According to press reports, on March 19, police arrested 17 men in Dammam at a party in which men dressed as women. The men, locally known to be homosexuals, were arrested in a private apartment after a neighbor contacted officials due to loud noise.

At year's end there was no further information on men arrested in August and November 2006. In August 2006 the media reported that 250 young men were detained and subsequently 20 were arrested at a suspected "gay wedding" in Jizan. In November 2006 the media reported that police arrested five men for preparing to stage a beauty contest for homosexual men. The five men had previously been

arrested in May for the same offense. The media also reported that several months before this incident, 92 men had been arrested at a gay party in Al-Qatif for wearing women's clothes, make-up, and wigs. At year's end none of these men had been sentenced.

The Ministry of Health's 2006 data reported a total of 11,520 HIV cases in the country, (2,658 cases of citizens and 8,852 noncitizens.) Of the total number infected, 1390 were cases reported in 2006, and 79.5 percent were between the ages of 15 and 49, 6.4 percent were younger.

In September 2006 the Ministry of Social Welfare approved the establishment of the Saudi Society for AIDS Patients in Jeddah to coordinate with government agencies and to provide services to patients. According to the ministry, some of the services included educating employers on the safety of hiring HIV-positive individuals as well as providing counsel to married couples in which a spouse has HIV/AIDS.

Incitement to Acts of Discrimination.—During the year the Government reported that the November 2006 multi-year project to revise textbooks, curricula, and teaching methods to promote tolerance and remove content disparaging religions other than Islam was underway. While some progress has been made in this regard, specifically regarding textbooks, there were intolerant statements toward religious groups that remained at year's end.

Section 6. Worker Rights

a. The Right of Association.—The Basic Law does not address freedom of association. The Government prohibits the establishment of labor unions. Since 2001, the Government has authorized the establishment of citizen-only labor committees in local companies including factories with more than 100 employees; however, at year's end there were 15 labor committees.

b. The Right to Organize and Bargain Collectively.—Neither the 1992 Basic Law nor the 2005 Labor Law provide for collective bargaining. Foreign workers comprised approximately 88 percent of the work force in the private sector. The Government issued implementing regulations for the September 2005 labor law. Domestic laborers were not protected under the country's labor law.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor.—The law prohibits forced or compulsory labor; however, some foreign workers were subjected to conditions that constituted involuntary servitude, including nopayment of wages, debt bondage, physical or psychological intimidation, and abuse. The law prohibits employers from retaining foreign employees' passports without the employees' consent. This law was neither well known nor enforced, so it was frequently violated. In practice employers often illegally retained passports of foreign laborers, including domestic workers, which sometimes resulted in forced labor, especially in remote areas where workers were unable to leave their places of work and could not legally travel without an identity card. In addition some sponsors prevented foreign workers from obtaining exit visas to compel them to sign a new work contract or to drop salary or benefits claims against their employer. Finally, some sponsors refused to provide foreign workers with a "letter of no objection" that would allow them to be employed by another sponsor.

There were many reports of employers who refused to pay workers several months, or even years, of accumulated salary or other promised benefits. Unlike domestic servants who are not protected by labor laws, some foreign workers turned to labor courts, which were generally regarded as fair and regularly ruled in favor of the workers; however, they sometimes took many months to reach a final appellate ruling. For example, Anista Marie, a Sri Lankan domestic servant, alleged in August that she had not been paid her $134 (500 riyals) a month salary since 1999. With the assistance of the Sri Lankan Embassy, she reached a written settlement with her employer for $5,334 (20,000 riyals). She gave the Sri Lankan Embassy power of attorney to press charges against her employer. Her employer paid $2,267 (8,500 riyals) in cash and agreed to pay the balance in monthly installments of $267 (1,000 riyals) to Anista Marie, she since returned to Sri Lanka where she will receive her monthly payments.

In another case, Girlie Malika Fernando, a Sri Lankan domestic servant, alleged that her employer failed to pay her salary for 13 years. The manager of the government-run Welfare Center for Stranded Housemaids, where Fernando lived for more than a year, unsuccessfully attempted to negotiate a settlement with her employer's family after her employer died. Fernando returned to Sri Lanka in October after Riyadh Governor Prince Salman gave her $15,573 (58,400 riyals).

Foreign workers had access to labor courts, which regularly ruled in favor of the workers, but sometimes took many months, or even years, to reach a final appellate

ruling. Existing regulations allow noncitizen workers engaged in a court case against their employers to legally work, provided they secure a new sponsor willing to accept financial liability for any counterclaims by the previous employer. These provisions made it difficult to secure potential sponsors and placed a significant burden on the worker. Some employers succeeded in forcing workers to withdraw their claims by delaying cases until the worker's funds were exhausted.

The Ministry of Labor's department for protection of foreign workers addresses abuse and exploitation of foreign workers (such as sexual harassment, mistreatment, and nonpayment of salaries). Workers may also submit complaints and seek help from the 37 labor ministry offices throughout the country. The department banned individuals and companies who mistreated foreign workers from sponsoring such workers for 5 years. Employers with repeated violations are banned indefinitely.

The law does not specifically prohibit forced or compulsory labor by children, and there were a few reports that it occurred.

d. Prohibition of Child Labor and Minimum Age for Employment.—Child labor did not appear to be a problem among citizens, but children from Niger, Yemen, Pakistan, Afghanistan, Chad, and Sudan were forced into child begging rings, street vending, and possibly family businesses. The Government implemented a regulation requiring that all camel jockeys be at least 18 years of age, and there were indications it was enforced.

Under the law, no juvenile under the age of 15 can work in a vocational field unless he is the only family worker. There is no minimum age for workers employed in family-owned businesses or in other areas considered extensions of the household, such as farming, herding, and domestic service.

Children under the age of 18 may not be employed in hazardous or harmful industries, such as mining, or industries employing power-operated machinery. While there is no formal government entity responsible for enforcing the minimum age for employment of children, the MOJ has jurisdiction and has acted as plaintiff in the few cases that have arisen against alleged violators.

In general children played a minimal role in the work force.

Child beggars were reportedly often noncitizens who had been trafficked into the country for that purpose or were pilgrimage overstayers. The social affairs ministry maintained special offices in both Mecca and Medina to combat the growing problem of child beggars.

e. Acceptable Conditions of Work.—While there is no official minimum wage for citizen workers, the unofficial private sector minimum wage was $400 (1,500 riyals) per month, which is based on the minimum monthly contribution to the pension system. There is no official minimum wage for noncitizen workers where they exist; bilateral agreements set wages for noncitizen workers. Individual contracts also set wages that varied according to the type of work performed and the nationality of the worker.

There were many difficult situations for foreign workers. For example, in March an Indonesian domestic worker fled from her employers, alleging severe physical abuse. Similarly, another Indonesian domestic worker fled her employers in March after 10 years' of uncompensated work and confinement to the house. A Sri Lankan maid was rescued in September after enduring 10 years of forced labor in Riyadh; she received only $7500 (20,000 SR) in back wages and no criminal charges were lodged against her sponsors. On August 8, a family reportedly beat four Indonesian maids for allegedly practicing black magic on a teenage son. Two maids died in the attack and the other two were seriously injured. The victims' seven attackers remain in police custody pending investigation.

Labor regulations establish a 48-hour workweek at regular pay and allow employers to require up to 12 additional hours of overtime at time-and-a-half pay. The labor law provides for a 24-hour rest period, normally on Fridays, although the employer may grant it on another day. The average wage for citizens generally provided a decent standard of living for the worker and family.

Sources produced varying estimates of the actual rate of citizen unemployment with different government agencies reporting between 5 and 9.6 percent and business leaders stating as high as 30 percent. This estimate did not include women, who were prohibited from working in the majority of business sectors and positions.

Approximately 80 percent of all working citizens worked directly for the Government. Nearly all citizens worked indirectly for the Government in parastatal companies such as Saudi Arabian Airlines and Saudi Aramco. According to the Government, citizen workers accounted for only 12 percent, (fewer than 800,000) of the approximately 6.76 million persons employed in the private sector; foreign nationals held the remaining 88 percent of the jobs.

Labor regulations require employers to protect most workers from job-related hazards and disease. Farmers, herdsmen, domestic servants, and workers in family-operated businesses were not covered by these regulations. Foreign nationals reported frequent failures to enforce health and safety standards.

Foreign nationals recruited to work in the country frequently experienced serious problems with their labor contracts. Foreign nationals recruited abroad have, after their arrival in the country, been presented with work contracts that specified lower wages and fewer benefits than originally promised. Other foreign workers have signed contracts in their home countries and later were pressured to sign less favorable contracts upon arrival. Some employees reported that, at the end of their contract service, their employers refused to grant permission to allow them to return home. The Government distributed a booklet on foreign workers' rights that was distributed at ports of entry and foreign Embassies in the country.

The labor laws, including those designed to limit working hours and regulate working conditions, do not apply to foreign domestic servants, who may not seek the protection of the labor courts. Foreign domestic workers did not have access to labor courts. Bilateral labor agreements stipulate work conditions which provide for 1 day of rest per week. There were credible reports that female domestic servants were sometimes forced to work 16 to 20 hours per day, 7 days per week. There were numerous cases of maids fleeing employers and seeking refuge in their Embassies or consulates. Foreign Embassies and the media continued to receive reports of employers abusing domestic servants. Such abuse included withholding of food, beatings, other severe physical abuse, and rape.

The Government continued a campaign to remove illegal aliens by widely publicizing the enforcement of existing laws against both the illegal aliens and the citizens employing or sponsoring them.

Many foreign workers were not able to exercise their right to remove themselves from dangerous situations.

SYRIA

Syria, with a population of approximately 19 million, is a republic under the authoritarian presidential regime of Bashar al-Asad. The president makes key decisions with counsel from a small circle of security advisors, ministers, and senior members of the ruling Ba'ath Party (Arab Socialist Resurrection). The Constitution mandates the primacy of the Ba'ath party leaders in state institutions and the Parliament. President al-Asad and party leaders, supported by various security services, dominated all three branches of government. On May 27, President al-Asad was confirmed for another 7-year term in elections that were considered by international and local human rights advocates as neither free nor fair. The civilian authorities maintained effective control of the security forces, and members of the security forces committed numerous, serious human rights abuses.

The government's respect for human rights worsened, and it continued to commit serious abuses. There were significant limitations on citizens' right to change their government. In a climate of impunity, there were instances of arbitrary or unlawful deprivation of life, and members of the security forces tortured and physically abused prisoners and detainees. Security forces arbitrarily arrested and detained individuals, while lengthy pretrial and incommunicado detention remained serious problems. Beginning in 2005 and continuing throughout the year, the Government increasingly violated citizens' privacy rights and increased already significant restrictions on freedoms of speech, press, assembly, and association, amidst an atmosphere of government corruption and lack of transparency. Security services disrupted meetings of human rights organizations and detained an increasing number of activists, organizers, and other regime critics. In addition, throughout the year, the Government sentenced to prison several high-profile members of the human rights community. Violence and societal discrimination against women continued. The Government discriminated against minorities, particularly the Kurds, and severely restricted workers' rights.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life.—During the year there were reports of arbitrary or unlawful deprivation of life. According to local human rights groups, three persons died in detention following torture or mistreatment by security services during the year. On June 4, Kurdish citizen Fahed Mohammad Omar report-

edly died while held by criminal security forces in al-Malkieh. On July 4, Abdul Moez Salem's burial was supervised by Syrian Military Intelligence (SMI) without allowing the family to view his remains. On December 31, local human rights organizations reported that Ghafoor Abdul-Baqi died as a result of the torture he received at the hands of the security services. Ghafoor was originally arrested in Idlib where dozens of alleged Islamists were arrested beginning on June 15.

During the year there were reports that security forces killed one demonstrator. On November 2, security forces killed Kurdish youth Issa Khalil in Qamishli while breaking up a pro-Kurdistan Workers Party (PKK) protest against a possible Turkish incursion into northern Iraq. According to witnesses, Khalil was not part of the initial protest but one of dozens of Qamishli residents who joined the protesters after police fired bullets and teargas to break up the demonstrations.

Authorities failed to conduct independent investigations into these deaths by year's end.

In March and July Chief Investigator for the U.N. International Independent Investigation Commission Serge Brammertz issued interim reports to the U.N. secretary-general of the ongoing investigation into the 2005 Beirut assassination of former Lebanese prime minister Rafiq al-Hariri and 22 other individuals. Both reports described general satisfactory cooperation from Syrian authorities into the investigation, neither concluding nor ruling out their possible involvement.

There were no developments in several cases of unlawful killings by the Government or its agents that reportedly took place between 2004 and 2006.

b. Disappearance.—There were reports of politically motivated disappearances during the year.

On January 10, SMI summoned and detained Mawlood Ali Mahfoudh, son of a former political detainee Ali Mahfoudh from Hama Province. According to local human rights organizations, Mahfoudh's whereabouts were unknown at year's end.

On February 17, local human rights organizations reported that security forces summoned Khaled Suleiman al-Saad, an activist working for the Committees for Supporting Iraq, a human rights organization based in Hassakeh, and transferred him to Aleppo. Al-Saad was detained in Aleppo until his release in April.

On February 27, local human rights organizations reported that in May 2006 police arrested Rami Ahmad Farhat from Lattakia, and was being held by security services in an undisclosed location at year's end.

On April 28, Khalid Mohammed Ahmed from al-Tabaqah in Raqqah Province disappeared after he visited SMI offices in Aleppo to obtain a travel permit. His whereabouts remained unknown at year's end.

On June 3, Qamishli-born Kurdish journalist Salar Osi, who wrote for several Lebanese dailies, disappeared while going to the Journalists Club in Damascus, according to local human rights organizations. Osi was reportedly released from security custody a week after his disappearance.

On June 5, local human rights organizations reported that security forces arrested Egyptian citizen Amro Ahmad Mohamad Yousef from his hotel room on May 20 after arriving from Moscow on May 1. On May 29, according to local human rights organizations, he was supposed to travel on to Cairo, but at year's end security authorities held Yousef at an undisclosed location.

On July 28, the SMI summoned to Damascus Ali Barazi, a former political prisoner and translator for the Syrian-European Documentation Center, according to local human rights organizations. Barazi was detained until his release on December 26.

On August 2, Ismael al-Sayyah disappeared from his home in Deir Ezor, and released 6 weeks later on September 19. Local human rights organizations believed that al-Sayyah was taken by a branch of the security services.

The Government did not investigate or punish any members of the security forces for their roles in abductions and disappearances.

The Government continued to withhold new information on the welfare and whereabouts of persons who disappeared since 2005; little is known other than the approximate date of their disappearance.

The Government has a long history of persons who disappeared and were believed to have died or to be in long-term detention.

The Government denied reports that security forces "disappeared" an estimated 17,000 persons in the late 1970s and early 1980s. According to Human Rights Watch (HRW), the "disappeared" were mostly detained Muslim Brotherhood (MB) members and other Syrian activists, as well as hundreds of Lebanese and Palestinians who were detained in Syria or abducted from Lebanon by Syrian forces or Lebanese and Palestinian militias. During the year a local nongovernmental organization (NGO) estimated that 197 Lebanese prisoners remained unaccounted for. Var-

ious NGOs and family members of those who allegedly remained in prison continued to dispute the 1999 government claim that all abductees had been released.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The law prohibits such practices, and the penal code provides punishment for abusers. Under Article 28 of the Constitution, "no one may be tortured physically or mentally or treated in a humiliating manner." However, security forces continued to use torture frequently.

In recent years local human rights organizations have cited numerous cases of security forces allegedly abusing and torturing prisoners. Torture and abuse of detainees was also reportedly common. Many instances of abuse went unreported.

Former prisoners, detainees, and reputable local human rights groups reported that methods of torture and abuse included electrical shocks; pulling out fingernails; burning genitalia; forcing objects into the rectum; beating, sometimes while the victim was suspended from the ceiling; alternately dousing victims with freezing water and beating them in extremely cold rooms; hyperextending the spine; bending the detainees into the frame of a wheel and whipping exposed body parts; using a backward-bending chair to asphyxiate the victim or fracture the victim's spine; and stripping prisoners naked for public view. Throughout the previous years, the international NGO Amnesty International (AI) has documented 38 types of torture and ill-treatment used against detainees in the country. AI reported that torture was most likely to occur while detainees were held at one of the many detention centers operated by the various security services in the country, particularly while authorities attempted to extract a confession or information. Courts systematically used "confessions" extracted under duress as evidence, and the defendants' claims of torture were almost never investigated.

In March regional media reported that security forces detained and tortured British citizen Jerome Hippel. In a press interview, Hippel stated that authorities arrested him in December 2006 and accused him of being a terrorist. Authorities did not inform British diplomats of the arrest until February and were at no point allowed to see him. Hippel eventually "confessed" to being a terrorist intending to go to Iraq after security forces held him in a small cell and repeatedly beat him. On March 31, authorities released Hippel after 14 weeks in custody.

Police beat and mistreated detainees during the year, particularly common criminals in pretrial detention. In November the Syria News Web site reported that in Aleppo two underage females were beaten by police while in custody after they were accused of stealing money from a neighbor. Also on November 11, the same news Web site reported that plainclothes police beat Khaled al-Ahmad of al-Raqqa. He was never placed under arrest. According to local human rights organizations, dissident Shayesh Ali al-Tayyar has been subjected to regular beatings since security forces detained him in March 2005.

Prison and Detention Center Conditions.—Prison conditions generally were poor and did not meet international standards for health and sanitation. At some prisons security officials demanded bribes from family members. Overcrowding and the denial of food remained problems at several prisons. The Government did not permit visits by international human rights observers.

According to local and international human rights organizations, prisoners and detainees were held without adequate medical care, and some prisoners with significant health problems reportedly were denied medical treatment. Throughout the year, local and international human rights organizations highlighted the case of political prisoner Arif Dalila, arrested in 2001 as part of the Damascus Spring crackdown, who suffered from a heart condition that required treatment. According to local sources, Dalila received periodic medical treatment in a military hospital. However, he has not received the continual treatment required of his chronic condition. In addition, political prisoners Michel Kilo and Anwar al-Bunni, convicted and sentenced on May 13 and April 24 respectively, were denied proper medical attention for an arm-related nerve problem and rheumatism, respectively. Security officials forced Bunni to sleep on the top bunk, which is extremely difficult with rheumatism. At year's end requests by human rights lawyers to the minister of justice to allow Bunni to see his doctor and be assigned a different bunk were not answered.

There were separate detention facilities for men, women, and children; however, several reports cited minors were held in adult facilities. Pretrial detainees, particularly those held for political or security reasons, were usually held separately from convicted prisoners. However, according to local human rights organizations, political prisoners were sometimes deliberately placed in crowded cells with convicted and alleged felons and subjected to verbal and physical threats. Some former detainees reported that the Government denied political prisoners access to reading materials, including the Koran.

The Government failed to provide adequate security for prisoners and detainees during the year. For example, on March 6, criminal convict Jaber Yousef beat prisoner of conscience Habib Saleh while prison guards and other prisoners watched, according to local human rights organizations.

Facilities for political or national security prisoners, especially accused Islamists, were generally much worse than those for common criminals. Released political detainees confirmed reports of poor prison conditions, including overcrowded cells and a shortage of beds. Local human rights lawyers reported that Syrian-born German national Muhammad Haydar Zammar, who spent almost 3 years in solitary confinement at the Palestine Branch of SMI, was sentenced to 12 years in prison on February 12.

Each branch of the four security services operated its own detention centers. The majority of reported torture or mistreatment cases occurred in these facilities, according to local human rights organizations.

The Government prohibited independent monitoring of prison or detention center conditions and publishing of any materials on prison or detention center conditions; however, diplomatic and consular officials were granted limited access in rare cases during the year. During the year, the Ministry of Foreign Affairs did not officially allow consular visits to prisons.

d. Arbitrary Arrest or Detention.—The Constitution prohibits arbitrary arrest and detention; however, in practice these activities persisted and remained significant problems.

Role of the Police and Security Apparatus.—The role of the security services extends far beyond necessary security matters due to a state of emergency, which has been in place since 1963. The Government justifies the ongoing Emergency Law on the basis of its conflict with Israel and threats from terrorist groups. The SMI and Air Force Intelligence are military agencies.

The four major branches of security forces include the SMI, Political Security Directorate (PSD), General Intelligence Directorate (GID), and Syrian Air Force Intelligence, all of which devote some of their overlapping resources to monitoring internal dissent and individual citizens. The four branches operate independently and generally outside of the control of the legal system.

The Ministry of Interior (MOI) controls the police forces, which consist of four separate divisions: Emergency police, traffic police, neighborhood police, and riot police.

Corruption continued to be a serious problem in the police forces and security services. Human rights lawyers and family members of detainees cited solicitation of bribes for favorable decisions and provision of basic services by government officials throughout the legal process in both courts and prisons. Traffic police officers regularly solicited bribes from drivers.

No mechanisms for investigations of security force abuse existed.

Arrest and Detention.—Upon arrest, an individual is brought to a police station for processing and detained until a trial date is set. At the initial court hearing, which may be months or years after arrest, the accused may retain an attorney at personal expense or be assigned a court-appointed attorney, although lawyers were not ensured access to their clients before trial. The individual is then tried in a court, where a judge renders a verdict. While the prison code provides for prompt access to family members, human rights organizations and families reported inconsistent application of the code, with reports of some families waiting as much as a year for access to relatives.

Defendants in civil and criminal trials have the right to bail hearings and possible release from detention on their own recognizance. However, this right was not applied consistently throughout the legal system.

The 1963 Emergency Law authorizes the Government to conduct preventive arrests and overrides constitutional and penal code provisions against arbitrary arrest and detention, including the need to obtain warrants. In cases involving political or national security offenses, arrests were often carried out in secret with cases assigned in a seemingly arbitrary manner to military, security, or criminal courts. Suspects were detained incommunicado for prolonged periods without charge or trial and denied the right to a judicial determination regarding pretrial detention. Unlike defendants in regular criminal and civil cases, security detainees did not have access to lawyers prior to or during questioning, as well as throughout the preparation and presentation of their defense. In most cases detainees were not informed of charges against them until their arraignment, which often was months after their arrest. Additionally, those suspected of political or national security offenses were arrested and prosecuted under ambiguous and broad articles of the penal code and subsequently tried in either the criminal or security courts.

The Government did not notify foreign governments when their citizens were arrested or detained, or did so only after the person was released or deported. For example, in the case of British citizen Jerome Hippel, the Government informed his Embassy of his detention in February, 2 months after his December 2006 arrest.

Detainees have no legal redress for false arrest. The authorities detained those critical of the Government under the Emergency Law and charged them with a wide range of political crimes, including treason. Continuing a trend that began in 2006, the Government tried some political prisoners in criminal courts, although the charges were security related and not covered by the criminal code. For example, on April 24 and May 13, respectively, authorities convicted Anwar al-Bunni and Michel Kilo in criminal courts, although the charges related to "weakening the national sentiment during the time of war."

Incommunicado detention was a severe problem. Many persons who disappeared in past years were believed to be in long-term detention without charge or possibly to have died in detention. Many detainees brought to trial were held incommunicado for years, and their trials often were marked by irregularities and lack of due process. Arrest and search warrants were issued only for nonsecurity related cases; however, police bypassed this requirement in many instances by claiming security or emergency grounds for entry. Protracted court proceedings were caused by a shortage of available courts and the absence of legal provisions for a speedy trial or plea bargaining.

During the year human rights organizations estimated that security forces arrested a greater number of alleged Islamists than in previous years. Local human rights organizations estimated that approximately 1,600 Islamists were arrested during the year, although it is unclear how many of those were still in detention at year's end. Local human rights organizations reported that between June 21 and 24, police arrested nearly 270 Syrian and Palestinian citizens in Dara'a and another 30 in Zabadani for alleged ties to political Islamic movements. Local human rights organizations also reported that beginning on June 15, dozens of alleged Islamists had been arrested and tortured in Idlib Province. In early November local human rights organizations reported that security services arrested 180 alleged Islamists in Homs, although 40 were subsequently released. At year's end the vast majority of suspected Islamists were held at Sednaya prison and awaited trial in front of the Supreme State Security Court (SSSC). According to local contacts, none of the alleged Islamists arrested during the year had faced trial at year's end.

During the year the Government continued its sustained crackdown on civil society and human rights activists. Under the authority of laws that criminalize membership and activity in organizations the Government deems illegal, security forces arrested a number of persons with links to local human rights groups, prodemocracy student groups, as well as scores of other minorities, particularly Kurds, and members of the MB and suspected Islamic extremists.

For example, on January 6, security authorities arrested Ahvazi Iranian Mansour Hamad Ma'idi Mazraa while he was trying to obtain a document from the immigration and passports office in order to leave the country for Denmark, where he obtained a refugee visa. On January 11, authorities released Mazraa, according to local human rights sources. On March 5, authorities detained five other Ahvazis, Ali Bo Athar, Kamal Nawaseri, Salaheddin Sawari, Afnan Azizi, and Ahmad Asadi. On April 15, reportedly authorities released the men.

On January 9, authorities released Ali Sayed al-Shihabi, who was detained in August 2006. In December 2006 authorities included al-Shihabi in the presidential amnesty but did not release him. Local human rights sources charged that security services wanted to keep him imprisoned.

On January 13, according to local human rights observers, the PSD in Hama arrested Mohammad Bakor and Sufian Bakor, sons of dissident Mohammad Bakor, an exile in Iraq. Both individuals remained in detention at year's end.

On February 7, security authorities arrested poet Dr. Mahmoud Husen Sarem, who faced charges in SSSC from a 2005 arrest, and referred him to the military general prosecution. Sarem was subsequently sent to Adra prison, where he remained detained until his release on March 15. On October 1, a military judge cancelled the charges against Sarem in the Military Court; however, his SSSC case remained pending at year's end.

On February 17, the GID held civil society activist Kamal Sheikho for 1 week before releasing him without charges, according to local human rights organizations.

On March 21, security authorities arrested and detained Riad Seif, a former political prisoner and MP, for several hours while he was attending Kurdish Nah Ruz (New Year) celebrations. Security forces released him the same day.

On April 7, local human rights organizations reported that security authorities arrested former political detainee Ibrahim Zoro along with another man, Mohammad Sharif Aborenas. On April 28, authorities released both individuals.

On June 12, security authorities released Abdul Sattar Qattan, reportedly due to his poor health, according to local human rights organizations. In April 2006 the court sentenced Qattan to 12 years in prison for his alleged membership in the MB.

In July, according to local human rights organizations, an unidentified security branch summoned Dr. Nader Sanoufi, a follower of the Islamic Studies Center, for questioning and later arrested him. At year's end he remained in detention.

In July, according to the Akhbar al-Sharq Web site, security authorities arrested Mesbah 'Alaa al-Din allegedly because he voted against a second term for President al-Assad in the May referendum. He was released in September.

On November 2, local Web sites reported that the Government arrested Kurdish activist Kawthar Tayfore for his role in the demonstrations that took place in Qamishli against the Turkish military operations in northern Iraq.

There were also numerous reports from human rights organizations that security services arrested citizens who were apparently not involved in political activities. The security services provided no information on the reasons for the arrests and, in many cases, family and friends were unable to obtain information on the whereabouts of the detained at year's end.

For example, on February 20, security authorities arrested Omar Muhammad Khalalo in Latakia, according to local human rights organizations. Both the reason for his arrest and his whereabouts were unknown at year's end.

In March, according to local human rights organizations, security services arrested Mohamed Naama, a student at a medical college in Damascus. His whereabouts were unknown at year's end.

There were no new developments in the 2006 arrests of: Fahd Da'doush, Ahmet Muhammad Ibrahim, and Muhammad Sheikhmos Aali (also known as Sheikh Aali).

There were no new developments in the 2005 arrests of the following persons: Ammar Hussein Fakhri, Shayish Ali al-Tayyar, Muhammad Fayiz al-Hursh, Hazem Abdul-Kafi al-Jundi, Muhammed Hassan Dib, Yusuf Muhammed Ahmad Qarmo, Muhammed Abdulkader al-Tawed, Ahmad Qattee', Dr. Mahmoud al-Rashid, Hayan Abdul-Samad, and Mahmud Yusuf.

The Government continued threatening or detaining the relatives of detainees to obtain confessions, minimize outside interference, or prompt a fugitive's surrender. There were unconfirmed reports that security personnel forced prisoners to watch relatives being tortured to extract confessions.

On November 18, Mustafa Qabaro, nephew of political prisoner Ibrahim Qabbaro, was arrested outside the SSSC while taking a photo of his uncle with his phone. The nephew's whereabouts were unknown at year's end.

Amnesty.—On September 23, a limited presidential amnesty coinciding with Ramadan released several hundred prisoners convicted of misdemeanors and traffic violations.

Following tradition, sick prisoners who completed three-quarters of their sentences were also released.

The Government rarely includes political prisoners in periodic presidential amnesties, and did not do so this year.

On September 25, security authorities dropped charges against Bassam Badra for infringing on the dignity of the state and granted him a request for bail. In July 2006, according to local human rights organizations, authorities arrested Badra and charged him with defaming the head of state, which is punishable by up to 6 months in prison. In December 2006 the general presidential amnesty pardoned Badra.

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary; however, courts were regularly subject to political influence.

The judicial system is composed of civil and criminal courts, military courts, the SSSC, and religious courts, which adjudicate matters of personal status such as divorce and inheritance. The Court of Cassation is the highest court of appeal. The Supreme Constitutional Court (SCC) rules on the constitutionality of laws and decrees, hears special appeals regarding the validity of parliamentary elections, and tries the president if he is accused of criminal offenses; however, it does not hear appeals from the civil and criminal justice system. The SCC is composed of five members who are appointed by the president for renewable 4-year terms.

Regular military courts have authority over crimes committed by soldiers or members of other military or police branches. If the charge against a soldier or member of the military or police branch is a misdemeanor, the sentence against the defendant is final. If the charge is a felony, the defendant has the right to appeal to the

Military Chamber at the Court of Cassation. Military courts also have authority to try civilians in cases based on military law. Civilians have the right to appeal all sentences in a military court. A military prosecutor decides the venue for a civilian defendant. There have been reports that the Government operated military field courts in locations outside established courtrooms. Such courts reportedly observed fewer formal procedures than regular military courts. For example, on October 25, the Military Field Court, located in an undisclosed location in Damascus, convicted and sentenced five criminals to public hanging in Aleppo.

Trial Procedures.—Civil and criminal courts are organized under the Ministry of Justice. Defendants before these courts are entitled to legal representation of their choice; the courts appoint lawyers for indigents. Defendants are presumed innocent, and they are allowed to present evidence and to confront their accusers. Trials are public, except for those involving juveniles or sex offenses. Defendants can appeal verdicts to a provincial appeals court and ultimately to the Court of Cassation. Appeals were often difficult to win because the lower courts do not provide verbatim transcripts of cases, only summaries prepared by the presiding judges. There are no juries. Defendants and their attorneys have access to government-held evidence relevant to their cases. However, human rights lawyers noted that the prosecution case file, which defense lawyers were allowed to see, frequently did not include any evidence in politically charged cases.

The law extends the above rights to all citizens in criminal cases. However, a number of sections of family and criminal law are based on Shari'a (Islamic law) and do not treat men and women equally. Some personal status laws utilize Shari'a regardless of the religion of those involved in the case, although the number of Shari'a-based laws affecting non-Muslims decreased significantly since the 2006 passage of a Personal Status Law for Catholics.

The SSSC tries political and national security cases and operates under the provisions of the 1963 Emergency Law. The SSSC does not observe constitutional provisions safeguarding defendants' rights. Its verdicts are not subject to judicial appeal. The minister of interior may ratify, nullify, or alter SSSC rulings. The president must approve the verdict or may cancel it and ask for a retrial. Charges against defendants before the SSSC were usually vague. The Emergency Law authorizes the prosecution of anyone "opposing the goals of the revolution," and creating "sectarian strife." Although the Government stated that the SSSC tries only persons who have sought to use violence against the state, the majority of defendants who appeared before the SSSC were prosecuted for exercising their political rights.

Human rights organizations estimated that hundreds of cases are tried by the SSSC annually. The majority of cases during the year involved charges relating to membership in various banned political groups, including religious parties such as the MB, the Islamic Liberation Party, and Syrian Kurdish parties. During the year, the SSSC sentenced more than 150 citizens to sentences ranging from 3 years in prison to execution, which can be commuted to 12 years.

On March 11, authorities convicted Mohammad Abdulhadi Awadh of belonging to a secret organization that aims to change the economic and social structure of the state, intending to carry out terrorist actions, and possession of fire arms. He was sentenced to 7 years in prison.

On August 26, the SSSC convicted Ahmad Mansour al-Hilali of belonging to a "society that aims to change the economic and social structure of the state." The SSSC sentenced him to 6 years in prison.

Membership in the MB is punishable by death, although in practice the sentences were usually commuted to 12 years in prison. For example, throughout the year, authorities sentenced seven alleged Muslim Brothers, but commuted the sentence to 12 years' imprisonment.

Under SSSC procedures, defendants and their lawyers are not present during the preliminary or investigative phase of the trial, during which the prosecutor presents evidence. Trials took place before three judges and usually remained closed to the public as well as the defendants' families. Lawyers were not ensured access to their clients before the trial. Lawyers submitted written defense pleas rather than making oral presentations.

Human rights NGOs were not permitted to visit the SSSC; however, local lawyers affiliated with local human rights NGOs acted as defense counsel in some cases. Diplomatic observers were granted access to the weekly SSSC sessions in Damascus during the year.

Political Prisoners and Detainees.—Although the number of political prisoners and detainees remained difficult to determine due to a continuing lack of official government information, various local human rights groups estimated during the year that a total of somewhere between approximately 1,500 and 3,000 current political pris-

oners, including accused Islamists, remained in detention. Authorities refused to divulge information regarding numbers or names of people in detention on political or security-related charges.

Since 2006 the Government has tried some new political detainees in criminal court, and once convicted on political or security related charges, they are treated like common prisoners. The Government did not permit regular access to political prisoners or detainees by local or international humanitarian organizations. Human rights groups reported that many political prisoners serving long-term sentences remained in prison after the expiration of their sentences.

There also were Jordanian, Lebanese, Iraqi, Palestinian, and Western political prisoners and detainees. Estimates of foreign detainees were difficult to confirm because different branches of the security services, which maintained their own incarceration facilities, held significant numbers, and there was no centralized tracking system. Detainees were frequently held for extended periods of time without trial and without information provided to their families. Estimates were also difficult to confirm because the Government did not verify publicly the number of detentions without charge, the release of detainees or amnestied prisoners, or the subsequent sentencing of detainees to prison. In 2005 a number of human rights organizations estimated that there were between 25 and 250 remaining Lebanese prisoners in the country.

On November 19, the French Press Agency reported that the Government agreed to release an unspecified number of Jordanian prisoners, of whom local human rights organizations estimated to number 250 total. The agreement to release prisoners reportedly was reached during Jordanian King Abudullah II's official visit to Damascus in November. At year's end 18 of an estimated 250 Jordanian prisoners had been released.

Former prisoners were subjected to a so-called "rights ban," which lasts from the day of sentencing until 7 years after the expiration of the sentence in the case of felony, and 3 years in the case of misdemeanor convictions. In practice, restrictions sometimes continued beyond that period. Persons subjected to this ban were not allowed to vote, run for office, or work in the public sector; they were also often denied passports.

On January 24, authorities charged Fa'ik al-Meir with several capital charges including attempting to provoke a civil war. In December 2006 authorities arrested him after a phone call to Lebanon. On December 31, al-Meir was sentenced to 18 months for "weakening the national sentiment in a time of war."

On May 10, the criminal court convicted Kamal Labwani of encouraging a foreign power to invade Syria and sentenced him to life in prison, which was commuted to 12 years. In 2005 authorities arrested Dr. Labwani upon his arrival in Damascus following a 3-month trip abroad.

On June 17, the SSSC sentenced Omar al-Abdullah along with six other men to sentences ranging from 5 to 7 years in prison. Omar al-Abdullah, the son of human rights activist Ali al-Abdullah, and the others were arrested between January and March 2006, apparently for their involvement in a political youth movement. All were held incommunicado from the time of their arrests until sentencing except for two brief meetings with lawyers. All of the men in the group accused prison authorities of torture.

Civil Judicial Procedures and Remedies.—The law provides for an independent and impartial judiciary in civil matters; however, in practice, the courts are neither independent nor impartial. According to observers, approximately 95 percent of judges are either Ba'athists or closely aligned to the Ba'ath Party and therefore not independent.

Property Restitution.—According to the law, property can be appropriated by the municipality for the public good. Compensation usually is paid; however, many individuals reported that the restitution was not fair. While individuals have the legal right to sue the municipality for a more proper compensation, only a few win such cases.

Security forces routinely seized property and personal items of arrested individuals. During the year there were reports that security forces seized and did not return personal items to detainees such as mobile phones. According to local human rights contacts, the phenomenon was too common to track or record specific cases. Security forces did not appropriate, confiscate, or catalogue these materials in accordance with the law. Detained individuals theoretically had the right to retrieve them after release.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The law prohibits such actions; however, the Emergency Law authorizes security services to enter homes and conduct searches without warrants if broadly defined security mat-

ters are involved. The security services selectively monitored telephone conversations and fax transmissions. The Government opened mail addressed to both citizens and foreign residents. The Government routinely monitored Internet communications, including e-mail, and either blocked or monitored access to some Web sites.

The Government failed to permit new political parties or to license politically based NGOs. In practice, however, some political parties are illegal but tolerated by the Government, such as the Communist Union Movement. Additionally, there are illegal parties, such as the Communist Action Party, the People's Party, and the Arab Social Union, that suffer harassment but not automatic arrest for membership. The Government forbids membership in Islamist parties, and members of Islamist parties were subjected to immediate arrest and execution.

The Government detained relatives of detainees or of fugitives to obtain confessions or the fugitive's surrender and otherwise continued to harass and intimidate the families of activists and political prisoners. For example, on June 7, Prime Minister Muhammad Naji al-'Otri dismissed Raghida al-Bunni, wife of imprisoned human rights lawyer Anwar al-Buni, from her government job. In addition, on April 13, Samer Labwani, wife of imprisoned political reformer Kamal Labwani, was forced to leave her job due to repeated, intense harassment from security services at her workplace.

The Government and the Ba'ath Party monitored and attempted to restrict some citizens' visits to foreign Embassies and participation in cultural activities. There were reports during the year that invitees to diplomatic functions received phone calls from the security services instructing them not to attend.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech and the press; however, the Government significantly restricted these rights in practice, relying when necessary on emergency law provisions that suspend such rights and supersede constitutional practices. The Government strictly controlled the dissemination of information and prohibited criticism of the Government and discussion of sectarian issues including religious and ethnic minority rights. There were detentions and beatings for individual expressions of opinion that violated these restrictions, leading journalists and writers to practice self-censorship.

According to local human rights organizations, on January 28, security services arrested and detained Ali Derbak, reportedly for writing a poem critical of Shi'a militias in Iraq. On March 22, authorities released Derbak.

On February 8, security services detained Dr. Abdul Razzaq Eid for 13 hours due to articles he wrote for the Lebanese daily Al-Safeer and his refusal to respond to the security summons, according to local human rights organizations.

In early March the GID arrested two journalists, Muhanad Abdel-Rahman and Alaa al-Deen Hamdoun. On March 27, authorities released them, although the trial continued at year's end.

On March 23, according to Kurdistan Satellite TV, intelligence services arrested and allegedly tortured Kurdish TV reporter Ubayd Muhammed at Damascus airport. Authorities detained Muhammed and his wife for 2 weeks before they were deported to Iraq.

On July 21, local media reported that authorities released journalist Anwar Sate Asfari from prison. Asfari had been incarcerated for 5 years on charges of belonging to a secret organization with the objective of changing the economic and social status of the state.

Emergency law and penal code articles dealing with crimes against state security allowed the Government broad discretion to determine what constitutes illegal expression. The Emergency Law prohibits publication of "false information" that opposes "the goals of the revolution," essentially ensuring that only a Ba'athist view is permitted to circulate via the local media. Penal code articles prohibit acts or speech inciting confessionalism.

According to local human rights activists, Hurriyat, created in 2005 by a number of civil society activists as the first independent media watchdog group, became a defunct organization because two of its leaders remained in prison and another out of the country. The goal of the group was to liberalize the media and end government censorship of the press.

Despite the 2004 MOI decision to recommend the licensing of an independent association of journalists, at year's end no license had been issued.

A number of quasi-independent periodicals, usually owned and operated by figures with government connections, were published during the year, including the National Progressive Front's (NPF) Communist party newspaper The People's Voice; the NPF's Socialist Union party's private newspaper The Unionist; a privately

owned daily newspaper The Nation (Al-Watan); and The Economy (Al-Iktissad), which was sometimes critical of government economic performance.

The print and electronic media were critical at times of the Ba'ath Party and government performance. They reported openly on a range of social and economic issues, such as corruption in the energy and communications sectors. The media covered some Israeli-Palestinian developments factually, but others were reported selectively to support official views. For example, local media described Israeli actions in occupied Palestinian territory as "aggression," "state terrorism," and "Israeli massacres," while describing Palestinian actions as resistance.

On May 19, the Government shut down the semi-independent political daily Baladna (Our Country) for 47 days after it printed a political cartoon critical of the Parliament. In 2006 Baladna received a license from the Government and is published in the Damascus Duty Free Zone. Baladna is owned by the son of the former chief of the GID.

The Government continued to censor foreign news publications prior to circulation and stopped circulation when content was judged to be critical or sensitive. After January 23, the Government prevented the circulation of the foreign-owned and foreign-published, pan-Arabic Al-Sharq Al-Awsat newspaper. At year's end it remained unavailable.

The Government or the Ba'ath Party owned and operated radio and television companies and most newspaper publishing houses. The Ministry of Information closely monitored radio and television news programs to ensure adherence to government policies. The Government did not interfere with broadcasts from abroad. Satellite dishes were widely used and available.

As in previous years, government forces harassed regionally based journalists who reported information critical of the state. Harassment included banning or hindering journalists from reentering the country and failing to respond to requests for accreditation.

For example, on August 9, regional human rights organizations reported that the Government ordered correspondent Seif al-Khayyat, an Iraqi citizen, to leave the country due to his alleged negative coverage of the presidential referendum. Khayyat stated that security forces beat him while in custody.

On September 25, journalists Muhannad Abd al-Rahman and Ala al-Din Hamdun were released as part of the Eid al-Fitr amnesty. On August 15, security forces arrested Abd al-Rahman and Hamdun and then referred them to the military tribunal on charges of "undermining the prestige of the state."

The Ministry of Information continued to deny permission to publish Al-Ousboua Al-Iktissadi, a business weekly; and Al-Riyadiya Wa Al-Chabab, a new magazine for young sports fans.

The Government prohibited all Kurdish language publications and arrested journalists who wrote in favor of greater Kurdish rights. The Government prohibited the publication of books and other materials in Kurdish; however, there were credible reports that Kurdish language materials were available in the country.

The Ministry of Information and the Ministry of Culture and National Guidance (MCNG) censored domestic and imported foreign press. Publication or distribution of any material deemed by security officials as threatening or embarrassing to high levels of the Government was prohibited. Censorship usually was greater for materials in Arabic. Journalists also practiced self-censorship.

The MCNG also censored fiction and nonfiction works, including films. It exercised the right of approval over films shown at cultural centers operated by foreign Embassies.

The 2001 Publications Law permits the reestablishment of publications that were circulated prior to 1963 and establishes a framework in which the NPF, as well as approved private individuals and organizations, are permitted to publish their own newspapers. However, the law also stipulates imprisonment and stiff financial penalties as part of broad, vague provisions prohibiting the publication of "inaccurate" information, particularly if it "causes public unrest, disturbs international relations, violates the dignity of the state or national unity, affects the morale of the armed forces, or inflicts harm on the national economy and the safety of the monetary system." Persons found guilty of publishing such information are subject to prison terms ranging from 1 to 3 years and fines ranging from $10,000 to $20,000 (500,000 to 1 million pounds). The law also imposes strict punishments for reporters who do not reveal their government sources in response to government requests.

Internet Freedom.—The Government relied on its press and publications laws, the penal code, and the Emergency Law to censor access to the Internet. The Government monitored Internet usage and in some instances blocked access to Internet sites or Web-based e-mail that contained or transmitted information deemed politically sensitive.

On July 29, Al-Sharq Al-Awsat reported that the Ministry of Communications and Technology issued a circular instructing Web site owners to publish the names of all individuals posting articles and responses on their sites.

On September 12, authorities released Habib Saleh from prison with 9 months of his sentence remaining. In August 2006 a military court in Homs sentenced Saleh, a contributor to the elaph.com news Web site, to 3 years in prison for undermining internal support for the country, and for "broadcasting and publishing false news likely to undermine the state." Saleh had been in prison since authorities arrested him in 2005 for publishing antigovernment material on the Internet.

On September 23, according to HRW, the SSSC sentenced Ali Zein al-'Abideen Mej'an to 2 years in prison for "undertaking actions or writing or making speeches unauthorized by the Government . . . that spoil its ties with a foreign state" because he posted comments online critical of a foreign government.

On October 8, HRW reported that security authorities have held two men in incommunicado detention since June for expressing online views critical of the Government. On June 7, the Mantaqa branch of the SMI detained Karim 'Arbaji allegedly for moderating akhawia.net, a popular online forum for youth covering social and political issues. Persons familiar with the case told HRW that the Mantaqa branch may have transferred him to the Palestine branch in Damascus, but the authorities provided no official notification of 'Arbaji's whereabouts at year's end. On June 30, the SMI arrested the second individual, Tareq Bayasi, owner of a computer shop and son of former political prisoner Omar Bayasi, in the coastal ciy of Tartous because he "went online and insulted security services," according to local human rights organizations. Bayasi remained in incommunicado detention and his whereabouts were unknown at year's end.

According to an international human rights group, all three of the country's Internet service providers regularly blocked access to a variety of Web sites. The Government restricted access to Web sites associated with Kurdish opposition groups and both the MB and Syrian MB. Other electronic media that the Government restricted during the year ranged from social-networking site thefacebook.com, to pan-Arabic newspapers such as Asharqal-Awsat.com, to online news services such as LevantNews.com. The pro-reform Web site All4syria.org has remained closed since 2004.

Academic Freedom and Cultural Events.—The Government restricted academic freedom and cultural events. Teachers generally were not permitted to express ideas contrary to government policy; however, authorities permitted slightly more freedom of expression at the university level. Ba'ath Party members were also given preferential admissions treatment into the university. Stateless Kurds have limited access to university education.

The Government imposed restrictions on the ability of public universities to associate with foreign cultural centers.

b. Freedom of Peaceful Assembly and Association.

Freedom of Assembly.—The Constitution provides for the right of assembly; however, Emergency Law provisions superseded this right, and the Government did not respect it in practice. MOI permission is needed for demonstrations or any gathering of more than three persons. During the year HRW reported that the Government routinely prohibited or interrupted meetings of human rights and civil society activists. The Government or the Ba'ath Party organized most public demonstrations.

The Government required political forums and discussion groups to obtain prior approval to hold lectures and seminars and to submit lists of all attendees. Despite these restrictions several domestic human rights and civil society groups held meetings without registering with the Government or obtaining prior approval. In many instances the Government took steps to disrupt such gatherings or prevent them from occurring. For instance, on June 2, security services prevented a meeting of the Human Rights Association of Syria, which was to take place in the offices of well-known human rights lawyer Haithem al-Maleh.

Demonstrations occurred during the year, including some permitted or organized by the Government. During the run-up to the May 27 presidential referendum, there were numerous government-organized demonstrations in support of President al-Asad. Local contacts reported that the Ba'ath Party organized progovernment students and members of professional organizations to march through Damascus as well as other cities and towns on an almost nightly basis the week before the referendum.

On March 10, a small group of civil society activists, including Riad Seif, Hind Labwani, Suheir Atassi, and 34 others, attempted to stage a protest in Damascus against the 44 years of emergency law. Before the protest could organize, security

services arrested all of the activists and drove them outside the city, where they were left on the highway. The Government did not charge them.

On November 2, security forces fired bullets and teargas to break up thousands of protestors in Qamishli demonstrating against a possible Turkish incursion into northern Iraq. According to Reuters, there was one reported death, four wounded, and dozens detained by the security forces.

There were also some reports throughout the year of small demonstrations in Damascus to protest the proposed demolition of certain neighborhoods. In such instances, the residents of the neighborhood, usually numbering a few dozen, protested the policy of bulldozing their homes. Such protests were quelled quickly by riot police.

On December 17, three Kurdish opposition parties (Yekiti, Azadi, and Future) organized a demonstration of approximately 200 people in front of the SSSC to mark International Human Rights Day and protest the detention of five Yekiti party members. Security services arrested all the protesters, drove them outside of town, and left them on the highway.

At year's end the Government had not filed charges against the perpetrators of the February 2006 demonstrations that destroyed the Norwegian Embassy and heavily damaged the building housing the Danish, Chilean, and Swedish Embassies.

Freedom of Association.—The Constitution permits private associations, but also grants the Government the right to limit their activities. In practice the Government restricted freedom of association. Private associations are required to register with authorities, but requests for registration were usually denied or not acted on, presumably on political grounds. The Government granted registration to some groups not engaged in political or other activities deemed sensitive.

The Government restricted the activities of associations and their members.

For example, in April and May authorities sentenced five men for signing the Damascus-Beirut declaration, a petition that called for the normalization of Syria-Lebanon relations.

On April 24, the court sentenced civil society activist and human rights lawyer Anwar al-Bunni to 5 years for "spreading false news that weakened the nation."

On May 13, the court sentenced civil society activist, author, and intellectual Michel Kilo and Communist Action Party member Mahmoud Issa to 3 years in prison for "weakening the national morale." Two other men, Kurdish political activists Suleiman al-Shummar and Khalik Hussein, were sentenced in absentia to 10 years in prison. In September 2006 the men were released on bail, and their whereabouts remained unknown at year's end.

On June 17, the SSSC sentenced Omar Ali Abdullah, son of writer and activist Ali Abdullah, to 5 years in prison for his connection to a prodemocracy student group. The SSSC also sentenced Tarek Ghorani and Maher Ibrahim to 7 years and Ayham Saqr, Alam Fakhour, and Diab Sirieyeh to 5 years for their involvement.

None of the approximately 14 local human rights organizations operated with a license during the year.

The Government did not permit the establishment of independent political parties. In recent years citizens have sought to establish political parties but have not received licenses from the Government.

By year's end no license had yet been issued to an independent association of journalists reporting for regional Arab media, according to press reports. The Government continued to block the 5-year effort by journalists to form the association.

The executive boards of professional associations were not independent. Although members of the Ba'ath Party generally led the associations, nonparty members could serve on their executive boards.

c. Freedom of Religion.—The Constitution provides for freedom of religion, and the Government generally respected this right in practice; however, it imposed some restrictions. The Government discouraged public proselytism and monitored groups it considered to practice militant Islam. The Government continued its 1964 ban of Jehovah's Witnesses.

There is no official state religion; however, the Constitution requires that the president be Muslim and stipulates that Islamic jurisprudence is a principal source of legislation. Sunni Muslims constituted approximately 74 percent of the population. Other Muslim groups, including Alawi, Ismailis, and Shi'a, constituted an estimated 13 percent of the population. The Druze accounted for an estimated 3 percent of the population, while various Christian denominations accounted for the remaining 10 percent.

All religions and religious orders must register with the Government which monitored fundraising and required permits for all meetings by religious groups, except for worship. The Constitution stipulates the separation of religious institutions and

the state; however, the Government routinely intervened and controlled religious groups up to and including the grand mufti, who is appointed by the Government. Religious groups tended to avoid any involvement in internal political affairs.

The Government generally refrained from involvement in strictly religious issues. However, in August 2006 the Government cancelled an Islamic religious program that was broadcast just before major weekly prayers were shown on government-run television. That move led the son of the late grand mufti, Sheikh Salah Khuftaro, to publicly criticize the minister of information on April 20.

The Government approved all textbooks that present religion as a way to foster national unity and tolerance.

The Government considered militant Islam a threat and followed closely the practice of its adherents. The Government allowed many new mosques to be built; however, it monitored and controlled sermons. In addition, the Government dictated that mosques (except those which are major tourist sites) must remain closed outside of prayer time.

All public schools are overseen by the Government and are nonsectarian; however, Christian and Druze minorities operated a number of private schools that follow the state curriculum. There was mandatory religious instruction in schools with government-approved teachers and curriculums. Religion courses were divided into separate classes for Muslim and Christian students. Although Arabic is the official language in public schools, the Government permitted the teaching of Armenian, Hebrew, Syriac (Aramaic), and Chaldean as "liturgical languages."

Muslims and Christians are subject to their respective religious laws on marriage and divorce. In July 2006 a new Personal Status Law for Catholics went into effect, giving Catholics their own laws for adoption, inheritance, and guardianship. Previously, Catholics were subject to some Shari'a-based laws. Orthodox Christians remain subject to Shari'a in matters pertaining to adoption, inheritance, and guardianship. Regardless of religion, however, child custody laws for all children remained based on Shari'a.

Although the law does not prohibit proselytizing, in practice the Government discouraged such activity, deeming it a threat to relations among religious groups. Foreign missionaries were present but operated discreetly.

Societal Abuses and Discrimination.—Societal conventions as well as religious and theological proscriptions made conversions relatively rare, especially from Islam to Christianity. In many cases societal pressure forced those who undertook such conversions to relocate within the country or leave the country altogether to practice their religion openly. There was little evidence of societal discrimination or violence against religious minorities.

In November Muslim leaders condemned a spate of attacks on young women in Damascus by Islamists who sprayed acid on them in disapproval of their clothing. The majority of the victims reportedly wore jeans. Some opposition Web sites, however, accused the Government of perpetrating the attacks.

There were no reported acts of physical violence against, or harassment of, Jewish persons. Government officials occasionally used radio and television programming, news articles, cartoons, and other mass media to condone anti-Semitic material. Anti-Israel material was widespread, some of which carried anti-Semitic overtones.

For example, on January 28, government news source Tishrin published an article attempting to draw connections between Zionists and Nazis, stating that the movements cooperated to fulfill their racist objectives.

On February 4, Tishrin published an article accusing Jewish leaders of collusion with the Nazi Party for the purposes of "inflating" the Holocaust. The article alleged that Jews wanted the Holocaust to justify immigration to "the Promised Land."

The Government primarily cited national security as the reason for barring the country's approximately 40 Jewish citizens from government employment, serving in the armed forces, and contact with Israel. Jews also were the only religious minority group whose passports and identity cards noted their religion. Jewish citizens had to obtain permission from the security services before traveling abroad and faced excessive government scrutiny when applying for licenses, deeds, or other official documents. The Government enforced a law against exporting historical and cultural treasures to prohibit the Jewish community from sending historical Torahs abroad.

The Government banned Jehovah's Witnesses in 1964 as a "politically motivated Zionist organization;" however, members of Jehovah's Witnesses have continued to practice their faith privately.

The Constitution prohibits sectarianism, although it specifies that the president must be a Muslim; however, in the case of Alawis, religious affiliation facilitated access to influential and sensitive posts.

For a more detailed discussion, see the 2007 International Religious Freedom Report.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—The Constitution provides for the right of free movement "within the territories of the state unless restricted by a judicial decision or by the implementation of laws;" however, the Government limited freedom of movement in practice.

During the year, the Government increased the use of travel bans to prevent critics of the regime from leaving the country. Travel bans prevented more than 100 human rights activists, political reformers, and civil society leaders from leaving the country, including writer and intellectual Akram al-Bunni, prominent human rights lawyer Haithem al-Maleh, and political reformer and former MP and political prisoner Riad Seif. The Government usually applied the travel ban without any explanation for the basis or duration of the ban, including for reasons of health. In some cases, citizens learned of the ban only after being refused permission to depart the country.

On January 6, security authorities arrested Ahvazi Iranian Mansour Hamad Ma'idi Mazraa while he was trying to obtain a document from the immigration and passports office to allow him to leave the country for Denmark, where he obtained a refugee visa. On January 11, authorities released Mazraa, according to local human rights sources.

On August 12, security authorities arrested Ma'rouf Mulla Ahmed, senior member of the Kurdish Yekiti Party, at the Lebanese border as he was trying to leave the country. His whereabouts remained unknown at year's end.

In August former MP and political prisoner Riad Seif went public in his battle with the Government to lift his travel ban. The Government has continued to prevent Seif from leaving the country to receive badly-needed cancer treatment. Seif, like all former political prisoners, was subjected to a rights ban which includes international travel since releasing him from prison in January 2006.

Travel to Israel is illegal, and the Government restricts travel near the Golan Heights.

The law provides for the prosecution of any person who attempts to seek refuge in another country to escape a penalty in Syria. Persons who have unsuccessfully sought asylum in other countries and who have past connections with the MB have been prosecuted upon their return to Syria.

The Government routinely arrested dissidents who tried to return to the country after years or even decades in exile.

For example, on January 9, local human rights organizations reported that security services arrested Mahmud Iso, a Kurd who was living abroad in Germany for 15 years, upon his return. His whereabouts remained unknown at year's end.

On January 17, local human rights organizations reported that security services arrested Mohammad Abdul Hai Shalabi in December 2006 upon his arrival at Damascus International Airport from Saudi Arabia, where he had been residing in exile for 42 years. At year's end Shalabi remained on trial before the SSSC.

On January 27, human rights contacts reported that security services arrested Dr. Jihad Sha'ban Qabaqibo in December 2006, after he spent more than 26 years in exile. On September 17, authorities released him.

Women over the age of 18 have the legal right to travel without the permission of male relatives; however, a husband or a father could file a request with the MOI to prohibit his wife or minor dependents' departure from the country.

The Government maintained security checkpoints, primarily in military and other restricted areas. There were few police checkpoints on main roads or in populated areas. The security services used checkpoints to conduct searches without warrants for smuggled goods, weapons, narcotics, and subversive literature.

The Government refused to recognize the citizenship of, or grant identity documents to, some persons of Kurdish descent. There are approximately 300,000 stateless Kurds in the country. Lack of citizenship or identity documents restricted their travel to and from the country. In his inauguration speech on July 17, the president stated again that the Government would try to resolve the issue of stateless Kurds, although at year's end there had been no progress on the issue. Syrian emigrants who did not complete mandatory military service could pay a fee to avoid conscription while visiting the country. Persons of Syrian origin who were born in a foreign country but were able to demonstrate service in the army of his country of birth were exempted from military service without payment.

Until September, as has been long-standing practice, citizens of Arab League countries were able to enter the country without a visa for a stay of up to 3 months, a period that could be renewed. On September 10, the Government, citing the ongoing Iraqi refugee crisis, required all Iraqis to obtain a visa before entry. The Government postponed implementation of this new policy until October 1. At year's end

Iraqis needed a visa to enter the country; however, the extent to which this policy was being enforced at the border and the exact visa requirements remained unclear.

Residency permits required proof of employment and a fixed address in the country. Officials continued to assert publicly that nonpermanent resident males between the ages of 18 and 30 could be denied entry for a number of reasons, including traveling alone, student or recent graduate status, residence in a country other than their own, and "suspicious" travel abroad.

The Constitution prohibits forced exile, and there were no reports of forced exile during the year.

Protection of Refugees.—The Government is not a party to either the 1951 U.N. Convention relating to the Status of Refugees or its 1967 protocol. It generally cooperated with the office of the United Nations High Commissioner for Refugees (UNHCR) and the U.N. Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) in assisting displaced persons, refugees, and asylum seekers and respected the UNHCR's eligibility determinations regarding asylum seekers. One notable exception to this was the detention of several Iranian Ahvazis who were recognized refugees. Unlike the previous year, however, the Government released the Ahvazis instead of deporting them back to Iran. UNHCR also reported that it had to intervene in several instances to prevent the deportation of persons issued UNHCR asylum-seeker cards. Overall, the Government provided some protection against refoulement, the return of persons to a country where there is reason to believe they feared persecution.

At year's end UNRWA reported that it did not have exact figures on the number of Palestinian refugees in the country, but estimates generally put the number at approximately 400,000. The General Authority of Palestinian Arab Refugees in Syria, the Government agency established to coordinate assistance and protection to refugees, continued to provide assistance to Palestinian refugees during the year. Palestinian refugees with Syrian travel documents generally reported little difficulty traveling in and out of the country. The Government refused to permit the integration of these Palestinians into Syrian society. At year's end there were 302 Iraqi Palestinians registered at El Hol, while another group of nearly 600 Iraqi Palestinians remained stranded between the Iraq-Syria border at the al-Tanf crossing. The Government refused to let them enter the country.

More than 150,000 Iraqis registered with the UNHCR and received legal and material assistance from the UNHCR in the country. U.N. agencies estimated in September that approximately 1.5 to 2 million displaced Iraqis lived in the country.

The Government generally continued to honor UNHCR's request that states maintain some temporary protection for all Iraqi asylum seekers and persons whose applications have been rejected. The Government recognized refugees whose cases had been suspended by resettlement countries during the year. In addition, the UNHCR reported that some Iraqis were deported during the year; however, there have been no confirmed reports of deportations during the year, according to the UNHCR.

According to UNHCR figures, during the year 8,830 persons from Somalia, Sudan, Yemen, Afghanistan, Algeria, Chad, Eritrea, Ethiopia, and Iran were recognized as refugees or had asylum cases pending. UNHCR did not facilitate any voluntary repatriations during the year.

There are no direct provisions in the law giving refugees the right to work. However, according to UNRWA, the rules for employment of citizens were applicable to Palestinian refugees provided that they have been living in the country for at least 10 years. Obtaining a work permit is a lengthy and complicated process; refugees were rarely granted a permit. In reality many refugees found daily labor in the informal sector mainly as guards, construction workers, street vendors, and in other manual labor jobs. There were reports of refugees, particularly Iraqi girls and women, who worked in the country as prostitutes, but no reliable statistics were available.

Most public schools were unable to accommodate the large number of children of Iraqi refugees. According to a UNHCR estimate, 70,000 Iraqi children were able to access public education during the year. The UNHCR estimated that up to 30 percent of Iraqi refugee children did not attend school.

Stateless Persons.—Citizenship is derived, jus sanguinis, from the father, not place of birth or birth mother. Following the 1962 census, approximately 120,000 Syrian Kurds lost their citizenship, which the Government has never restored. As a result, those who lost their nationality, including their children, remained severely disadvantaged in participating in civil life and in receiving government services including health and education, as well as employment open to citizens. According to the estimates of the NGO Refugees International, stateless Kurds numbered approximately 300,000.

Despite the president's repeated promises to work to resolve the issue of the Kurds, the latest in his July 17 inauguration speech, no progress was made during the year.

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

The Constitution requires that the president be elected by referendum, and the Parliament selects a presidential candidate at the discretion of the regional Ba'ath Party leadership. A presidential candidate is then approved by a majority of votes in a popular referendum. Although citizens vote for the president and MPs, in practice they did not have the right to change their government because elections were neither free nor fair.

Elections and Political Participation.—Elections took place throughout the year on the parliamentary, presidential, and local levels. International election monitors were not allowed to enter the country to observe any of the elections. International and local human rights advocates judged all three elections as neither free nor fair and asserted that they served to reassert the primacy and political monopoly of power wielded by President al-Asad and the Ba'ath Party apparatus.

On May 27 and 28, an unopposed referendum confirmed Bashar al-Asad as president for a second 7-year term. Although some opposition groups estimated voter turnout at significantly less than 50 percent, government statistics declared al-Asad had won 98 percent of the vote, with voter turnout officially reported at 96 percent. Outside observers uniformly dismissed the voter statistics as fraudulent and not representative of observed participation. Citizens were not formally required by law to vote; however, voters received a stamp on their voter card, which authorities sometimes requested when providing services.

The president appoints the vice presidents, the prime minister, deputy prime ministers, and the Council of Ministers and has the discretion to change these appointments. The president and his senior aides, particularly those in the military and security services, made most political and economic decisions with a very limited degree of public accountability.

The president and the Ba'ath Party suppressed political opposition. The Constitution provides that the Ba'ath Party is the ruling party and ensures it has a majority in all government and popular associations, such as workers' and women's groups. The Ba'ath Party and nine other smaller satellite political parties comprise the NPF, originally established in 1971. The NPF represented the only framework for legal political party participation for citizens; however, the Ba'ath Party dominated it, and the one-party character of the political system remained.

The Ba'ath Party dominated the 250-member Parliament, or People's Council. Parliamentarians can criticize policies and modify draft laws; however, the executive branch retains ultimate control over the legislative process.

On April 22 and 23, elections for all 250 seats in the People's Council took place for 4-year terms. According to observers, the election was neither free nor fair, and the Ba'ath Party-led NPF won 172 of the 250 seats. The Constitution guaranteed a permanent absolute majority for the Ba'ath Party, and a large majority of seats in Parliament were reserved for members of the ruling NPF. The Government allowed a number of carefully vetted "independents" to run for 83 seats. Official MOI figures reported 78 independents won seats; however, some regional media reported 80 or 82.

On April 24, riots began in al-Raqqa when the governor, Ahmad Khalil, announced that re-polling would take place in 20 polling places due to suspected mistakes in the tallying. The decision to reballot angered the Sabkha tribe because they felt it unfairly disadvantaged a candidate from their tribe.

On August 26 and 27, local elections took place throughout the country. NPF candidates won an overwhelming majority. Some independents were allowed to run with careful government scrutiny. Despite discussion earlier in the year of electoral reform and a new electoral law for local elections, weeks before the local elections the minister for local administration announced that the new electoral law would be delayed until after elections. At year's end there were no new developments.

Women and minorities, with the exception of the Jewish population and stateless Kurds, participated in the political system without restriction. There was a female vice president, and two female cabinet ministers. Thirty of the 250 MPs were women.

The Government did not provide information on the ethnic or religious composition of Parliament or the cabinet. According to human rights observers, ethnic and religious minorities claimed they had no genuine representation in the Government.

In 2004 the Government banned all political activities by the 12 Syrian Kurdish parties, although enforcement has varied. The Syrian MB has remained banned in the country since 1963.

Government Corruption and Transparency.—The law provides criminal penalties for official corruption. The Worldwide Governance Indicators of the World Bank reflected that corruption was a serious problem. It is rare for the highest-level officials to be exposed to corruption charges. In nearly all cases, such charges were used by the regime as a political tool to attack its perceived enemies or rivals.

In February the government-run daily Al-Thawra reported that Prime Minister Otri fired more than 50 low- to mid-level public officials accused of corruption. Also, in February the Ba'ath Party Central Committee asked the prime minister to investigate Minister of Communications Amir Nasir Salim. In Salim's case, many observers believed the investigation was in part an attempt by the Ba'ath Party to reduce Salim's influence with the president. On December 9, president Bashar al-Asad replaced Salim by presidential decree. Asad also replaced the Minister for Religious Endowments, Muhammad al-Ayubi, on the same day amid allegations of corruption.

On November 4, the daily electronic newspaper Akhbar al-Sharq reported that 65 members of the Ba'ath Party in the area of Tall Abyad in the governorate of al-Raqqah withdrew from the party in protest against the corruption and poor performance of the party's apparatuses.

There are no laws providing for public access to government information. There are no public financial disclosure laws for public officials.

Section 4. Governmental Attitudes Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

There were no legal domestic human rights groups, and approximately 14 human rights groups operated illegally in the country. During the year there were reports of government harassment of domestic human rights activists, including regular, close surveillance and the imposition of travel bans on them as they sought to attend workshops and conferences outside the country.

On May 6, RPS news reported that authorities froze the assets of former MP and dissident Mamoun al-Homsi in an effort to pressure him to return to the country to face a jail sentence. In 2001 the Government stripped him of his immunity and jailed him for criticizing the corruption of the al-Assad family.

On October 17, HRW released its 46-page report, "No Room to Breathe: State Repression of Human Rights Activism in Syria." The report documented the restrictions imposed on activists by examining the legal environment in which they operate and the Government practices to which they are subject. The report is based on extensive interviews with representatives of all of the country's major human rights groups, independent lawyers, and members of the international diplomatic community in Damascus.

On November 24, the Syrian Government prevented several human rights activists from traveling abroad for various trainings and meetings. Among those prevented from leaving were: Mustafa Oso, head of the Kurdish Organization for the Defense of Human Rights in Syria; Rasem Suleiman, Chairman of the Arab Organization for Human Rights; and Ammar Qurabi, President of the National Organization for Human Rights.

During the week of December 9, the security services arrested 15 members or the newly-formed opposition National Council. Three of those arrested, Ahmad Toumah, Akram al-Bunni, and Jaber al-Shoufi, remained in prison at year's end. On December 16, security services arrested the chairperson of the National Council, Fidaa al-Hourani, in Hama. On December 17, security services arrested Mohammad Yasser al-Eitti, Ali Abdullah and Walid al-Buni. Al-Hourani, al-Eitti, Abdullah, and al-Buni remained in prison at year's end.

As a matter of policy, the Government has denied in the past to international human rights groups that it commits human rights abuses. The Government has also stated that it responds in writing to all inquiries from NGOs regarding human rights issues, including the cases of individual detainees and prisoners, through an interagency governmental committee attached to the Ministry of Social Affairs and Labor. However, NGOs have reported that they rarely receive responses from the ministry. The Government normally responded to queries from human rights organizations and foreign Embassies regarding specific cases by claiming that the case was still under investigation and the prisoner could therefore not be released, that the prisoner in question violated national security laws, or, if the case was in criminal court, that the country has an independent judiciary and the executive cannot interfere.

In June and July the Swiss NGO Geneva Institute for Human Rights offered human rights training for police officers. The NGO worked closely with and eventu-

ally received the sponsorship of the MOI. However, in general the Government remained highly suspicious of international human rights NGOs and typically did not allow them into the country. Neither HRW nor AI visited the country during the year.

Between February 7 and 10, the U.N. High Commissioner for Refugees, Antonio Guterres, visited the country. Deputy High Commissioner for Refugees L. Craig Johnstone visited between July 18 and 21. Both officially described their meetings with the Government as productive. At year's end the Government has not permitted the Syrian Arab Red Crescent to sign a memorandum of understanding with a number of international refugee relief NGOs, effectively blocking them from using foreign funding. At year's end the Government continued to prevent international refugee relief NGOs from working in the health sector.

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

The Constitution provides for equal rights and equal opportunity for all citizens, and discrimination based on race, gender, disability, language, or social status is prohibited; however, membership in the Ba'ath Party or close familial relations with a prominent party member or powerful government official helped economic, social, or educational advancement. Party or government connections paved the way for entrance into better elementary and secondary schools, access to lucrative employment, and greater power within the Government, the military, and the security services. Certain prominent positions, such as that of provincial governor, were reserved solely for Ba'ath Party members. There was governmental and societal discrimination against stateless Kurds and Jews.

Women.—Rape is a felony; however, there are no laws against spousal rape. According to the law, "the punishment for a man who rapes a woman (other than his wife) is at least 15 years in prison." However, if the individual who commits the crime agrees to marry the victim, he faces no punishment. The victim's family sometimes agrees to this arrangement to avoid the social scandal and stigma attached to rape. If the victim is too young for marriage, the rapist receives a longer prison sentence. No statistics were kept on spousal rape because it is not a crime under the law.

The law does not specifically prohibit domestic violence, and violence against women occurred during the year. An April 2006 study funded by the U.N. Development Fund for Women and conducted by the state-run General Union of Women, reported that as many as one in four women surveyed in the country had been victims of violence. Local observers, however, pointed out discrepancies in the numbers and the wording of the report. The vast majority of domestic violence and sexual assault cases likely went unreported, and victims were likely reluctant to seek assistance outside the family. In some cases, observers reported that the abused women tried to file a police report, but the police did not respond aggressively, if at all, to their claims. Women reported incidents at police stations of sexual harassment, verbal abuse, hair pulling, and slapping by police officers when attempting to file police reports, particularly at the Criminal Security branch at Bab Musallah in Damascus.

Victims of domestic violence have the legal right to seek redress in court, but few did so because of the social stigma attached to such action. The Syrian Women's Federation offered counseling services to battered wives to remedy individual family problems. The Syrian Family Planning Association also provided counseling. Some private groups, including the Family Planning Association, organized seminars on violence against women. There was believed to be at least one private shelter specifically designated for battered women who fled from their husbands.

The Syrian Agency for Family Affairs reports directly to the prime minister and reviews the legal and social status of women and children, and coordinates with NGOs that provide services to women and children.

The law specifically provides for reduced sentences in "honor" crimes. No official statistics were kept on honor crimes during the year. There were, however, numerous press and anecdotal reports of honor crimes throughout the year. Local women's rights advocates estimated that there are approximately 300 honor killings in any given year.

For example, on January 16, women's advocacy Web sites reported that 16-year-old "Shereen" was killed in Idlib by her brother after her family learned that she was pregnant from a 45-year-old married man.

On January 22, semi-independent Al Watan (The Nation) reported the honor killing of 16-year-old Zahra al-Ezzo by her brother. The brother was not punished, however, the husband brought a civil suit against him and the case was still pending at year's end.

In February, women's advocacy Web sites reported that 17-year-old Salam Dokko was stabbed to death in Qamishli by her brother after he suspected her of having a relationship with a young man.

On May 24, women's rights Web sites reported a 14-year-old girl "Sahar" was killed by her brother in Aleppo after there were suspicions that her pregnancy was caused by someone other than her husband.

The law prohibits prostitution, but it was not strictly enforced. During the year there was growing evidence that there was a problem among Iraqi women residing in the country, especially minors.

The law prohibits sexual harassment and specifies different punishments depending on whether the victim is a minor or an adult. Sexual harassment was rarely reported.

The Constitution provides for equality between men and women and equal pay for equal work. Moreover, the Government sought to overcome traditional discriminatory attitudes toward women and encouraged women's education by ensuring equal access to educational institutions, including universities. However, the Government has not changed personal status, retirement, or social security laws that discriminate against women. In addition, some secular laws discriminate against women. For example, under criminal law, if a man and woman separately commit the same criminal act of adultery, the woman's punishment is double that of the man's.

Christians, Muslims, and other religious groups are subject to their respective religious laws on personal status issues of marriage and divorce. For Muslims, personal status law is based on the Government's interpretation and application of Shari'a, which discriminates against women.

Husbands and wives can claim adultery as grounds for divorce; however, criminal law discriminates against women in this regard. A man can only be accused of adultery if his actions occur in the home which he shares with his wife; a woman can be accused of adultery regardless of venue. The court accepts any evidence a man presents when claiming adultery; if a woman attempts to file for divorce based on adultery, her husband must admit to the crime, or there must be a third witness to the act. During the year, there were no reported cases where a woman successfully filed for divorce based on adultery.

A divorced woman might not be entitled to alimony in some cases, particularly if she gave up her right to it in order to persuade her husband to agree to the divorce.

In addition, under the Personal Status Law modified in October 2003, a divorced mother loses the right to physical custody of her sons when they reach the age of 13 and of her daughters at age 15. Guardianship, or control over exercise of the legal rights of the children, always goes to the paternal side of the family after the age of 13 and 15 respectively.

Inheritance for all citizens except Catholics is based on the Government's interpretation of Shari'a. Accordingly, Muslim women usually were granted half of the inheritance share of male heirs. In all communities, however, male heirs must provide financial support to the female relatives who inherit less. If they do not, females have the right to sue.

Polygamy is legal but was practiced only by a small number of Muslim men.

A husband, or any male relative, may request that his wife and his wife's children's travel abroad be prohibited. While official statistics were not available, foreign Embassies reported a number of such incidents during the year.

Women participated actively in public life and were represented in most professions, including the armed forces. Women were not impeded from owning or managing land or other real property. During the year, women constituted approximately 13 percent of judges, 17 percent of lawyers, 62 percent of teachers below university level, and 26 percent of university professors. In addition, women accounted for 30 MPs, two cabinet ministers, and one vice president.

Children.—The Government provided free, public education to citizen children from primary school through university. Education is compulsory for all children, male and female, between the ages of 6 and 12. According to a 2005 joint study by the U.N. Development Program and the Syrian State Planning Commission, 49.6 percent of students through the secondary level were female. Nevertheless, societal pressure for early marriage and childbearing interfered with girls' educational progress, particularly in rural areas where the dropout rates for female students remained high.

In general, Palestinians and other noncitizens, including stateless Kurds, can send their children to school and universities; however, the children of one stateless Kurd parent and one citizen Kurd parent are not allowed to attend university.

The Government provides free medical care for citizen children until the age of 18. There was no reported legal discrimination between boys and girls in education or in health care.

The legal age for marriage is 18 for males and 17 for females. However, a male 15 years of age or older and a female 13 years of age or older may be married if both are deemed by a judge to be willing parties to the marriage and "physically mature" to have children. In the event of a marriage under the legal age limit, there must be consent by the father or grandfather to the marriage. While underage marriage has declined considerably in the past decades, it was still common in the country. It occurred in all communities, but tended to be more prevalent in rural and lesser-developed regions. There were no statistics available on the rates of marriage in the country according to age.

The law provides for severe penalties for those found guilty of the most serious abuses against children. Although there were cases of child abuse, there was no societal pattern of abuse against children.

Trafficking in children for commercial sexual exploitation was reported, mainly involving refugees from Iraq.

Human rights organizations reported multiple cases where security services detained minors and placed them in adult prisons.

Trafficking in Persons.—The law prohibits trafficking in persons; however, the Government does not fully comply with the minimum standards for the elimination of trafficking and did not make significant efforts to do so during the year. Syria is a destination country for women trafficked from South and Southeast Asia and Africa for the purpose of domestic servitude and from Eastern Europe and Iraq for sexual exploitation. There were no statistics available on the scope and type of trafficking that exists.

There were reports by NGOs and the press indicating that Iraqi women and girls may be subjected to forced commercial sexual exploitation, some by Iraqi criminal networks in the country. No reliable statistics were available regarding the number of Iraqi refugees working as prostitutes. The Government did not provide these victims with shelter or other rehabilitative services, and some minor victims were reportedly housed in juvenile detention facilities.

A 2003 International Organization for Migration (IOM) study also indicated that some individuals brought into the country to work as domestic workers suffered conditions that constituted involuntary servitude, including physical and sexual abuse, threats of deportation or other legal consequences, denial or delayed payment of wages, withholding of passports, and restriction of movement. The IOM study documented cases in which manpower agencies in the country that hired foreign domestic workers lured some victims through fraudulent or deceptive offers of employment, despite the fact that such manpower agencies are banned.

Section 555 of the penal code stipulates that whoever incarcerates another person is subjected to a prison sentence of 6 months to 2 years. Section 556 states that if the incarceration lasts for more than 1 month or includes torture, the sentence will include hard labor. Legislative Decree 29 of 1970 regulating the immigration of foreigners states that any foreigner who tries to enter the country with false documentation and anyone who may have aided that foreigner is subject to imprisonment of 3 months to 1 year and a fine of $10 (500 pounds) to $40 (2,000 pounds). These laws were not enforced for antitrafficking purposes in practice during the year.

There is no legal framework governing relations between domestic workers and their employers, and the Government did not educate employers or workers on the rights of domestic workers.

The country's countertrafficking committee met with IOM three times during the year to work on draft antitrafficking legislation.

The Government also does not regulate illegal employment agencies that bring in and, in some cases, facilitate victims' exploitation. The governments of Sri Lanka, Indonesia, East Timor, and the Philippines banned their citizens from taking employment as domestic workers in the country due to the absence of formal mechanisms to regulate such employment. Despite public statements by officials of their intent to pass legislation to regulate private manpower agencies, which operate illegally in the country, no progress on the matter has been made public.

Persons with Disabilities.—The law prohibits discrimination against persons with disabilities and seeks to integrate them into the public sector work force; however, implementation remained inconsistent. Government regulations reserve 4 percent of government and public sector jobs for persons with disabilities. There are no laws that mandate access to public buildings for persons with disabilities.

National/Racial/Ethnic Minorities.—The Government generally permitted national and ethnic minorities to conduct traditional, religious, and cultural activities; however, the Government's attitude toward the Kurdish minority remained a significant exception.

Prosecution of Kurdish citizens remained a fixture of SSSC charges. In most cases Kurdish prisoners were accused of seeking to annex part of Syria to another country.

Security services subjected Kurdish citizens to mass arrests throughout the year.

For example, on January 29, security authorities arrested 28 Kurdish citizens in Aleppo for their alleged role in the March 2004 riots in Qamishli, according to Kurdish human rights organizations. Among those arrested were Azad Qader, Juan Qader, Bashar Qader, Ahmad Nasaan, and Najm Eldin Habash. Regional media reported that on September 30, authorities cleared the 28 of all charges. There were also monthly reports of the security services arresting Kurdish individuals or small groups. By year's end there were no further developments.

On April 5, authorities arrested eight Kurds for allegedly wearing the colors of the Kurdish flag on a wrist band. The eight were released 10 days later, according to Kurdish human rights organizations.

On May 22, police arrested Muhammad Khalil Abo Zaid in Hasakeh and accused him of possessing illegal publications of the Democratic Union Party, which is affiliated with the PKK. On May 24, security services transferred Zaid to the PSD, where he remained at year's end.

On March 10, a gathering of several tens of thousands in Qamishli took place to commemorate the 2004 Qamishli incident, in which 38 people were killed and more than 1,000 persons detained when security forces opened fire at a soccer match.

The trial of 49 Kurds connected to the 2005 protest following Kurdish Sheikh Mashook al-Khaznawi's kidnapping and death continued, despite the Government's announcement that they were granted amnesty in 2006. The most recent trial appearance took place on December 13, and the trial was ongoing at year's end.

On August 2, security forces arrested and questioned a senior member of the Kurdish Azadi Party, Bashar Amin, for 9 days before releasing him on August 11, according to human rights activists.

On August 12, security services arrested Marouf Mella Ahmad, a leading figure in the opposition Kurdish Yekiti Party, according to Kurish human rights organizations. Ahmad remained detained at year's end.

Although the Government contended that there was no discrimination against the Kurdish population, it placed limits on the use and teaching of the Kurdish language. It also restricted the publication of books and other materials written in Kurdish, Kurdish cultural expression, and at times, the celebration of Kurdish festivals.

Other Societal Abuses and Discrimination.—There were no reports of violence or discrimination against persons with HIV/AIDS. However, there was a belief among human rights activists that the extent of the problem was widely underreported. The law criminalized homosexuality.

Section 6. Worker Rights

a. The Right of Association.—While the Constitution provides for the right of association and to form unions, in practice, workers were not free to establish unions independent of the Government. All unions belonged to the General Federation of Trade Unions (GFTU), which was dominated by Ba'ath Party members and was part of the Government's bureaucratic structure. The GFTU advised the Government on legislation, organized workers, and formulated rules for various member unions, effectively controlling nearly all aspects of union activity. The GFTU president was a senior member of the Ba'ath Party, and he and his deputy could attend cabinet meetings on economic affairs.

There were no reports of antiunion discrimination. Since the unions were part of the Government's bureaucratic structure, the law protects union members from such discrimination. The GFTU was affiliated with the Damascus-based International Confederation of Arab Trade Unions.

All practicing lawyers in the court belonged to the Syrian Bar Association, whose leadership was dominated by Ba'ath Party members.

b. The Right to Organize and Bargain Collectively.—The law provides for unions to conduct their activities without interference, but all unions must be part of the GFTU. Accordingly, all collective bargaining, association, and activity happen within the Government's parameters. The law provides for the right to bargain collectively; however, this right does not exist in practice as the unions are effectively led by Ba'ath Party officials closely tied to the Government. Government representatives were part of the bargaining process in the public sector. Public sector unions did

not normally bargain collectively on wage issues, but union representatives participated with representatives of employers from the government-affiliated Chambers of Industry and Commerce and the supervising ministry in establishing minimum wages, hours, and conditions of employment in the private sector. Workers served on the boards of directors of public enterprises, and union representatives were included on the boards.

The law provides for collective bargaining in the private sector, although past repression by the Government dissuaded most workers from exercising this right.

Unions have the right to litigate disputes over work contracts and other workers' interests with employers and are able to ask for binding arbitration. In practice labor and management representatives settled most disputes without resort to legal remedies or arbitration. Management has the right to request arbitration, but that right seldom was exercised. Arbitration authority is vested in the Ministry of Justice's Administrative Petition Court. In practice this court did little more than certify agreements and had almost no role in arbitrating disputes; since such disputes did not occur with any regularity.

The law does not prohibit strikes; however, previous government crackdowns, including fines and prison sentences, deterred workers from striking. Forced labor was imposed on individuals who caused "prejudice to the general production plan." There were no strikes during the year.

There were no unions in the seven free trade zones (FTZs). Firms in the zones were exempt from the laws and regulations governing hiring and firing, although they were required to observe some provisions on health, safety, hours, and sick and annual leave. Ninety percent of the workers in the FTZs were citizens.

c. Prohibition of Forced or Compulsory Labor.—The law does not prohibit all forms of forced or compulsory labor and the problem existed. The governments of Sri Lanka and the Philippines banned their citizens from taking employment as domestic workers in the country because of abuses and the lack of a mechanism to protect the rights of their citizens.

d. Prohibition of Child Labor and Minimum Age for Employment.—The labor law provides for the protection of children from exploitation in the workplace, and independent information and audits regarding government enforcement were not available.

The private sector minimum age for employment is 15 years for most types of nonagricultural labor and 18 years for heavy work. Working hours for youths of legal age were set at 6 hours per day. According to the law, youths were not allowed to work during night shifts, weekends, or on official holidays. In all cases parental permission was required for children under the age of 16 to work. The majority of children under age 16 who worked did so for their parents in the agricultural sector without remuneration. While the law prohibits children from working at night, this law applies only to children who work for a salary. Those who work in family businesses and who are technically not paid a salary—a common occurrence—do not fall under the law. Children under age 15 are prohibited by law from working in mines, at petroleum sites, or in other dangerous areas. Children are not allowed to lift, carry, or drag heavy objects.

According to a February 17 report by the Arab Council for Childhood and Development, the total number of citizen children who performed "tough jobs in unhealthy working conditions" was more than 600,000. The government, however, has done little to address the problem. In December 2006 the minister of social affairs and labor stated that most children who work do so seasonally and for limited amounts of time.

The Ministry of Labor and Social Affairs monitored employment conditions for persons under the age of 18; however, there were too few inspectors to ensure compliance with the laws. The Labor Inspection Department performed unannounced spot checks of employers on a daily basis to enforce the law, but the scope of these checks was unknown.

e. Acceptable Conditions of Work.—Minimum wage rates exist but did not provide a decent standard of living for a worker and family. As a result, many workers in both the public and private sectors took additional jobs or were supported by their extended families.

The labor and social affairs minister was responsible for enforcing minimum wage levels in the public and private sectors. The public sector minimum wage was $118 (5,900 pounds) per month, plus benefits, including compensation for meals, uniforms, and transportation. The private sector minimum wage was $118 (5,900 pounds) per month; however, private sector companies usually paid much higher wages than the minimum. The public sector workweek was 35 hours; the private

sector's was 42.5 hours. Premium pay exists for overtime worked, and a prohibition on excessive compulsory overtime exists in several sectors.

Rules and regulations severely limited the ability of an employer to dismiss a contracted employee without cause.

The labor law grants employees judicial recourse to appeal dismissals. A committee formed by the minister of justice, the minister of labor, and the chief of the Central Commission for Inspection and Control may make a decision to dismiss an employee, stating the reasons behind the decision. This decision must be approved by the prime minister.

The law does not protect temporary workers and workers without contracts. Neither group is subject to regulations on minimum wages. Small private firms and businesses employed such workers to avoid the costs associated with hiring permanent employees. The law mandates safety in all sectors. In practice there was little enforcement without worker complaints, which occurred infrequently despite posted notices regarding safety rights and regulations. Large companies, such as oil field contractors, employed safety engineers.

Officials from the Ministries of Health and Labor were designated to inspect work sites for compliance with health and safety standards; however, such inspections were sporadic, apart from those conducted in hotels and other facilities that catered to foreigners. The enforcement of labor laws in rural areas was more lax than in urban areas, where there were a larger number of inspectors. Workers may lodge complaints about health and safety conditions with special committees established to adjudicate such cases. Workers have the right to remove themselves from hazardous conditions without risking loss of employment.

The law provides protection for foreign workers who reside legally in the country but not for illegal workers. There were no credible estimates available on the number of illegal workers in the country.

TUNISIA

Tunisia is a constitutional republic with a population of approximately 10 million, dominated by a single political party, the Democratic Constitutional Rally (RCD). Zine El Abidine Ben Ali has been the president since 1987. In the 2004 presidential election, President Ben Ali ran against three opposition candidates and was declared the winner with approximately 94 percent of the popular vote. Official turnout was higher than 90 percent, although observers regarded these figures as substantially inflated. In concurrent parliamentary elections, the RCD gained 152 of the 189 seats. The 2005 indirect elections for the Chamber of Advisors, one of two legislative bodies, resulted in a heavily pro-RCD body. The civilian authorities generally maintained effective control of the security forces.

There were significant limitations on citizens' right to change their government. Local and international nongovernmental organizations (NGOs) reported that security forces tortured and physically abused prisoners and detainees and arbitrarily arrested and detained individuals. Security forces acted with impunity sanctioned by high-ranking officials. Lengthy pretrial and incommunicado detention remained serious problems. The Government infringed on citizens' privacy rights and continued to impose severe restrictions on freedoms of speech, press, assembly, and association. The Government remained intolerant of public criticism and used intimidation, criminal investigations, the court system, arbitrary arrests, residential restrictions, and travel controls to discourage criticism by human rights and opposition activists. Corruption was a problem.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life.—The Government or its agents did not commit any politically motivated killings.

In March 2006, according to the World Organization Against Torture (OMCT), Bechir Rahali, chief of police of Cite Ennour, El Ouradia IV, Tunis, reportedly killed Tarek Ayari by hitting him on the head with the handle of a pickaxe as he fled a police raid. Ayari was left on the scene without assistance and later died from his injuries. Authorities did not conduct any further investigation, and no known charges were filed.

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; however, according to human rights organizations,

security forces tortured detainees to elicit confessions and discourage resistance. Reported abuses included sexual abuse; sleep deprivation; electric shock; submersion of the head in water; beatings with hands, sticks, and police batons; suspension, sometimes manacled, from cell doors and rods resulting in loss of consciousness; and cigarette burns. According to Amnesty International (AI) and Human Rights Watch (HRW), police and prison officials on occasion used sexual assault and threats of sexual assault against prisoners' wives and daughters to extract information, intimidate, and punish.

Charges of torture in specific cases were difficult to prove, and authorities generally did not take steps to investigate allegations or punish perpetrators. Authorities often allegedly denied victims of torture access to medical care until evidence of abuse disappeared. The Government maintained that it investigated all complaints of torture and mistreatment filed with the prosecutor's office and noted that alleged victims sometimes accused police of torture without filing a complaint, a prerequisite for an investigation. However, according to defense attorneys and local and international human rights groups, police routinely refused to register complaints. In addition, judges dismissed complaints without investigation and accepted as evidence confessions allegedly extracted through torture. The Government can open an administrative investigation of allegations of torture or mistreatment of prisoners without a formal complaint; however, in those cases the results were not made public or available to the lawyers of affected prisoners.

Consistent with an effort to extract information or coerce confessions, reports of torture were more frequently associated with the initial phases of interrogation/investigation and in pretrial detention centers more than prisons. Human rights activists, citing prisoner accounts, identified facilities at the Ministry of Interior (MOI) as the most common location for torture. Political prisoners, Islamists, and persons detained on terrorism-related charges allegedly received harsher treatment than other prisoners and detainees.

Several domestic and international NGOs reported multiple torture cases throughout the year.

According to the National Council for Liberties in Tunisia (CNLT), between December 2006 and January 22, authorities blindfolded, bound, and beat with electric cables Mohamed Amine Jaziri while he was in police custody. At year's end there were no further developments.

On April 6, according to the International Association for the Support of Political Prisoners (AISPP), prison officials hit on the head and body Oualid Layouni, who had been detained at Mornaguia Prison since January 16. Officials reportedly confined Layouni to a small space without natural light or aeration and subjected him to sleep deprivation.

According to a November 2 AI press release, on October 16, guards tortured Ousama Abbadi, Mohammed Amine Jaziri, Ramzi el Aifi, Oualid Layouni, and Mahdi Ben Elhaj Ali, who were in pretrial detention at Mornaguia Prison on terrorism-related charges. Guards reportedly restrained, punched, and kicked the men. Ousama Abbadi's injuries resulted in internal bleeding in his right eye and an open wound on his leg.

The November 2 AI release also stated that authorities stripped individuals detained in Mornaguia Prison and dragged them through a corridor. One prisoner was reported to have been raped with a staff.

On December 30, the Tunis Court of First Instance sentenced 30 Tunisians on terrorism related charges. The sentences ranged from death to 5 years in prison. According to press reports, many of the defendants denied the charges against them and stated that they only signed confessions after being tortured by security forces.

There were no developments in the June 2006 case of Aymen Ben Belgacem Dridi. The Tunisian Human Rights League (LTDH) Section in Bizerte reported that authorities detained Dridi on terrorism-related charges and reportedly beat, kicked, and subjected him to falka (beatings on the soles of the feet) in the Borj er-Roumi prison.

Police assaulted human rights and opposition activists throughout the year.

The opposition Arabic weekly al-Mowqif reported that on June 13, police attacked labor union leaders in Kasserine during a protest. Police reportedly injured regional union leader Khaled Barhoumi, who was treated for a fractured skull.

On August 24, according to Reporters Without Borders (RSF), 10 plainclothes police officers assaulted journalist Aymen Rezgui as he was leaving a press conference of the opposition Progressive Democratic Party (PDP). Rezgui's hand was reportedly injured, and all his notes and equipment confiscated.

In May 2006, according to multiple witnesses and human rights groups, police assaulted lawyers staging a 3-week sit-in to protest a new law that created a training institute for lawyers. Police allegedly attacked several lawyers during the sit-in, in-

cluding Ayachi Hammami, Abderraouf Ayadi, and Abderrazak Kilani, all of whom were hospitalized, according to a communique released by CNLT.

Prison and Detention Center Conditions.—Prison conditions generally did not meet international standards. Overcrowding and limited medical care posed a significant threat to prisoners' health. During the year there were credible reports that injured or sick prisoners were denied prompt access to medical care. The Government permits the International Committee of the Red Cross (ICRC) access to prisons, but not other independent human rights observers.

According to human rights organizations, prison conditions in the country continued to fall short of minimum adequate standards. Hygiene was extremely poor, and prisoners rarely had access to showers and washing facilities. Sources reported that 40 to 50 prisoners were typically confined to a single 194-square-foot cell, and up to 140 prisoners shared a 323-square-foot cell. Most prisoners were forced to share beds or sleep on the floor. Current and former prisoners reported that lack of basic facilities forced inmates to share a single water and toilet facility with more than 100 cellmates, creating serious sanitation problems. Contagious diseases, particularly scabies, were widespread, and prisoners did not have access to adequate medical care. Additional discriminatory and arbitrary measures such as restrictions on family visits worsened the conditions of detention, particularly when prisoners sought redress for grievances about treatment and conditions.

As the result of a 2005 HRW report describing the Government practice of holding political prisoners in prolonged solitary confinement, the Government in 2005 stated it had eliminated this practice. However, HRW reported that the Government continued to keep some political prisoners, most of whom were outlawed Islamist party An-Nahdha leaders, in small-group isolation.

According to prisoner and detainee testimony, prison conditions for women were generally better than those for men. Conditions for detainees and convicts were reportedly the same.

The CNLT reported that other inmates were instructed to stay away from political prisoners and were punished severely for making contact with them.

The ICRC continued to visit detainees in prisons and detention facilities in the country. Per ICRC standard modalities, its observations and recommendations were shared on a confidential and bilateral basis with the authorities. The Government did not permit media to inspect or monitor prison conditions.

In November 2006 the Government expanded the mandate of the governmental Higher Commission on Human Rights and Civil Liberties (HCHR) to allow prison visits without prior notification and inspections of MOI and Ministry of Justice (MOJ) facilities. The HCHR's reports are not made public.

d. Arbitrary Arrest or Detention.—The law prohibits arbitrary arrest and detention, but the Government did not observe these prohibitions.

The AISPP reported that authorities arrested hundreds of persons since 2003 for visiting terrorism-related Web sites and detained them without proper legal procedures or sufficient evidence of commission of a crime.

According to AI and domestic human rights organizations, police arrested scores of people beginning in late December 2006 following security operations to disrupt an armed cell that was plotting to carry out terrorist attacks. Families made inquiries about the individuals, but authorities allegedly provided no information. AI expressed concern that authorities held the arrested in incommunicado detention at the State Security Department of the MOI, where they would be at risk of torture and other ill-treatment. According to press reports, police charged and convicted 30 suspects with plotting against state security, but the number of those in pretrial detention was unknown.

On May 24, according to RSF, police detained founding AISPP member Lassaad Jouhri for approximately 12 hours, questioning him on his plans to accompany international NGOs Human Rights First (HRF) and Frontline to El Kef prison.

Role of the Police and Security Apparatus.—The MOI controls several law enforcement organizations including: The police, who have primary responsibility within the major cities; the National Guard, which has responsibility in smaller cities and the countryside; and state security forces, which monitor groups and individuals the Government considers to be a threat, such as opposition parties and leaders, the media, Islamists, and human rights activists.

In general law enforcement groups were disciplined, organized, and effective; however, incidents of petty corruption and police brutality took place. Law enforcement organizations operated with impunity sanctioned by high-ranking officials. Police attacked dissidents and oppositionists.

The MOI's Higher Institute of Internal Security Forces and Customs has oversight of law enforcement officers in the ministries of interior and customs. The orga-

nization's stated mission was to reinforce human rights and improve law enforcement; however, no information was available about its operations, and no information was available about any punishment of police and prison guards.

Arrest and Detention.—The law provides that the police must have a warrant to arrest a suspect, unless the crime committed is a felony or is in progress; however, arbitrary arrests and detentions occurred. The penal code permits detention for up to 6 days prior to arraignment, during which time the Government may hold suspects incommunicado. This requirement, however, was not always observed. For example, a report published during the year by the CNLT documented 24 cases in which the organization claimed that the 6-day prearraignment detention was exceeded. Arresting officers are required to inform detainees of their rights, immediately inform detainees' families of the arrest, and make a complete record of the times and dates of such notifications, but those rules were sometimes ignored. Detainees were allowed access to family members when they were not being held incommunicado, although the Government did not always facilitate the efforts of family members to identify the whereabouts of their detained relatives.

Detainees have the right to know the grounds of their arrest before questioning and may request a medical examination. They do not have a right to legal representation during the prearraignment detention. Attorneys, human rights monitors, and former detainees maintained that authorities illegally extended detainment by falsifying arrest dates. Police reportedly extorted money from families of innocent detainees in exchange for dropping charges against them.

The law permits the release of accused persons on bail, and detainees have the right to be represented by counsel during arraignment. The Government provides legal representation for indigents. At arraignment the examining magistrate may decide to release the accused or remand him to pretrial detention.

In cases involving crimes for which the sentence may exceed 5 years or that involve national security, pretrial detention may last an initial period of 6 months and may be extended by court order for two additional 4-month periods. For crimes in which the sentence may not exceed 5 years, the court may extend the initial 6-month pretrial detention by an additional 3 months only. During this pretrial stage, the court conducts an investigation, hears arguments, and accepts evidence and motions from both parties. Complaints of prolonged pretrial detention were common.

Amnesty.—Judges and the Government exercised their authority to release prisoners or suspend their sentences, often on conditional parole.

On July 24, President Ben Ali released 21 prisoners in advance of the July 25 national holiday commemorating the establishment of the republic. The released prisoners included Mohammed Abbou, an attorney sentenced to prison after posting an article on the Internet critical of prisons and President Ben Ali. The other released prisoners were affiliated with the banned Islamist party An-Nahdha.

On October 5, according to the unregistered NGO Liberty and Equality, authorities released 27 prisoners from Borj Er Roumi and Mornaguia prisons. Authorities had sentenced two, Aymen Mejri and Anouar Hannachi, making them subject to administrative supervision for 5 years. The other 25 were in pretrial detention and therefore not subject to administrative supervision after release.

On November 7, according to press reports, President Ben Ali pardoned seven prisoners on the occasion of the 20th anniversary of his assumption of the presidency: Karim Harouni, Ali Chniter, Lotfi Senoussi, Mohamed Salah Tsouma, Sakher Fatmi, Abdellatif Bouhjila, and Ramzi Bettibi.

e. Denial of Fair Public Trial.—The law provides for an independent judiciary; however, the executive branch and the president strongly influenced judicial procedures, particularly in political cases. The executive branch exercised indirect authority over the judiciary through the appointment, assignment, tenure, and transfer of judges, rendering the system susceptible to pressure. The president headed the Supreme Council of Judges, composed primarily of presidential appointees.

The law provides citizens legal recourse to an administrative tribunal to address grievances against government ministries, although officials rarely respected the tribunal's nonbinding decisions. The Government permitted observers from diplomatic missions and foreign journalists to monitor trials. Observers may be allowed to attend sessions of military tribunals at the court's discretion.

At year's end the training institute for lawyers that President Ben Ali signed into law in 2006 had not become operational. The Tunisian Bar Association opposed the creation of the institute, arguing that its creation—and government control of those who would attend the institute—would undermine judicial independence by giving the Government control of those admitted to the bar. The Bar Association asked authorities to be involved in the management of the school. In May 2006 police assaulted Bar Association members during a sit-in to protest the law.

The civil court system is a three-tiered hierarchy. At the first level, there are 51 district courts, in which a single judge hears each case. At the second level are 24 courts of first instance, which serve as the appellate courts for the district courts but also have original jurisdiction for more serious cases. The Court of Cassation (or Supreme Court) serves as the final court of appeals. The Supreme Court considers only arguments pertaining to points of law. The organization of the criminal court system is similar to that of the civil court system. In most cases the presiding judge or a panel of judges dominates a trial, and attorneys have little opportunity to participate substantively.

Military courts fall under the Ministry of Defense. Military tribunals have the authority to try cases involving military personnel and civilians accused of national security crimes. Defendants may appeal the military tribunal's verdict to the civilian Supreme Court. According to AI, during the year the military court handed down sentences of up to 10 years to at least 15 civilians.

There is also an administrative tribunal, which hears administrative cases between citizens and the Government.

Trial Procedures.—The law extends the same trial procedure rights to all citizens, and it provides for the right to a fair trial; however, according to international and domestic NGOs, this did not always occur in practice.

Trials in the regular courts of first instance and in the courts of appeal are open to the public. By law the accused has the right to be present at trial, to be represented by counsel, and to question witnesses; however, judges did not always observe these rights in practice. The law permits the trial in absentia of fugitives from the law. Both the accused and the prosecutor may appeal decisions of the lower courts.

The law provides that defendants are presumed innocent until proven guilty; however, that presumption was sometimes ignored in practice, especially in politically sensitive cases. Defendants may request a different judge if they believe the assigned one is not impartial; however, judges are not required to recuse themselves.

Lengthy trial delays remained a problem. Defendants do not have the right to a speedy trial, nor is there any time limit on cases. Defense lawyers claimed that judges sometimes refused to let them call witnesses on their clients' behalf or to question key government witnesses. Defense lawyers contended that the courts often failed to grant adequate notice of trial dates or allow time to prepare their cases. There were reports that judges restricted access to evidence and court records and in some cases required all the lawyers working on a case to examine documents together on a single date in judges' chambers, without allowing them to copy relevant documents.

Lawyers and human rights organizations reported that courts routinely failed to investigate allegations of torture and mistreatment, accepted as evidence confessions extracted through torture. These groups also reported that the summary nature of court sessions sometimes prevented reasoned deliberation and that erratic court schedules and procedures deterred observers of political trials.

Although family and inheritance law is codified, civil law judges were known to apply Shari'a (Islamic law) in family cases if the two systems conflicted. Some families avoided the application of Shari'a inheritance rules by executing sales contracts between parents and children to ensure that daughters received shares of property equal to that of sons.

Political Prisoners and Detainees.—The Government denied that it held any political prisoners, and the number of such prisoners, if any, remained unknown. Human rights organizations alleged that the Government had arrested and imprisoned approximately 2,000 persons since 2005 without sufficient evidence that they had committed or planned to commit terrorist acts. Human rights activists and lawyers alleged that many of these detainees were tortured in MOI facilities and forced to sign confessions.

The AISPP claimed 24 political prisoners remained from the caseload of Islamists arrested in the late 1980s and early 1990s. Few of the prisoners were convicted for acts of violence. Most of those identified by international human rights groups as political prisoners or prisoners of conscience were arrested for violating laws that prohibit membership in illegal organizations and spreading false information aimed at undermining public order. Many were arrested for disseminating information produced by organizations such as An-Nahdha. Former political prisoners stated that their identity papers were marked in a way that resulted in their receiving harsher treatment.

The ICRC and the HCHR had access to visit prisons and detention facilities.

Civil Judicial Procedures and Remedies.—While a court system existed through which a human rights complaint could be made, the judiciary was not independent

and impartial in cases involving human rights violations when the Government was involved. Administrative remedies were available through the Office of the Ombudsman at the Presidency and administrative court. However, decisions taken by these institutions were not binding and were often ignored by other government departments and agencies.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The law prohibits such actions "except in exceptional cases defined by law;" however, the Government generally did not respect these prohibitions in practice. Police sometimes ignored the requirement to have a warrant before conducting searches if authorities considered state security to be involved. Domestic NGOs and civil society activists reported that members of the security forces entered their offices when they were not present and searched without a warrant.

Authorities may invoke state security to justify telephone surveillance. According to numerous reports by NGOs, the news media, and diplomatic representatives, the Government intercepted faxes and e-mails. The law does not explicitly authorize these activities, but the Government stated that the code of criminal procedure implicitly gives investigating magistrates such authority. Opposition political activists experienced frequent and sometimes extended interruptions of service to home and business telephones, faxes, and the Internet. Human rights activists accused the Government of using the postal code, with its broad and undefined prohibition against mail that threatens the public order, to interfere with their correspondence and interrupt the delivery of foreign publications. Security forces routinely monitored the activities, telephone, and Internet exchanges of opposition, Islamist, and human rights activists, as well as journalists, and also placed some under surveillance.

Human rights activists claimed that the Government punished family members of Islamist activists by denying jobs, educational opportunities, business licenses, and travel due to their relatives' activism. Police subjected relatives also to surveillance and questioning.

Human rights activists reported that the Government made it difficult for released detainees suspected of An-Nahdha membership to find employment. Other released political prisoners found it hard to get MOI statements that they had no criminal records, and even when not imprisoned, political activists and Islamists had their identification cards confiscated, which created problems in receiving healthcare, signing a lease, buying or driving a car, and accessing bank accounts and pensions. Police may demand identity cards at any time and may detain those unable to produce their cards until police establish their identity. AISPP member Lasaad Johri has not had an identity card since 1999.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for limited freedom of speech and of the press; however, the Government generally did not respect these rights in practice. The Government restricted press freedom and intimidated journalists, editors, and publishers into practicing self-censorship. Security forces closely monitored both foreign and domestic press activity.

Under the law, print media need not be licensed but are rigidly controlled by the authorization to the printer. Print media must request a copyright registration from the MOI, which then delivers a receipt valid for 1 year, which constitutes the official permit to publish. The Press Code requires that the receipt be issued before printing, effectively prohibiting any unlicensed publications. The code also requires the publisher to inform the MOI of any change of printer. Printers and publishers violating these rules are subject to substantial, per copy, personal fines under the Press Code.

Broadcast media are controlled by the granting or denial of a frequency by the Tunisian Frequencies Agency, a part of the Ministry of Communications Technologies. These licenses, or acceptance of the application, are tightly restricted.

The law prohibits citizens from discussing national politics on foreign radio or television channels during the 2 weeks prior to national elections.

Security forces often questioned citizens seen talking with foreign visitors or residents, particularly visiting international human rights monitors and journalists. The Government attempted to prevent private meetings with foreign diplomats and to influence public meetings by surrounding meeting places with scores of plainclothes policemen. For example, on 2006 World Press Freedom Day, plainclothes policemen lined the street leading to the headquarters of the Government offices of Tunisian Radio and Television to block a planned demonstration supporting press freedom.

The Government stated that there were 950 foreign publications and newspapers distributed in the country and that 90 percent of domestic newspapers were "pri-

vately owned and editorially independent." However, two of the eight mainstream dailies were government owned, two were owned by the ruling party, and two, although nominally private, took editorial direction from senior government officials. All media were subject to significant governmental pressure over subject matter.

There were seven opposition party newspapers with small circulations. Five of them received government subsidies under a law providing government financing to papers representing opposition parties with seats in Parliament. Two, al-Mowqif and Mouwatinoun, did not receive the subsidy since their parties are not represented in Parliament. On January 10, the opposition Democratic Forum for Labor and Liberties (FDTL) began publication of Mouwatinoun.

While the Government permitted public criticism in opposition newspapers, it impeded similar criticism in the mainstream press. Individuals and certain groups faced reprisal for statements critical of the Government. For example, on March 9, authorities sentenced in absentia journalist and press freedom advocate Mohamed Fourati to 14 months in prison for membership in the unauthorized An-Nahdha party. Fourati previously helped edit the opposition newspaper al-Mowqif and authored several articles critical of the Government. The court originally found Fourati not guilty, but after the prosecutor appealed the verdict twice, including to the Supreme Court, the court of appeals handed down a guilty verdict. Fourati was living abroad at the time of his conviction.

On August 2, 16, and 28, journalist Omar Mestiri made court appearances before authorities dropped defamation charges against him. Attorney Mohamed Baccar sued Mestiri after he wrote an article questioning the circumstances under which Baccar's license to practice law was reinstated (it had been previously revoked for fraud). Activists opined that the charges were politically motivated; Mestiri authored two articles regarding governmental corruption shortly before Baccar filed charges.

In October 2006 authorities charged opposition political leader Moncef Marzouki with "threatening to disturb the public order," following appearances on Al-Jazeera earlier in October in which he criticized the Government and called for civil disobedience. Marzouki departed the country before his case was heard by the court. At year's end there were no further developments.

There were no reports of journalists being arrested solely because of their journalistic work; however, the Government detained and interrogated some journalists active in opposition activities.

According to press reports on November 30, authorities arrested two reporters working for the private television station al-Hiwar, where they were covering a labor union meeting. Authorities released them after 2 hours of interrogation.

On April 9, according to the Committee to Protect Journalists, 15 police officers surrounded and violently pushed reporter Lotfi Hajji outside an opposition PDP meeting. On June 29, according to the local International Campaign for Human Rights, police hit Hajji and journalist Aymen Rezki when they attempted to attend a seminar on freedom of expression organized by the PDP and the FDTL. According to RSF, in three separate incidents between September 20 and 27, authorities forcibly prevented Hajji from entering PDP offices to report on a hunger strike.

On June 6, authorities added 26 months to the internal exile of journalist Abdullah Zouari, who once worked for Al-Fajr, the weekly newspaper of the An-Nahdha party. Zouari has remained under administrative control and in internal exile since 2004. According to RSF, no explanation was given for the extension.

On December 4, a district court in Sfax sentenced journalist Slim Boukhdir to a 1-year prison sentence and a $4.11 (five dinars) fine for "aggression against a public employee," "violation of public morality standards," and "refusal to present identity papers to police." On November 26, police arrested Boukhdir while he was on his way to the Khaznadar police station to complete paperwork for his passport, for which he staged a 15-day hunger strike earlier in November. On December 4, he was sentenced to 1 year in prison on charges of insulting a police officer, using foul language, and not presenting his national ID card to security officials. Human rights and press freedom organizations condemned the arrest and sentence as politically motivated. According to an RSF December 4 press release, "Tunisian journalists are often jailed on grounds unrelated to their work so that the authorities cannot be accused of censorship." The Government reportedly continued to refuse Boukhdir a press card. In 2005 Arabic-language daily Ash-Shourouq stopped publishing his articles and froze his salary in February 2006. In April and May 2006 he was one of two Ash-Shourouq journalists who went on a hunger strike to protest their treatment by Ash-Shourouq management.

In January 2006 the president signed a law abolishing "depot legal," which required the Government to approve all printed material prior to publication or distribution. Lifting of this requirement ended formal, overt censorship of local news-

papers and magazines but did not end self-censorship and obvious government interference, such as the 2006 simultaneous appearance in multiple Arabic-language newspapers of similar editorials criticizing civil society activists who frequent foreign Embassies.

On November 7, President Ben Ali announced that responsibility for prior review for foreign publications and books would be moved from the MOJ to the MOI. Prior to this announcement, all books and foreign publications continued to be subject to restrictions, including government refusal to allow printing or distribution. The MOI required book fair publishing representatives to deposit in advance publication titles. In the book fair that took place between April 27 and May 5, many titles were not accepted for display.

The Government routinely seized and prevented distribution of domestic newspapers when it found articles or photos contrary to government policies. For example, on March 24, authorities reportedly bought all copies of the opposition weekly al-Mowqif because it carried a photo of Tunisian and Israeli parliamentary members participating in the Euro-Mediterranean parliamentary council meeting in Tunis. Similarly, authorities suppressed the June 22 edition of al-Mowqif because the issue carried an article about a labor union protest in Kasserine on June 13 and included a photo of regional leader of the General Union of Tunisian Workers (UGTT), Khaled Barhoumi, reportedly injured by the police.

The law stipulates that the publication, introduction, and circulation of foreign works may be restricted. Authorities restricted the timely purchase of foreign publications that included articles deemed critical of the country or that the Government determined could prompt a security threat.

According to a February 27 RSF report, the Government banned the February 23 edition of the French daily Le Monde and the February 8 and 21 editions of the French weekly Le Nouvel Observateur because of articles critical of President Ben Ali. RSF reported that the Government censored a total of three issues of Le Monde in February, one of which contained an interview with Tunisian Human Rights League president Mokhtar Trifi.

Government regulations required foreign correspondents to obtain written approval before video recording in public. The Government controlled the satellite transmissions of local correspondents reporting for foreign television stations by refusing to license correspondents and insisting all correspondents use government-owned facilities for satellite uplinks.

The law authorizes sentences up to 5 years in prison for offensive statements against the president and up to 3 years for defamation of constitutional bodies, including the Chamber of Deputies, Chamber of Advisors, constitutional councils, the administration, government members, or deputies.

According to many journalists and nonjournalist sources, senior government officials routinely called news directors and editors to inform them which issues they were forbidden to cover or publish and to direct editorial content and news coverage. The Tunisian Agency for External Communications enforced this policy and other informal censorship mechanisms by favoring certain publications for placement of government advertising. In addition, private companies were unwilling to advertise in newspapers no longer receiving government advertisements to avoid the appearance of siding with a media organization being punished by the Government.

Directors and owners of existing private media, as well as journalists at the Government and ruling party-owned press, practiced a high degree of self-censorship. Journalists in the mainstream press regularly refrained from investigative reporting on national issues. Only the small opposition press reported regularly on controversial national issues.

The Government often pressured newspapers to carry the Government wire service's version of an event, even when their own journalists were present. According to a November 5 RSF press release, the Government instructed reporters for private media outlets to cover only information from the Government news agency, Tunis Afrique Press. According to the May 2006 Tunisian Journalists Union report, authorities told journalists not to report a post office employees' January 2006 strike and an April 2006 high school teachers' strike. Some government-owned newspapers accused the union of incitement and a lack of patriotism.

CNLT produced the online newspaper-magazine Kalima without a license, but it was only accessible from outside the country. MOI continued to prevent CNLT from registering the publication. International human rights NGOs alleged that the Government refused registration of Kalima due to its commentary critical of the Government.

Internet Freedom.—According to the Government, no content is blocked or censored, except for obscene material or content threatening public order, defined as "incitement to hate, violence, terrorism, and all forms of discrimination and big-

oted behavior that violate the integrity and dignity of the human person, or are prejudicial to children and adolescents." However, the Government blocked access to a number of Internet sites. The Government blocked nearly all sites belonging to domestic human rights, opposition, and Islamist groups. Some foreign Web sites remained blocked intermittently, including those of AI, RSF, and HRW (Tunisia page). Opposition news sites and Internet discussion sites were also blocked.

According to the 2006 OpenNet Initiative (ONI) country profile, there are approximately 1 million Internet users in the country. ONI testing indicated that the Government pervasively blocked Web sites of political opposition groups, opposition news, human rights groups, pornography, and some sites allegedly critical of the Koran and Islam. According to ONI, the Government blocked sites using a commercial software program loaded onto government-controlled servers to block sites consistently on the country's 12 Internet service providers (ISPs).

Two 1997 decrees cover in part Internet and telecommunications services. All ISPs must obtain a license from the Ministry of Communications Technologies. The Commission on Telecommunications Services, including representatives from the Ministries of Defense and Interior, as well as officials holding posts related to communications, information, and computer sciences, reviews each application.

According to a 2005 HRW report on online censorship, each ISP must designate a director to assume responsibility for the content of the Web sites it is requested to host. Internet users and those who maintain Web sites and servers are also responsible for infractions of the law. Each ISP must submit, monthly, a list of its subscribers to the quasi-governmental Tunisian Internet Agency (ATI). If an ISP stops services, it must immediately furnish the ATI with a complete set of its archives. The director of the ISP must maintain constant oversight of the content on the servers to insure that no information contrary to "public order and good morals" remains on the system.

On July 24, Mohamed Abbou received a presidential pardon releasing him from prison in advance of the July 25 national holiday. In 2005 a court found Abbou, a lawyer, guilty of publishing statements online "likely to disturb the public order" in which he condemned torture in the country's prisons and compared the fate of Iraqi prisoners in Abu Ghraib to that of citizen prisoners.

Academic Freedom and Cultural Events.—The Government limited academic freedom and fostered a culture of self-censorship in universities. The Government closely monitored administrators, teachers, and students to identify any political activity. Police on university campuses, both uniformed and in plainclothes, discouraged students from openly expressing dissent.

In October 2006 authorities fined Abdelhamid Sghaier, a postgraduate student, for demonstrating for the right of female students at a Tunis university to wear the hijab. Sghaier went on a 20-day hunger strike to protest the court's decision and to demand the renewal of his passport. The Government allegedly refused to issue him a new passport for 6 months due to his political activities.

Authorities subjected academic publications to government approval before publication, and university libraries did not purchase foreign books or subscribe to foreign magazines deemed critical of the Government. Close government control over academic research funds prevented university administrators from authorizing or applying for grants on research topics that they believed the Government would find objectionable. Professors avoided teaching classes on subjects considered sensitive, such as legal courses on political systems or classes on civil liberties. University professors often avoided discussion of subjects deemed sensitive enough to interest the Government, and faculty members reported that they were hesitant to gather outside the classroom. Faculty members had to request Ministry of Higher Education approval to hold conferences, including by submitting conference topics and invitee lists.

b. Freedom of Peaceful Assembly and Association.—The law provides for freedom of assembly and association, but the Government severely restricted this right in practice.

Freedom of Assembly.—The law requires groups wishing to hold a public meeting, rally, or march to obtain a permit from the MOI no later than 3 days before the proposed event and to submit a list of participants. Authorities routinely approved permits for groups supporting the Government and generally refused permission for dissenting groups. As in previous years, NGO leaders reported difficulty in renting space to hold large meetings, maintaining that police pressured venue managers to prevent them from renting space. Hotel managers and businesses denied any specific ban on renting space to opposition groups; however, they acknowledged cooperating with the MOI and accommodating its requests when possible.

On August 27, the PDP held a press conference to protest the last-minute reservation cancellation at the hotel where it had planned to host a summer university targeted at youth. Hotel management cited ongoing work at the hotel facilities. Activists asserted that the Government pressured hotel management to cancel the reservation to prevent the PDP from holding the planned event.

On September 20, PDP Secretary General Maya Jribi and former secretary general Nejib Chebbi began a hunger strike to protest what they deemed to be the politically motivated eviction from their Tunis headquarters and near-simultaneous evictions from many of their branch offices. The hunger strike lasted more than a month before the PDP reached an agreement with the landlord following the presidency's intervention.

The Government consistently blocked meetings by the Tunisian Human Rights League (LTDH), whether in its headquarters in Tunis or in regional offices. On November 9, police reportedly blocked a LTDH meeting organized by members of its steering committee. On June 10, police reportedly blocked the Kairouan regional chapter of the LTDH from accessing the UGTT regional office, where the LTDH hoped to commemorate its 30th anniversary.

The Government used police and other state security forces to monitor, control, and sometimes break up demonstrations. In general demonstrators and security forces did not resort to violence; however, there were some exceptions, such as scuffles ensuing from demonstrators' attempts to cross police lines barring access to a demonstration site or demonstrators not dispersing when ordered by police.

In July 2006 the Government refused to allow several demonstrations to take place. Opposition groups, human rights NGOs, the Tunisian labor union and students petitioned for permission for multiple demonstrations to protest Israeli actions in Lebanon. Police in Sfax, Gabes, and Kairouan reportedly used violence in breaking up unauthorized demonstrations held in protest against the conflict between Israel and Lebanon in July 2006. Only one demonstration, sanctioned and led by the Government, took place.

Freedom of Association.—The law provides for freedom of association; however, the Government generally did not respect this right in practice. The law requires that new NGOs apply for registration with the Government. If the Government does not reject the application within 90 days, the NGO is automatically registered. The Government routinely blocked registration of new independent NGOs by refusing to provide receipts for their applications. Without such a receipt, NGOs were unable to counter the Government's assertions that they had not applied to register and therefore were not allowed to operate. In such cases NGOs could be shut down, their property seized, and their members prosecuted for "membership in an illegal organization."

There were reports that significant numbers of RCD members attempted to join independent NGOs with the apparent intent of limiting NGOs' independence by gaining control through elections or disrupting operations. In some cases RCD members used NGO bylaws, while in other cases they exploited a provision of the law on associations that requires "organizations of a general character" to grant membership to all who apply.

On February 17, a court again ruled that the LTDH could not hold its national congress because of a suit filed by seven members of the LTDH allegedly loyal to the RCD.

In 2005 the Government evicted Association of Tunisian Judges (AMT) leadership reportedly because the then-president released a communique detailing judicial reform initiatives and alleging improprieties in the trial of Mohammed Abbou. In September 2006 new AMT leadership loyal to the RCD implemented a regulation reducing the number of members serving on the executive board and excluding regional members. This move came shortly after the Government transferred several AMT board members from Tunis to regional cities, including the former AMT president, in an apparent attempt to stifle the organization's independence.

c. Freedom of Religion.—The law provides for freedom of religion on the condition that it does not disturb public order; however, the Government placed some restrictions on the exercise of this right and allegedly committed some abuses.

Islam is the state religion, and the law stipulates that the president must be a Muslim.

The Government recognizes all Christian and Jewish religious organizations established before independence in 1956. Although it permitted other Christian denominations to operate, the Government formally recognized only the Roman Catholic Church. The Government regarded the Baha'i Faith as a heretical sect of Islam and permitted its adherents to practice their faith only in private.

While it was not illegal to change religions, government officials occasionally discriminated against converts from Islam to another religion using bureaucratic means to discourage conversion. For example, Muslims who convert to another religion faced social ostracism. Customary law based on Shari'a forbids Muslim women from marrying outside their religion. The Government required non-Muslim men to convert to Islam before marrying a Muslim woman. The Government did not allow married couples to register their children with non-Muslim names.

The Government prohibits efforts to proselytize Muslims. While authorities did not deport foreigners suspected of proselytizing, the Government did not renew the visas of suspected missionaries. As in the past year, there were no reports of official action against persons suspected of proselytizing.

The Government required Islamic religious education in public schools. The religious curriculum for secondary school students also included histories of Judaism and Christianity.

The Government did not permit the establishment of political parties based on religion, and it used this prohibition to continue to refuse to register the Islamist An-Nahdha party and to prosecute suspected An-Nahdha members for "membership in an illegal organization." The Government continued to maintain tight surveillance over Islamists and monitored activity in mosques.

The law provides that only persons appointed by the Government may lead activities in mosques, and the Government paid the salaries of imams. The Government required that mosques remain closed except during prayers and other authorized religious ceremonies, such as marriages or funerals. According to human rights lawyers, the Government continued to question individuals observed praying frequently in mosques. Authorities instructed imams to espouse governmental social and economic programs during prayer times in mosques.

The Government sought to suppress certain outward signs of citizens' religious practice. For example, authorities characterized the hijab as a "garment of foreign origin having a sectarian connotation" and sought to restrict its use in public institutions. In September 2006, according to news reports, the police intensified efforts to apply circular "decrees" Number 81 of September 1981 and Number 102 of October 1986 prohibiting sectarian dress (including the hijab) in official buildings, schools, and universities. During the year some women were stopped in public places, detained, and told to remove their hijab. During an October 2006 meeting of the government-loyal NGO National Union of Tunisian Women (UNFT), senior UNFT officials demanded that all women in the audience remove their veils, on occasion tugging at their veils and verbally abusing them in order to do so. In several cases school officials took disciplinary action to punish and deter hijab use by attempting to have women sign written oaths renouncing its use. In December 2006 a lower court ruled that the circular 102 of October 1986 was unconstitutional, but the ruling is not binding on the ministry.

There were reports that police sometimes detained and harassed men with what were termed "Islamic" beards, compelling them to shave. These reports increased in frequency after security operations against alleged Islamist terrorists in December 2006 and January 2007. According to international NGOs and domestic human rights organizations, following these security operations, police arrested more than 1,000 young men on terrorism charges. Human rights groups asserted that that some of these arrests may have been targeted at some individuals because of their Islamic appearance, frequent attendance at mosques, or other actions related to their practice of Islam.

The Government subjected religious publications to the same restrictions on freedom of speech and the press as secular publications. Christian groups could distribute religious documents only in English and not in public. Only sanctioned Muslim religious groups could distribute religious documents. In the Government's view, distribution by other groups constituted an illegal "threat to public order." The Government determined which citizens could make the hajj due to country quotas from the Saudi Arabian Government on how many nationals from each country could participate.

Societal Abuses and Discrimination.—Christians and Jews living in the country, including foreigners, constituted less than 1 percent of the population. According to church leaders, the practicing Christian population was approximately 2,000 and included a few hundred native-born citizens converted to Christianity. The Jewish population numbered approximately 1,100, with 900 in Djerba and the remainder in Tunis.

The Government permitted nonproselytizing Jews and Christians to worship as they wished, and it allowed Jewish communities to operate private religious schools. Some Christians reported government harassment in the form of surveillance and interrogation. There were reports of Christian citizens being detained by police and

government security officials and questioned about their conversion to Christianity. In 2006 there were reports that passport renewals were inexplicably delayed for some Christians, although passports were subsequently issued.

Jewish community leaders reported that the Government actively protected synagogues, particularly during Jewish holidays, and allowed the Jewish community freedom of worship and paid the salary of the grand rabbi. The Government partially subsidized restoration and maintenance costs for some synagogues. The Provisional Committee of the Jewish community met weekly and performed religious activities and charity work, although the Government had not granted it permanent registration. Jewish children on the island of Djerba were permitted to divide their academic day between public secular schools and private religious schools.

Cartoons in some mainstream newspapers used derogatory images of historically stereotypical Jews to portray the state of Israel and Israeli interests. These cartoons were drawn by cartoonists outside of the country and reprinted locally.

In March 2006, according to press reports and eyewitnesses, approximately 100 students shouted anti-Israel and anti-Jewish slogans during a demonstration at Manouba University near Tunis at a ceremony to mark the donation of books from the library of the late Tunisian Jewish historian Paul Sebag. After the incident the Manouba Student Union, mainstream journalists, and the Tunisian Human Rights League strongly denounced the demonstration's anti-Jewish character.

The Government promoted antibias and tolerance education through a series of lectures regarding religious tolerance.

For a more detailed discussion, see the 2007 International Religious Freedom Report.

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons.—The law provides for freedom of movement within the country, foreign travel, emigration, and repatriation, and the Government generally respected these rights in practice; however, it refused to issue, renew, amend, or accept passports of some dissidents, Islamists, and their relatives. The Government also may impose a 5-year period of "administrative controls" at sentencing on certain former prisoners that constituted a type of internal exile.

The law authorizes the courts to cancel passports and contains broad provisions that both permit passport seizure on national security grounds and deny citizens the right either to present their case against seizure or to appeal the judges' decision. The MOI is required to submit to the courts requests to seize or withhold a citizen's passport through the public prosecutor; however, the ministry routinely bypassed the public prosecutor with impunity.

According to the Constitution, no citizen can be exiled from the country nor prevented from returning.

Many citizens, particularly journalists, reported difficulty applying for or renewing their passports and accused the Government of blocking their applications solely on the basis of political opposition. Some Christian converts also reported unexplained delays in passport issuance or renewal. Former An-Nahdha leader Mohamed Sedki Labidi has been deprived of his passport for the last 11 years without a court decision.

Administrative control measures, which take effect upon a convict's release from prison, are similar to parole restrictions, except that they may be applied to prisoners even after they have completed their sentences. The Government requires those individuals to stay "in the area of their residence," which is determined by the Government and may be anywhere in the country. They also may be required to report to a police station frequently each day at times determined only the previous evening. At the police station, they may be forced to wait hours before they are allowed to sign in, making normal employment impossible. Numerous Islamists released from prison in recent years have been subjected to such punishment.

According to international and domestic NGOs, prisoners released on July 24 to commemorate the July 25 national holiday were subject to government harassment and restrictions on personal movement. According to RSF, on August 24, the Government refused Mohammed Abbou, one of the 21 released prisoners, permission to travel outside the country. On November 11, Abbou was also prevented from traveling abroad for a human rights conference.

By law administrative control measures may only be imposed at sentencing; however, a former high school teacher, Nouri Chniti, claimed that, although his sentence did not include administrative control, he has been subject to extrajudicial administrative control measures since 1991 when he received a suspended sentence for membership in An-Nahdha. Some political opponents in self-imposed exile abroad were prevented from obtaining or renewing their passports to return to the country. In 2005 a group of citizens abroad who had been refused passports formed an orga-

nization, "Tunisians Without Passports," and released communiques calling on the Government to allow all citizens to receive passports.

Protection of Refugees.—The law provides for the granting of asylum or refugee status in accordance with the 1951 U.N. Convention relating to the Status of Refugees and its 1967 protocol. The Government generally cooperated with the office of the U.N. High Commissioner for Refugees and other humanitarian organizations in assisting refugees and asylum seekers, primarily from sub-Saharan Africa. The Government has not established a system for providing protection to refugees or foreign nationals who may not qualify as refugees under the 1951 Convention and 1967 protocol but who still need some form of international protection. In practice the Government did not provide protection against refoulement, the return of persons to a country where they there is reason to believe they feared persecution.

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

There were significant limitations on citizens' right to change their government. The law provides that citizens shall directly elect the president and members of the Chamber of Deputies for 5-year terms, but irregularities routinely called into question the legitimacy of elections. The ruling party has maintained power continuously since the country's independence in 1956. It dominated the cabinet, the legislature, and regional and local governments.

Elections and Political Participation.—In the 2004 national elections, President Ben Ali faced three candidates and officially received 94.9 percent of the popular vote to secure a fourth term. The third opposition candidate, Mohamed Halouani of the Et-Tajdid party, cited government restrictions and other irregularities to explain why he received less than 1 percent of the official vote count. According to official election returns, more than 90 percent of registered voters went to the polls; however, independent NGOs estimated that the actual turnout was closer to 30 percent.

Irregularities characterized the polling. A coalition of three local independent NGOs—the LTDH, CNLT, and Tunisian Association of Democratic Women (ATFD)—cited as serious problems the opposition's lack of media access during the campaign and media bias in favor of the ruling party. Opposition candidates and other observers also cited voter intimidation as well as restrictions on disseminating campaign materials and organizing campaign events.

The 2004 Electoral Code significantly limits the number of individuals eligible to run for president. A candidate must be Muslim and must receive the endorsement of 30 sitting deputies or municipal council presidents to be eligible to run. By law 20 percent of the seats in the Chamber of Deputies are reserved for opposition party candidates. The ruling party's domination of state institutions and political activity precluded any credible and competitive electoral challenges.

In 2005 the National Election Observatory, formed by the Government in 2004 to monitor all stages of the 2004 elections, issued its report, concluding that the electoral process in general proceeded fairly and according to law. The report contained references to opposition and NGO criticism of the election, including the nondistribution of voting cards to opposition party members, the ruling party's media advantage, the lack of transparency of the actual balloting, and secret ballot counts. While the report refuted the claims, it also listed 12 specific recommendations to address problems. Independent human rights activists complained that the real purpose of the observatory was to deflect criticism of the lack of independent or international observers.

In 2005 the Government conducted elections for some of the 126 seats in the Chamber of Advisors, a second parliamentary chamber created by a 2002 constitutional amendment. The voters consisted of 4,555 officials, including municipal counselors, deputies, and mayors, plus the 189 members of the Chamber of Deputies. Only 305 of the 4,555 voters belonged to opposition parties. The constitutional amendment creating the chamber specified that its seats must be allocated among various regional and professional organizations, including 14 seats for the UGTT, which refused to name candidates, citing a lack of independence and democracy in the candidate selection process. The president directly appointed 41 candidates. The elected members of the chamber were mostly members or supporters of the ruling RCD party.

The president appoints the prime minister, the cabinet, and the 24 governors. The Government and the party are closely integrated; current and former senior government officials constitute the top ranks of the RCD. The president of the country is also the president of the party, and the party's vice president and secretary general each hold the rank of minister. All members of the RCD politburo hold ministerial rank based on their current or former government service.

RCD membership conferred tangible advantages. For example, there were widespread reports that RCD members and their families were much more likely to receive educational and housing benefits, small business permits, and waivers on zoning restrictions.

To reduce the advantages wielded by the ruling party, the Electoral Code reserves 20 percent of seats in the Chamber of Deputies (37 of 189) for the seven officially recognized opposition parties and distributes them on a proportional basis to those parties that won at least one directly elected district seat. In the 2004 elections, five of the opposition parties gained seats under that provision. The RCD held the remaining 152 seats.

In March 2006 authorities authorized the establishment of the Green Party for Progress (PVP), the first new political party created since 2002. The Government refused to recognize the environmentally based political party, Green Tunisia Party, despite its long-pending application.

The Government partially funded legal opposition parties. The Government raised the public subsidy for operational costs of opposition parties to $61,500 (75,000 dinars) per year. Opposition parties represented in the chamber also received an additional payment of $6,150 (7,500 dinars) per deputy. Opposition parties represented in the chamber who also publish newspapers received additional funding. On November 22, President Ben Ali signed a law giving political parties that publish daily or weekly newspapers $196,930 (240,000 dinars) in annual government funding for these publications. The Government raised the allowance for political parties with monthly publications to $50,000 (60,000 dinars). Opposition party PDP newspaper al-Mowqif did not receive a subsidy since the PDP was not represented in the legislature.

By law the Government prohibits the establishment of political parties on the basis of religion, language, race, or gender.

There were 50 women in the 301-seat legislature, two women in the 25-seat cabinet, and five women among the 18 secretaries of state (regarded as junior cabinet members). Following municipal elections in 2005, more than one-fourth of municipal council members elected were women. Three women served as presidents of chambers on the Supreme Court, and two women served on the 15-member Higher Council of the Magistracy.

Government Corruption and Transparency.—According to the World Bank's Worldwide Governance Indicators, government corruption was a problem. Thirteen articles of the penal code address corruption, and the Government routinely prosecuted such cases.

On May 31, a Tunis court sentenced two civil service employees involved in a corruption case to 4 years in prison. One of the employees, a Tunis airport employee, received $1,234 (1,500 dinars) for helping the other employee travel from Tunis to Marseilles with a false passport.

On November 21, police arrested an employee of the state-owned National Pedagogical Center (National Educational Center) on charges of corruption and misappropriation of foreign currency. At year's end the Court of Tunis had not handed down a verdict.

In July 2006 a newspaper reported that the National Guard arrested a regional tax control officer and prosecuted him on corruption charges after he allegedly took bribes from merchants. Authorities did not sentence the officer, who was not named, but held him in detention.

The Higher Institute of Security Forces and Customs is tasked not only with "reinforcing human rights and improving law enforcement" but also reducing corruption. There were no public reports of the organization's activities during the year. No laws to provide government documents to citizens exist. Public officials are not subject to financial disclosure laws.

Section 4. Governmental Attitudes Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

The Ministry of Justice and Human Rights has the lead on government policy regarding human rights issues, although other ministries also had human rights offices. The ministry did not release any public reports of cases or investigations. A government-appointed and -funded body, the Higher Commission on Human Rights and Fundamental Liberties, received, addressed, and occasionally resolved human rights complaints in regard to prison conditions, requests for amnesty from families of prisoners, and other issues. The commission submitted confidential reports directly to the president. The Government maintained several news sites that included sections on human rights, but the sites were not identified as government-sponsored. However, the Government continued to block access to the sites of domestic and some international human rights organizations.

The Government actively discouraged investigations of human rights abuses by domestic and international groups, who generally were able to investigate and publish their findings, but with difficulty. The Government sought to monitor and control the activities of some foreign NGOs within the country. There were approximately one dozen domestic human rights NGOs, although only half were authorized. Some NGOs loyal to the Government received government funding. The Government met with registered domestic human rights NGOs and on occasion responded to their inquiries; however, it also harassed, targeted, and prosecuted some individuals.

On December 7, according to HRW, police detained AISPP cofounder and steering committee member Samir Ben Amor. According to HRW, before release police told him to cease his activities with the AISPP. The Government has refused to register the association since its creation in 2002.

Citing a court ruling that stated the LTDH could not hold its National Congress, the Government blocked its meetings and events throughout the year. The LTDH traditionally was one of the most active independent advocacy organizations, with 41 branches throughout the country, although the blockage of LTDH activities by the Government limited its operational effectiveness. The organization received and investigated complaints and protested abuses, although the Government rarely responded to LTDH communiques. The Government continued to block an EU grant to the LTDH, citing a law on NGO financing that includes broad prohibitions on funding of NGOs without government approval. In October 2006 the Government sent an official communication to all diplomatic missions in Tunis stating that the LTDH was subject to a 2001 court decision that "forbids all activity of the LTDH." However, the LTDH has conducted widespread activity since 2001.

Since 1998 the Government has refused to authorize the CNLT's registration as an NGO. The CNLT issued statements sharply criticizing the Government's human rights practices. Government officials have accused CNLT members of violating the pro forma submission requirements by publishing communiqués without prior government approval.

On May 18, the World Association of Newspapers reported that between 30 and 60 plainclothes policemen blocked the entrance to the offices of the online newspaper Kalima. The barricade began shortly after Kalima's representatives met with members of the international NGOs Frontline International and Human Rights First and continued for more than 6 weeks.

On June 15, police reportedly questioned the president of the Tunisian chapter of AI about the launch of a coalition against the death penalty, which had been announced the day before. The police reportedly characterized the effort as "illegal."

In April 2006 the International Freedom of Expression Exchange-Tunisia Monitoring Group (IFEX–TMG), a coalition of international human rights and freedom of expression NGOs, conducted fact-finding missions. The IFEX–TMG reported heavy police surveillance of their activities and government interference with their mission. Police prevented translators and private citizens traveling with the group from attending some meetings.

In May 2006 Yves Steiner, a visiting member of the Executive Committee of the Swiss chapter of AI, was arrested and expelled from the country. According to AI, Steiner had delivered a speech in May 2006 to members of AI's local chapter in which he condemned growing human rights abuses in the country, notably restrictions on freedom of expression and freedom of association. According to international media, a government source said that Steiner had posed a threat to public order.

There were credible reports that police prevented some family members of prisoners from visiting ICRC offices and monitored, occasionally harassing, families that visited ICRC offices.

Section 5. Discrimination, Societal Abuse, and Trafficking in Persons

The law provides that all citizens are equal before the law, and the Government generally respected this provision, although in inheritance and family law, biased gender-based provisions in the civil code adversely affected women.

Women.—The penal code specifically prohibits rape, including spousal rape, and the Government enforced the laws vigorously, giving significant press coverage to rape cases; however, there were no reports of prosecution for spousal rape. The penalty for rape with the use of violence or threat with a weapon is death. For all other rape cases, the penalty is life imprisonment.

Laws against domestic violence provide for fines and imprisonment for assaults committed by a spouse or family member that are double those for the same crimes committed by an unrelated individual, but enforcement was lax, as police and the courts generally regarded domestic violence as an internal family problem. Violence

against women and spousal abuse occurred, but there were no statistics to measure its extent. The UNFT, a government-sponsored organization that ran a center to assist women and children in difficulty, sponsored national educational campaigns for women.

The penal code prohibits prostitution, and few were convicted of violating this law. There were government-sanctioned brothels, although under the penal code there is a penalty for prostitution of up to 2 years in prison. The law applies to both women and men and their accomplices. There were no reported cases of trafficking or forced prostitution involving women.

Sexual harassment was a problem, although there were no comprehensive data to measure its extent. Civil society groups criticized as too vague and susceptible to abuse the law making sexual harassment a criminal offense.

Women enjoy the same legal status as men, and the Government advanced those rights in the areas of divorce and property ownership. The law explicitly requires equal pay for equal work, and although there were no statistics comparing the average earnings of men and women, anecdotal evidence indicated that women and men performing the same work received the same wages. A slight majority of university students were women.

In January a law went into effect allowing some female employees in the public sector to work part-time while still receiving two-thirds of their original salary. The Government stated that the law was motivated by a desire to allow women to balance family and professional life. Women's rights activists, including the ATFD, stated that treating women and men differently under the law was a major setback to women's rights in the workplace.

Women served in high levels of the Government as cabinet ministers and secretaries of state, and President Ben Ali appointed the country's first female governor in 2004. Women constituted approximately 37 percent of the civil service and 24 percent of jurists. However, women continued to face societal and economic discrimination.

Codified civil law is based on the Napoleonic code, although judges often used Shari'a as a basis for customary law in family and inheritance. Most property acquired during marriage, including property acquired solely by the wife, was held in the name of the husband. Married couples may choose between joint or separate property systems when signing marriage contracts. Customary law based on Shari'a prohibits women from marrying outside their religion. Application of Shari'a inheritance law continued to discriminate against women, and there was a double standard based on gender and religion: Non-Muslim women and Muslim men who are married may not inherit from each other. The Government considers all children from those marriages to be Muslim and forbids those children from inheriting from their mothers. Female citizens can transmit citizenship to children regardless of the father's citizenship.

The Ministry for Women's Affairs, Family, Children, and Senior Citizens sponsored several national media campaigns to promote awareness of women's rights. The Government supported and funded the UNFT; the Center for Research, Documentation, and Information on Women; and women's professional associations. Several NGOs focused on women's advocacy and research in women's issues, and a number of attorneys represented women in domestic cases.

Children.—The Government demonstrated a strong commitment to free and universal public education, which is compulsory from age 6 to 16 years. According to the U.N. Children's Fund, 95 percent of boys and 93 percent of girls were in primary school, and approximately 73 percent of boys and 76 percent of girls were in secondary school. The Government reported the rate of school attendance at approximately 99 percent. During the year female students graduated from secondary school at a higher rate than males. There were schools for religious groups.

Male and female students received equal access to medical care. The Government sponsored an immunization program targeting preschool-age children and reported vaccinating more than 95 percent of children.

Convictions for abandonment and assault on minors carried severe penalties. There was no societal pattern of child abuse.

Child labor and child prostitution were not significant problems. The Ministry of Women's Affairs, Family, Children, and Senior Citizens and the Ministry of Youth, Sports, and Physical Training are responsible for the rights of children. Each had secretaries of state responsible for safeguarding the rights of children.

Trafficking in Persons.—The law does not prohibit all forms of trafficking, but the penal code prohibits forced prostitution. There were no reports that persons were trafficked to, from, or within the country.

In 2004 the legislature approved amendments to the 1975 law on passports and travel documents to include punishments for anyone who "guides, arranges, facilitates, assists, acts as an intermediary or organizes the surreptitious entry or exit, even without remuneration, of an individual to or from Tunisia by land, sea, or air." The law includes provisions for sentencing those convicted to prison terms of 3 to 20 years and fines of $65,650 to $82,050 (80,000 to 100,000 dinars). The amendments supplement Tunisian ratification of the U.N. Protocol to Prevent, Suppress, and Punish Trafficking in Persons. Traffickers may be prosecuted under laws prohibiting forced labor, prostitution, participation in armed conflict, displacement. Any other form of servitude is illegal.

The Ministry of Interior and Local Development and the Ministry of Social Affairs, Solidarity, and Tunisians Abroad were the agencies responsible for antitrafficking efforts. There were no specific government campaigns to prevent trafficking, although the Government worked closely with its European neighbors to interdict smuggling, some of which may include trafficking. The Government did not, however, have measures to identify trafficking victims from those persons smuggled voluntarily.

Persons with Disabilities.—The law prohibits discrimination against persons with physical or mental disabilities and mandates at least 1 percent of public and private sector jobs be reserved for persons with disabilities; however, leaders of NGOs dedicated to persons with disabilities reported that this law was not widely enforced, and many employers were unaware of its existence. There was little discrimination against persons with disabilities in employment, education, access to health care, or in the provision of other state services. All public buildings constructed since 1991 must be accessible to persons with physical disabilities, and this was enforced. The Government issued special cards to persons with disabilities for benefits such as unrestricted parking, priority medical services, preferential seating on public transportation, and consumer discounts. The Government provided tax incentives to companies to encourage the hiring of persons with physical disabilities, and the Government strongly supported NGOs working on behalf of persons with disabilities.

Several active NGOs provided educational, vocational, and recreational assistance to children and young adults with mental disabilities. The Government and international organizations funded several programs. The Ministry of Social Affairs, Solidarity, and Tunisians Abroad was charged with protecting the rights of persons with disabilities.

Section 6. Worker Rights

a. The Right of Association.—The law provides workers the right to organize and form unions, and the Government generally respected this right in practice. The UGTT was the country's only labor federation. The Tunisian Journalists Syndicate is an unauthorized, independent trade union. Approximately 30 percent of the work force belonged to the UGTT, including civil servants and employees of state-owned enterprises, and a considerably larger proportion of the work force was covered by union contracts. A union may be dissolved only by court order.

The UGTT and its member unions were legally independent of the Government and the ruling party; however, they operated under regulations that limited their freedom of action. The UGTT included persons associated with all political tendencies. UGTT funding came from modest union dues, revenue from an insurance company and a UGTT-owned hotel, and a percentage of annual contributions into the National Social Security Fund. The Government provided the UGTT with land for its new headquarters and support for its construction. Central UGTT leadership generally cooperated with the Government regarding its economic reform program. The UGTT board showed independence regarding economic and social issues and support of greater democracy. In 2005 the UGTT refused to submit a list of candidates for 14 UGTT-designated seats for elections to the newly created Chamber of Advisors, citing a lack of independence and democracy in the selection process and an unfair distribution of seats. The UGTT supported the LTDH and agreed to let LTDH regional chapters use UGTT facilities for conferences and meetings.

The law prohibits antiunion discrimination by employers, although the UGTT claimed that there was antiunion activity among private sector employers, such as firing union activists and using of temporary workers to avoid unionization. In certain industries, such as textiles, hotels, and construction, temporary workers accounted for a strong majority of the work force. The labor code protects temporary workers, but enforcement was more difficult than for permanent workers. A committee chaired by an officer from the Labor Division of the Office of the Inspector General approved all worker dismissals. The committee was composed of representatives from the Ministry of Social Affairs, Solidarity, and Tunisians Abroad, the UGTT, and the company dismissing the worker.

b. The Right to Organize and Bargain Collectively.—The law protects the right to organize and bargain collectively, and the Government protected this right in practice. Wages and working conditions are set in triennial negotiations between the UGTT member unions, the Government, and employers. Numerous collective bargaining agreements set standards for industries in the private sector and covered 80 percent of the total private sector workforce.

Unions, including those representing civil servants, have the right to strike, provided that they give 10 days' advance notice to the UGTT, and it grants approval. The International Trade Union Conference characterized the requirement for prior UGTT approval of strikes as a violation of worker rights, but such advance approval rarely was sought in practice. The law prohibited retribution against strikers, and the Government generally respected this provision. Labor disputes were settled through conciliation panels in which labor and management were represented equally. Tripartite regional arbitration commissions settle industrial disputes when conciliation fails.

Export-processing zones were subject to labor laws.

c. Prohibition of Forced or Compulsory Labor.—The law prohibits forced and compulsory labor, including by children, and there were no reports that such practices occurred. However, some parents of teenage girls placed their daughters as domestic servants and collected their wages.

d. Prohibition of Child Labor and Minimum Age for Employment.—The law prohibits the employment of children under 18 in jobs that present serious threats to their health, security, and morality, and the UGTT and the National Social Security Fund conducted inspection tours of factories and industrial sites to ensure compliance.

The law prohibits the employment of children under the age of 16 years, which is consistent with the age for completing educational requirements, and inspectors of the Ministry of Social Affairs, Solidarity, and Tunisians Abroad examined the records of employees to verify that employers complied with the minimum age law. However, there were no reports of sanctions against offending employers. Child labor also existed in the informal sector disguised as apprenticeship, particularly in the handicraft industry.

The minimum age for light work in the nonindustrial and agricultural sectors during nonschool hours was 13 years. Workers between the ages of 14 and 18 must have 12 hours of rest per day, which must include the hours between 10 p.m. and 6 a.m. In nonagricultural sectors children between the ages of 14 and 16 years may work no more than 2 hours per day. The total time that children spend in school and work may not exceed 7 hours per day. Nonetheless, young children sometimes performed agricultural work in rural areas and worked as vendors in towns, primarily during their summer vacation from school.

e. Acceptable Conditions of Work.—The labor code provides for a range of administratively determined minimum wages. In August the Government raised the industrial minimum wage to $200 (240 dinars) per month for a 48-hour workweek and to $173 (208 dinars) per month for a 40-hour workweek. The agricultural daily minimum wage was $6.53 (7.84 dinars) per day for specialized agricultural workers and $6.89 (8.27 dinars) per day for qualified agricultural workers. With the addition of transportation and family allowances, the minimum wage provided a decent standard of living for a worker and family, although that income was only enough to cover essential costs. More than 500,000 workers were employed in the informal sector, which was not covered by labor laws.

Regional labor inspectors enforced standards related to hourly wage regulations. They inspected most firms approximately once every 2 years. The Government often had difficulty enforcing the minimum wage law, particularly in nonunionized sectors of the economy. The labor code sets a standard 48-hour workweek for most sectors and requires one 24-hour rest period per week.

Special government regulations governed employment in hazardous occupations like mining, petroleum engineering, and construction, and the Ministry of Social Affairs, Solidarity, and Tunisians Abroad had responsibility for enforcing health and safety standards in the workplace. Working conditions and standards generally were better in export-oriented firms than in those firms producing exclusively for the domestic market. Workers were free to remove themselves from dangerous situations without jeopardizing their employment, and they could take legal action against employers who retaliated against them for exercising this right.

UNITED ARAB EMIRATES

The United Arab Emirates (UAE) is a federation of seven semi-autonomous emirates with a resident population of 4.2 million, of which approximately 20 percent (850,000) are citizens. The seven emirate rulers constitute the Federal Supreme Council, the highest legislative and executive body. The council selects a president and a vice president from its membership, and the president appoints the prime minister and cabinet. In 2004 the council selected Sheikh Khalifa bin Zayed al-Nahyan, ruler of Abu Dhabi Emirate, as head of state for a 5-year term. By tradition, the emirates are generally under patriarchal rule with political allegiance defined in terms of loyalty to tribal leaders, to leaders of the individual emirates, and to leaders of the federation. There are no democratically elected legislative institutions or political parties. There are no general elections. Citizens express their concerns directly to their leaders through traditional, consultative mechanisms such as the open "majlis" (council). A consultative body, the Federal National Council (FNC), consists of 40 advisors, 20 of whom a 6,689-member appointed electoral college elected in December 2006. The civilian authorities generally maintained effective control of the security forces.

Citizens did not have the right to change their government. In some cases, security forces reportedly employed flogging as judicially sanctioned punishment. Arbitrary detention and incommunicado detention remained problems. The judiciary lacked full independence. The Government restricted civil liberties, including freedoms of speech, press (including the Internet), assembly, association, and religion. There were limited reports of corruption, and the Government lacked transparency. Domestic abuse of women remained a problem, and there were allegations that it was sometimes enabled by police. Trafficking in women and children and legal and societal discrimination against women and noncitizens also remained problems. The Government severely restricted workers' rights, and the abuse of foreign domestic servants remained a problem.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life.—There were no reports that the Government or its agents committed arbitrary or unlawful killings.

b. Disappearance.—There were no reports of politically motivated disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Constitution prohibits torture, and no reports of such practices existed. However, courts applying Shari'a (Islamic law) sometimes imposed flogging sentences on Muslims and non-Muslims as punishment for adultery, prostitution, consensual premarital sex, pregnancy outside of marriage, defamation of character, and drug or alcohol abuse. Authorities used canes to administer floggings, which left substantial bruising, welts, and open wounds on the recipients' bodies.

Prison and Detention Center Conditions.—Prison conditions varied widely from emirate to emirate. Some prisons were overcrowded, particularly in Abu Dhabi and Dubai. Dubai continued to maintain a new 6,000 bed prison facility opened in May 2006, which reportedly housed fewer than 3,000 prisoners at any given time during the year. Noncitizens constituted 75 percent of all prisoners.

Conditions for women were equal to or slightly better than those for men. Prisoners convicted on national security grounds were held separately from the general populace. Conditions in these special sections were not significantly different from other parts of the prisons. There were credible reports that government officials discriminated against prisoners with HIV by not granting commuted sentences or parole that other prisoners with similar records received.

Police in Dubai and Abu Dhabi stated that nongovernmental organizations (NGOs) and the International Committee of the Red Cross have access to observe prison conditions if requested.

During the year the NGO Emirates Human Rights Association (EHRA) visited prison and detention facilities in the country. On January 18, the EHRA visited the Ras Al-Khaimah male central detention facility. On February 5, EHRA visited Ras Al-Khaimah female central detention facility. On February 19, EHRA visited the Sharjah Detention Facilities Directorate, and also in February EHRA visited the Dubai detention facilities. On April 24, EHRA visited the Abu Dhabi detention facilities. In March EHRA issued a report on prison conditions detailing cases of persons detained for up to 3 years without a trial date due to overcrowding, particularly in Ras Al-Khaima, Sharja, and Dubai facilities.

On September 25, Dubai police opened a Human Rights Department branch in Dubai's central detention center, Al-Aweer Detention Facility. It served to monitor the welfare of prisoners and provide humanitarian assistance to prisoners and their families.

d. Arbitrary Arrest or Detention.—The Constitution prohibits arbitrary arrest and detention; however, there were reports that the Government held persons in official custody without charge or a preliminary judicial hearing. Current law permits indefinite, routine, incommunicado detention without appeal. Under this procedure, the detainee may only contact his attorney.

In July state security officials returned the passport of human rights activist, attorney, and former president of the Jurists Association Mohamed Abdullah Al-Roken. In August 2006 security officials detained and questioned Al-Roken about his human rights activities and public lectures for 72 hours in Dubai before releasing him without charge.

Role of the Police and Security Apparatus.—The Federal Ministry of Interior (MOI) oversees Police General Directorates in each of the seven emirates; however, each emirate, under its corresponding Police General Directorate, maintained its own police force and supervised the police stations therein. While all emirate police forces theoretically were branches of the ministry, in practice they operated with considerable autonomy and varying degrees of efficiency. Police stations received complaints from the public, made arrests, and forwarded most cases to the public prosecutor. Cases were then transferred to the courts. In cases involving foreign defendants, especially for crimes of moral turpitude, authorities often summarily deported the defendants. All cases were filed with MOI. While reported incidents of police corruption were uncommon, the ministry intervened several times in criminal cases to ensure local police were compliant with Federal law and policy. There were no reports of impunity.

Arrest and Detention.—The law prohibits arrest or search without probable cause; however, incidents occurred in practice. There were credible reports that security forces failed to obtain warrants in some cases.

Under the Criminal Procedures Code, police are directed to report arrests to public prosecutors within 48 hours, who then must determine within the next 24 hours whether to charge, release, or further detain the suspect. In practice this 24-hour time limit was not always met. Public prosecutors may order detainees to be held up to 21 days without charge. In cases of felonies or misdemeanors punishable by imprisonment, authorities must obtain court orders after 21 days for additional detention. Courts may not grant an extension of more than 30 days of detention without charge; however, judges may continue to renew 30-day extensions indefinitely and without charge. The 2004 antiterrorism law allows public prosecutors to hold suspects in terrorism-related cases without charge for 6 months. Once a suspect is charged, terrorism cases are handled by the Supreme Court, which may extend the detention period indefinitely.

There is no formal system of bail; however, authorities can temporarily release detainees who deposit money, a passport, or an unsecured personal guarantee statement signed by a third party. Those arrested on nonsecurity charges were generally promptly allowed to telephone third parties and to have access to family members while in detention. Defendants in cases involving loss of life, including involuntary manslaughter, can be denied release in accordance with the law. Release usually is permitted after a payment of compensation to the victims' families, commonly called "diya" or "blood money," which is a form of financial penalty imposed on defendants in criminal cases involving a death.

A defendant is entitled to an attorney only after the police have completed their investigation. As a result, the prosecutor general may grant police approval to question accused persons sometimes for days or weeks without benefit of legal counsel.

Diplomatic missions in the country continued to report that authorities often failed to provide consular notification when their citizens were detained or arrested.

Amnesty.—On religious and national holidays the rulers of the individual emirates regularly pardon and pay the debts of many prisoners. According to press reports, rulers pardoned at least 2,254 prisoners and paid over $2.5 million (9 million dirhams) in debts during the year. The Government deported most foreign nationals who were pardoned.

Between June 3 and November 3, the Government granted a 3-month grace period to illegal expatriate workers and their employers to adjust their status or leave the country without penalty. According to government statistics, 341,958 persons took advantage of the amnesty.

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary; however, in practice it was not independent, as decisions were subject to re-

view by the political leadership. The judiciary was composed largely of contracted foreign nationals potentially subject to deportation. Federal law prohibits women from serving in the judiciary; however, on September 9, the president, in his capacity as Abu Dhabi ruler, appointed two women to serve as public prosecutors in Abu Dhabi.

Authorities generally brought criminal defendants to trial within 2 to 3 months, with the exception of drug-related cases, which reportedly often took more than 6 months to go to trial. Trials can last more than a year, depending on the seriousness of the charges, number of witnesses, and availability of judges.

By tradition, the local rulers' offices, or "diwans," maintained the practice of reviewing many types of criminal and civil offenses before cases were referred to prosecutors, reviewing sentences passed by judges, returning cases to the court on appeal, and approving the release of every prisoner whose sentence has been completed. The diwans' involvement, usually when cases involve parties from two different emirates or a citizen and noncitizen, can lead to lengthy delays prior to and following the judicial process, including by lengthening time served in prison. The diwan's decision in any court case is considered final, and in the case of disagreement between a judge and diwan (i.e. the local ruler), the diwan's decision prevails. Because diwans report to the minister of the interior, there is often no functional separation between the executive and judicial branches.

There is a dual court system. Shari'a courts adjudicate criminal and family law matters based on each emirate's interpretation of Shari'a. Civil courts adjudicate civil law matters and generally are part of the Federal system, except in the Dubai, Abu Dhabi, and Ras al-Khaimah emirates. They were accountable to the Federal Supreme Court, which has the power of judicial review as well as original jurisdiction in disputes between emirates or between the Federal Government and individual emirates. The emirates of Dubai and Ras al-Khaimah have their own local and appellate courts, which have jurisdiction over matters within their territories that the Constitution and Federal legislation do not specifically reserve for the Federal system. The emirates of Dubai and R'as al-Khaimah did not refer cases in their courts to the Federal Supreme Court for judicial review, although they maintained a liaison with the Federal Ministry of Justice. In December 2006 the president, in his capacity as ruler of Abu Dhabi, issued a law to restructure the judicial department in Abu Dhabi to become independent from the Federal Ministry of Justice, similar to Dubai and Ras Al Khaimah courts.

Each emirate administered Shari'a courts. In some emirates these courts considered all types of civil and commercial cases as well as criminal cases and family matters. They acted in accordance with their interpretation of Shari'a but were required to answer to the Federal Supreme Court, with the exception of the emirates of Abu Dhabi, Dubai, and Ras al-Khaimah. In criminal cases Shari'a was applied first, and if evidence required by Shari'a was found insufficient, the penal code was used. Dubai had a special Shi'a council to act on matters pertaining to Shi'a family law.

Approximately 50 percent of Federal judges were noncitizen Arabs, whose mandates were subject to periodic renewal by the Government. In contrast, judicial positions held by citizens were permanent and subject to termination only for specific reasons set out in the Judicial Authority Law. The percentage of citizens serving as public prosecutors and judges, particularly at the Federal level, continued to increase. Although each emirate varied, approximately 85 percent of public prosecutors were citizens. There were 101 citizen prosecutors in the country and 21 noncitizen prosecutors.

Trial Procedures.—The Constitution does not provide accused persons the right to a timely trial but does provide the right to a fair, public trial. Juries are not used.

Defendants have a limited right to legal counsel. Under the Criminal Procedures Code, the defendant has a right to request government-provided counsel in all cases involving a capital crime or possible life imprisonment, regardless of whether the defendant is financially able to hire counsel. The Government may provide counsel, at its discretion, to indigent defendants charged with felonies punishable by imprisonment of 3 to 15 years. The Penal Procedures Law states that defense counsel may be present during any investigation but only at the prosecutor's discretion. Defense counsel was provided with access to relevant government-held evidence. Defendants and their attorneys can present witnesses and question witnesses against them.

Defendants were presumed innocent until proven guilty. Except for national security cases and cases deemed by the judge to be harmful to public morality, all trials were public. By law, all prosecutions were conducted in Arabic. The defendant had a procedural right to a translator. In some cases involving deportation of illegal residents, translation was provided only at sentencing.

Each court system has an appeals process. Death sentences may be appealed to the ruler of the emirate in which the offense is committed or to the president of the federation. In the case of murder, only the victim's family may commute a death sentence. The Government normally negotiates with victims' families for the defendant to offer financial compensation, diya, in exchange for forgiveness and a commuted death sentence.

In cases in which a defendant is acquitted, the prosecutor may appeal the acquittal to a higher court. The higher court may receive additional evidence. An appellate court must reach unanimous agreement to overturn an acquittal.

Non-Muslims who are tried for criminal offenses in Shari'a courts can receive civil penalties at the discretion of the judge. Shari'a penalties imposed on non-Muslims can be overturned or modified by a higher court.

The military has its own court system. Military tribunals try only military personnel. National security cases are heard solely by the Supreme Court.

Political Prisoners and Detainees.—There were no reports of political detainees or prisoners; however, there were persons reportedly held incommunicado and without charge. It is unknown why they were detained. There were no updates in the cases of at least four such individuals whom some human rights groups claimed were political prisoners.

Civil Judicial Procedures and Remedies.—Access to courts for the purpose of seeking damages for, or cessation of, human rights violations was available. The civil courts, like all courts in the country, lacked full independence. There were also administrative remedies available for labor complaints. This was particularly common in cases of physical abuse of domestic workers.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The Constitution prohibits entry into homes without the owner's permission, except when police present a warrant in accordance with the law; however, there were credible reports that security forces sometimes failed to obtain warrants. Officers' actions in searching premises were subject to review, and officers were liable to disciplinary action if their actions were judged to be irresponsible. During the year there were instances in which police officers failed to obtain warrants; these cases were transferred to the public prosecutor's office. Local custom and practices place a high value on privacy. A female police officer was required to be present during the search of a private home when male family members were absent.

Authorities did not commonly screen private correspondence; however, there have been reports of censorship of incoming international mail.

Family matters for Muslims were governed by the local Shari'a courts. Muslim women were forbidden to marry non-Muslims. In such cases, both parties can be arrested and tried and the couple is separated. However, Muslim men were free to marry all women "of the book," i.e., Muslim, Christian, and Jewish women.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech and of the press; however, the Government restricted these rights in practice. The Government drafts all Friday sermons in mosques and censors private association publications. Criticism of rulers was prohibited as are acts that may create or encourage social unrest. Journalists and editors practiced extensive self-censorship.

The Press and Publications Law covers all print and electronic media and book publishing. It governs content, requires that publications be licensed, and provides for prosecution of violations under the penal code. The law authorizes censorship of domestic and foreign publications before distribution and contains a list of proscribed subjects: Criticism of the Government, ruling families, and friendly governments, as well as other statements that threaten social stability. Government officials reportedly warned journalists when they published material deemed politically or culturally sensitive.

On September 25, Vice President and Prime Minister Sheikh Mohammed bin Rashid al-Maktoum ordered that journalists no longer be imprisoned for violating the Press and Publications Law. All other punishments for violations remained in force.

By law the National Media Council (NMC), appointed by the president, licenses all publications. The council was informed of the appointment of editors and was responsible for issuing press credentials to editors. According to the council and Dubai police officials, journalists were not given specific publishing instructions. However, journalists, many of whom were noncitizens, practiced extensive self-censorship regarding what issues they chose to cover. The ministry relied on editors' and journalists' discretion to refrain from publishing potentially problematic material.

Between February 14 and May 13, the NMC provided a 3-month grace period to allow all media firms to adjust their legal status according to the Press and Publications Law.

In April three tabloid newspapers stopped printing and publishing because the NMC reportedly did not license the newspapers. According to the NMC, it never issued a decision to suspend or shut down newspapers, and the April closures were due to irregularities in their licensing status. According to the publisher of the three newspapers, Press Center and Art Publication, it chose to shut down and move its publication to another country.

On April 29, the Abu Dhabi Federal Court of First Instance fined an Arabic newspaper editor-in-chief $5,450 (20,000 dirhams) for maligning two dignitaries by publishing an article on how their horse was stripped of an award for taking a banned substance.

Two of the country's newspapers, Al-Ittihad and Al-Bayan, were government-owned and affiliated. The privately-owned media was heavily influenced by the Government. The country's largest Arabic language newspaper, Al-Khaleej, was privately owned but received government subsidies. The country's largest English language newspaper, Gulf News, was also privately owned. Arabic newspapers often relied on news agencies to quote official statements and decisions. The government-owned Emirates News Agency regularly provided material in English and Arabic that newspapers printed verbatim. Reporters from English newspapers often relied on different sources in publishing their stories, especially on trafficking and labor issues.

While self-censorship affected what was reported in the local media, foreign journalists and news organizations operating out of the Dubai Media Free Zone reported no restrictions on the content of print and broadcast material produced for use outside the country. Broadcast content within the Dubai Media Free Zone is regulated by the Free Zone Authority for Technology and Media under published guidelines entitled the "Code of Guidance." There were reports that some broadcast channels in the Media Free Zone broadcast songs and cellular short message service (SMS) messages described as "indecent" by government officials. Since March all free zones in the country were required to obtain written approval of the NMC before licensing any print or broadcast activities.

Except for those located in Dubai's Media Free Zone and foreign language media targeted to expatriates, most television and radio stations were government-owned and conformed to unpublished government reporting guidelines. Satellite receiving dishes were widespread and provided access to international broadcasts without apparent censorship. The NMC censors (previously under the MOI) reviewed all imported media and banned or censored before distribution material considered pornographic, excessively violent, derogatory to Islam, supportive of certain Israeli Government positions, unduly critical of friendly countries, or critical of the Government or ruling families. Publication of books was treated in the same manner.

Internet Freedom.—The Government restricted access to some Web sites on the Internet and monitored chat rooms, instant messaging services, and blogs. Individuals and groups generally engaged in peaceful expression of views via the Internet, including by e-mail, with few reports of government prosecution or punishment, although there was self-censorship apparent in many chat rooms and blogs.

On August 8, the Ras Al-Khaimah court sentenced the owner of the blog majan.net to 1 year in prison and a fine of $19,000 (70,000 dirhams) and shut down the Web site when the administrator refused to delete critical material about a citizen official that a blog participant posted. The owner of the Web site appealed the sentence, and on September 12, the Ras Al-Khaimah court sentenced both the owner and the author of the blog to an additional 5 months each in prison. Both appealed the court decision, and both were released on bail on October 1 on instructions from the emirate's crown prince. The court had not provided a decision on the appeal at year's end.

According to the NGO the Initiative for an Open Arab Internet, Internet access was widely available. Etisalat, the country's only Internet service provider, reported in July that 60 percent of the country's population was connected through Etisalat. A proxy server blocked material deemed inconsistent with the religious, cultural, political and moral values of the country, including dating and matrimonial sites; gay and lesbian sites; sites concerning the Baha'i Faith; sites originating in Israel; and sites explaining how to circumvent the proxy server. The proxy server occasionally blocked broad categories of sites including many that did not meet the intended criteria. Etisalat populated its proxy server list of blocked sites primarily from lists of Web sites purchased from commercial companies, although individuals could also report offensive sites.

Etisalat denied having the authority to block any site and referred all complaints and suggestions to the NMC. However, there were reports that it blocked sites during the year. Internet filtering policy and appeals were regulated by the Telecom Regulatory Authority. Each blocked site provided an e-mail address and Web site through which a user could notify Etisalat if the site should not be blocked.

In July Etisalat blocked a social Web site, Orkut, for containing links to sexually explicit material. The Web site remained blocked at year's end. The sites Arabtimes.com and UAEprison.com, which were politically oriented and often critical of the Government, remained blocked without explanation.

The 2006 Information and Privacy "cyber crime" Law explicitly criminalizes the use of the Internet to commit a wide variety of crimes. The law provides fines and prison terms for Internet users who violate political, social, and religious norms. In addition to criminalizing acts commonly associated with "cyber crimes," such as hacking, phishing, scams, and other forms of financial fraud, the law also provides penalties for using the Internet to oppose Islam, proselytize Muslims to join other religions, "abuse" a holy shrine or ritual of any religion, insult any religion, or incite someone to commit sin. The law criminalizes use of the Internet in transcending "family values" by publishing news or photos pertaining to a person's private life or family or by promoting a breach of public decency.

Academic Freedom and Cultural Events.—The Government restricted academic freedom and censored academic materials destined for schools. The Government banned students from reading texts featuring sexuality or pictures of the human body.

By year's end the Government permitted only one of the 15 intellectuals it banned from publishing and teaching in the country in 2000 to return to teaching and writing. This ban continued to inhibit open academic discussions of a political nature.

Presentation of, and participation in, cultural events were also restricted.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for freedom of assembly and association; in practice the Government did not respect these rights. Organized public gatherings require a government permit. No permits were given for organized public gatherings for political purposes. In practice the Government did not regularly interfere with informal nonpolitical gatherings held without a government permit in public places, unless there were complaints.

Freedom of Assembly.—During the year there were approximately 27 widely publicized, organized gatherings (primarily in Dubai) before the Ministry of Labor (MOL), in which more than 28,000 workers protested against unpaid wages and unsuitable working conditions. These gatherings occurred without prior government permission and generally without government interference.

Citizens normally confined their political discussions to the frequent informal gatherings, or majlises, held in private homes. The Government did not permit public meetings or demonstrations for political purposes. There were citizens associations licensed by, and subsidized by, the Government, that were able to organize for economic, religious, social, cultural, athletic, and other purposes.

Freedom of Association.—Political organizations, political parties, and trade unions are illegal. All NGOs were required to register with the Ministry of Social Affairs, after which they receive subsidies from the Government based on membership size. Approximately 100 domestic NGOs were registered with the ministry. However, despite the requirement, more than 20 unregistered local NGOs focused on nonpolitical topics and operated with little or no government interference.

The percentage of citizen membership in NGOs varied widely. All private associations, including children's clubs, charitable groups, and hobby associations required approval and licensing by local, municipal, or emirate level governments. However, this requirement was enforced loosely in some emirates.

Private associations must follow the Government's censorship guidelines and receive prior government approval before publishing any material. Participation by NGO members in any event outside the country is subsidized and directed by the Government. Participants must obtain government permission before attending such events, even if they are not speakers.

c. Freedom of Religion.—The Constitution provides for freedom of religion in accordance with established customs, and the Government generally respected this right in practice; however, there were some restrictions. The Federal Constitution declares that Islam is the official religion of the country. According to the 2001 census, 76 percent of the overall (including resident foreigners) population was Muslim, 9 percent was Christian, and 15 percent belonged to other religions.

The Government controlled all Sunni and Shi'a mosques, prohibited the proselytizing of Muslims, and restricted freedom of assembly and association, thereby limiting the ability of religious groups without dedicated religious buildings to worship

and conduct business. The Government funded or subsidized approximately 95 percent of Sunni mosques and employed their Sunni imams. Approximately 5 percent of Sunni mosques were entirely private. Several prominent mosques had large private endowments. A committee of the General Authority of Islamic Affairs and Endowments drafted and distributed all Friday sermons to Sunni and Shi'a imams. The Government monitors all sermons for political content and adherence to the scripted content.

The Government supported a moderate interpretation of Islam; however, as the state religion, Islam was favored over other religions, and conversion to Islam was viewed favorably. All Sunni imams were employees of either individual emirate departments or of the General Authority for Islamic Affairs and Endowments. Dubai's department of Islamic affairs and endowments had approval authority over preachers in that emirate's private mosques.

The Shi'a minority, concentrated in the northern emirates, was free to worship and maintain its own mosques. All Shi'a mosques were considered private and received no funds from the Government. The Government did not appoint imams for Shi'a mosques, but it did monitor all sermons closely. Shi'a Muslims in Dubai can pursue Shi'a family law cases through a special Shi'a council rather than the Shari'a courts.

Individual emirates exercised considerable autonomy in religious matters. According to the General Authority of Islamic Affairs and Endowments, there was no formalized method of granting official status to religious groups other than by granting them the use of land for the construction of a building. Land grant applications are filed at the local level but may include a letter from the general authority. Several non-Muslim groups have established and run houses of worship where they can practice their religion freely, although the local ruler owns the land. Groups that did not have their own buildings were limited in their ability to assemble for worship; they were required to use the facilities of other religious organizations or worship in private homes. The police or other security forces did not interfere with these gatherings.

Facilities for Christian congregations were far greater in number and size than those for other non-Muslim groups, which significantly outnumber the Christian population. There were at least 31 Christian churches in the country, and Christian primary and secondary schools operated in four emirates. There were two Hindu temples located in Dubai, one of which was co-located with a Sikh "gurudwara." There were no Buddhist temples; however, Buddhists, along with Hindus and Sikhs in cities without temples, conducted religious ceremonies in private homes without interference. Official permission must be obtained to use one of the two cremation facilities and associated cemeteries for the large Hindu community in the country.

The Government prohibited Muslims from converting to other religions. Under Shari'a the ultimate penalty for converting from Islam to another religion is death; however, the death penalty was rarely carried out in the country, and there have been no reports that it has been applied to any case of conversion. Although non-Muslims in the country were free to practice their religion, they were subject to criminal prosecution, imprisonment, and deportation if found proselytizing or distributing religious literature to Muslims. There were no specific laws against missionary activities, and there were no reports of authorities revoking residence permits of persons suspected of such activities. Missionaries have performed humanitarian work since before the country's independence in 1971. There was no restriction on proselytizing non-Muslims.

The country's sole Internet service provider, Etisalat, sometimes blocked Web sites containing religious information. These sites included information on the Baha'i Faith, Judaism, negative critiques of Islam, and testimonies of former Muslims who had converted to Christianity.

Societal Abuses and Discrimination.—There was a small resident noncitizen Jewish population of unknown size. There were no synagogues. There were no reported acts of physical violence against or harassment of Jewish persons, however, anti-Semitism in the media was present in articles and editorial cartoons, which depicted negative images of Jews. These expressions occurred primarily in the Government affiliated daily newspapers Al-Ittihad (government-owned), Al-Bayan (government-owned), and Al-Khaleej (progovernment, privately owned). The articles and cartoons appeared without government response.

For a more detailed discussion, see the 2007 International Religious Freedom Report.

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons.—The law provides for freedom of movement or relocation within the country, and the Government generally respected these rights in practice.

Unrestricted foreign travel and immigration was permitted for male citizens, except those involved in legal disputes under adjudication. Custom dictates that a husband can bar his wife, minor children, and adult unmarried daughters from leaving the country by taking custody of their passports. However, there was no enforcement of this custom at exit points unless there was a court order barring an individual from traveling. All citizens have the right to return to the country.

The Constitution prohibits forced exile, and there were no reported cases during the year.

The Government may revoke naturalized citizens' passports and citizenship status for criminal or politically provocative actions, as these citizens were not of the country's original tribal groups. However, such revocations were rare, and there were no reports of such occurrences during the year.

The widespread practice of employers forcing foreign national employees to surrender their passports as a condition of employment remained a serious problem. A 2003 ban on this practice was generally not enforced. This practice prevented international travel or repatriation by foreign national employees without their employers' consent, and it especially affected employees in the resolution of employment disputes. Citizens were not restricted in seeking or changing employment. However, laborers are not permitted to change employers without first leaving the country for 6 months, unless the former employer agrees to waive the requirement. If the employer does not waive the requirement, the employee can take the matter to the disputes section at the MOL.

Protection of Refugees.—The Government did not grant refugee status or asylum. The law does not provide for the granting of asylum or refugee status in accordance with the 1951 U.N. Convention relating to the Status of Refugees and its 1967 protocol, and the Government has not established a system for providing protection to refugees. The Government did not provide protection against refoulement, the return of persons to a country where there is reason to believe they feared persecution.

The Government cooperated with the Office of the U.N. High Commission for Refugees (UNHCR) on a humanitarian basis but did not grant refugee status or asylum. Refugees generally were required to petition for settlement in third countries. In the past the Government detained some persons seeking refugee status, particularly non-Arabs, while they awaited resettlement in third countries.

Stateless Persons.—According to the EHRA and the UNHCR, there were at least 20,000 stateless residents who either were without citizenship or had no proof of citizenship for any country. Many such persons have lived in the country without citizenship for decades. Many stateless residents originally were from Iran, South Asia, and Zanzibar and entered the country illegally through the northern emirates ports to seek employment. Other stateless residents included Bedouins and their descendants, who were unable to prove they originated in the country.

Children born to male citizens acquire citizenship at birth. The same right does not extend to children of female citizens married to noncitizens; however, female citizens under these circumstances can apply to the Ministry of Presidential Affairs for citizenship for their children. In such cases, passports are generally issued and citizenship is generally received, although there is no formal procedure for naturalization. Foreign women may receive citizenship through marriage to a citizen after 10 years of marriage, and anyone may receive a passport by presidential fiat.

On October 10, the Government completed procedures to naturalize 1,294 persons determined eligible through a national program initiated in October 2006 to regularize the status of the stateless. In order to be eligible for citizenship, individuals had to be resident in the country at least since the federation's establishment on December 2, 1971; not conceal any information or documentation that might reflect previous nationality; and be good citizens, including no prior criminal acts. The Government continued to accept new applications at year's end. Although many applied for citizenship, some stateless persons did not submit applications for naturalization out of fear of deportation.

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

The law does not provide citizens the right to change their government peacefully or freely change the laws that govern them. There were no democratic general elections or institutions, and citizens did not have the right to form political parties.

In December 2006 an appointed electorate elected one-half of the 40-seat FNC, a consultative body without a legislative mandate. Federal executive and legislative power is in the hands of the Federal Supreme Council, a body composed of the hereditary rulers of the seven emirates that elects from its members the country's

president and vice president. Decisions at the Federal level generally were made by consensus among the rulers, their families, and other leading families.

Elections and Political Participation.—In 2004 the seven-member Federal Supreme Council elected Sheikh Khalifa bin Zayed al-Nahyan as head of state for a 5-year term.

On February 12, after a recession period of over 1½ years without sessions, the FNC began its first bi-weekly session, following the December 2006 partial elections of 20 of its members by a small appointed electorate. In September 2006 the electoral college was established and consisted of 6,689 members, including 1,189 women. FNC seats were drawn from each emirate in proportion to the population. The emirates of Abu Dhabi and Dubai each have eight seats; the emirates of Sharjah and R'as Al Khaimah have six; and the smaller emirates of Ajman, Umm Al Qaiwain, and Fujairah each have four. Each FNC member serves a term of 2 years. The FNC has no legislative authority but generally reviews all Federal draft laws and decrees before they are officially adopted by the Federal Supreme Council. Legislation originates in the cabinet, and the FNC does not have the power to draft or reject legislation. It can, however, send legislation back to the cabinet for amendment. The FNC also has the authority to question any government minister.

The ruling families, in consultation with other prominent tribal figures, choose new emirate rulers.

The percentage of women in senior government or business positions increased during the year to 66 percent in the Government sector. The Federal Judicial Authority Law prohibited women from working as judges or public prosecutors. In 2006 women underwent public prosecution training, and on September 9, the president, in his capacity as Abu Dhabi ruler, appointed two women to serve as public prosecutors in Abu Dhabi. In August 2006 three women were appointed to senior administrative positions in Dubai's public prosecutor's office. In December 2006 one woman was elected to the FNC. There are nine women total in the FNC; one of them was elected, while the other eight were appointed. During the year 37 women constituted 10 percent of the country's 362 diplomatic corps members. In Sharjah seven women served on the 40-seat Consultative Council, and two women served as directors of local departments. In the other emirates there were no women in non-federal senior government positions.

Although the small minority of Shi'a citizens generally enjoyed commercial success, there were no Shi'a in top positions in the Federal Government.

Government Corruption and Transparency.—The law provides criminal penalties for official corruption. There were no reports of prosecutions during the year.

There were reports of government corruption at the administrative level.

The law provides for public access to government information, but this provision was followed only selectively. Requests for access usually went unanswered. There were no financial disclosure laws for public officials.

Section 4. Governmental Attitudes Regarding International and Non-governmental Investigation of Alleged Violations of Human Rights

Two local human rights organizations existed. The EHRA became the first quasi-independent human rights organization in the country after its establishment in 2006. The government-subsidized Jurists' Association Human Rights Committee focused on human rights education and conducted seminars and symposia subject to government approval. The EHRA generally operated without government restriction, visited prisons, and issued reports. Government officials were somewhat cooperative and responsive to EHRA views.

Domestic associations were charitable, social, and educational in their purposes. They were required to register with the Government and were subject to many regulations and restrictions.

The Government did not allow international human rights NGOs to be based in the country, but allowed international representatives to visit with limited restrictions.

The Government generally cooperated with international organizations, including UNICEF and UNHCR. A U.N. Office for the Coordination of Humanitarian Affairs maintained an office in the country.

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

The Constitution provides for equality before the law without regard to race, nationality, or social status; however, there was legal and cultural discrimination based on gender and nationality.

Women.—Rape is punishable by death under the penal code but is often not recognized in Shari'a courts. The penal code does not specifically address spousal rape. Assault without intent to kill is punishable by 10 years in prison, 7 years if it re-

sults only in disability, and 1 year if resulting in temporary injury. There was no data regarding the number of abusers who were prosecuted, convicted, or punished.

Domestic abuse against women was a pervasive problem. A 2005 UAE University study indicated that as many as 66 percent of all women permanently residing in the country had been subjected to domestic abuse. Almost 34 percent of respondents age 18 to 30 claimed to have been abused by a family member, and more than 50 percent of respondents stated that they witnessed their mothers being abused in the home. During the year the press reported many cases of spousal abuse, but specific numbers of cases were not available.

Victims of domestic abuse may file complaints with police units stationed in major public hospitals. Social workers and counselors, usually female, also maintained offices in public hospitals and police stations. However, women were often reluctant to file formal charges for social, cultural, and economic reasons. There were several reports that police refused to protect women and instead encouraged them to return home. In some cases the authorities contacted the allegedly abusive husbands to transport their wives home.

There were no specific reports of honor crimes or killings, although such incidents were rumored to occur within the Muslim expatriate population.

The law does not address female genital mutilation (FGM), which was primarily practiced among Somali, Omani, and Sudanese expatriates. The Ministry of Health prohibits hospitals and clinics from performing FGM; however, some private clinics in the northern emirates and rural areas continued to carry out the procedure.

Prostitution is illegal; however, it has become an increasing problem in recent years, particularly in Dubai. Substantial numbers of women reportedly arrived, both voluntary and trafficked, regularly from the former Soviet Union, Africa, South Asia, East Asia, Eastern Europe, and other states of the Middle East for temporary stays, during which they engaged in prostitution and other activities connected to organized crime. Although there was credible evidence that many prostitutes entered the country willingly for economic reasons, others were trafficked into the country. While prostitution was widely acknowledged to exist, the Government did not address the issue publicly. However, during the year, there continued to be press reports highlighting the problems of prostitution and human trafficking. In addition to increased policing and tightened immigration procedures, authorities also restricted the number of visas issued to single young women from certain countries of concern; however, problems continued with more facile access at airports in the northern emirates and with airline tourism companies reportedly continuing to obtain tourist visas for prostitutes.

The law prohibits verbal abuse and harassment toward women from men outside the family; however, the penal code allows male guardians within the family to use physical means, including violence, to punish women and children at their discretion. Violators outside of the immediate family are subject to criminal action, including up to 1 year in prison, a fine of not more than $2,750 (10,000 dirhams), and deportation for noncitizens. During the year the press reported that men were arrested and prosecuted for harassing women in public. The penal code prohibits "disgracing or dishonoring" a person in public, punishable by a minimum of 1 year in prison, and up to 15 years if the victim is under the age of 14. An "infamous" act against the rules of decency carries a penalty of 6 months in prison, and dishonoring a woman by word or deed on a public roadway results in up to 1 year in prison and a $2,700 (10,000 dirhams) fine.

The government's interpretation of Shari'a was applied in personal status cases and family law. Muslim women were forbidden to marry non-Muslims. Unlike men, female citizens married to noncitizens did not automatically pass citizenship to their children. The law permits men to have up to four wives. When a woman marries, her separate property (including her dowry, which is set by presidential decision at a maximum of approximately $13,700 (50,000 dirhams) and the income of her separate property remained under her control and were not commingled with the separate property of her husband. However, there were several cases during the year where a woman's dowry exceeded this maximum amount, ostensibly to make it far more difficult to require a woman to pay it back should there be a divorce. In the event of divorce, a woman takes her separate property, any amount she receives in a property settlement with her husband, plus any allowance granted for her and her children's maintenance.

Laws of inheritance, according to the Government's interpretation of Shari'a, apply to both men and women, although laws of distribution may differ, and women normally inherit less than men. For example, a brother inherits double what the sister inherits when a parent dies.

Divorce is permissible, although it is often very difficult for a woman to obtain. A woman may be granted a divorce if she can prove that her husband has inflicted

physical or moral harm upon her. A woman also may sue for divorce if her husband has abandoned her for a minimum of 3 months, or if he has not maintained her upkeep or that of their children. The 2005 Personal Status Law enables women to obtain a "khul'" divorce, or divorce by petitioning the Shari'a court, by paying compensation or surrendering their dowry to their husbands. The law also affects child custody guidelines, giving divorced women custody of female children only until the age of 13 and male children only until the age of 10. If the court deems the mother to be unfit, custody normally reverts to the next able female relative on the mother's side. A woman who remarries may forfeit her right to the custody of children from a previous marriage.

Fornication is a crime. The Government may imprison and deport noncitizen women if they bear children out of wedlock.

There are no legal restrictions on the travel of women. However, by custom and tradition, a husband can bar his wife, minor children, and adult unmarried daughters from leaving the country.

Neither the labor law nor the civil service law, which covers labor matters in the public sector, prohibits the employment of women. A man has no right under Shari'a to ban his wife from working if she was employed at the time of their marriage; however, few husbands interfere in their wives' choice to work.

There are no legal prohibitions against women owning their own businesses. Female citizens working as doctors, architects, and lawyers typically did not face restrictions on licensing their own businesses; noncitizens of either gender may not license a business. However, women who worked outside the home sometimes did not receive equal benefits. Women also reportedly faced discrimination in promotion.

Public sector employees may receive as much as 2 months' paid maternity leave; however, citizen teachers receive only 45 days' paid maternity leave, with a guaranteed position after maternity leave.

Women constituted 77 percent of all university students. Coeducation is prohibited in public schools and universities except at the UAE University Executive MBA Program. Several private schools, private universities, and institutions are coeducational.

In July a new women's shelter was established and operated under the Dubai Women and Children Charity Foundation to serve victims of human trafficking and domestic violence. It was funded by the Government of Dubai and directed by a board of citizens. The shelter was established with the capacity of 300 cases. At year's end it had received 62 cases, 8 of which were trafficking cases. The shelter assisted in repatriating 15 persons during the year.

In November the Government of Abu Dhabi sponsored the Women's Global Economic Forum with the aim of encouraging greater participation of women in the workforce.

Children.—All citizen children received free health care and free public education through the university level; however noncitizen children receive significantly fewer benefits.

Education is compulsory through the ninth grade. Citizen children are required to attend gender-segregated schools through the sixth grade, the last grade of primary education, when children can be as young as 10 or 11 years old. However, compulsory education was not enforced, and some children did not attend school. In June 2006 the Government permitted noncitizen children to enroll in public schools, provided that they score at least 90 percent on entrance exams.

Child abuse was not prevalent. Trafficking of young, noncitizen boys employed as camel jockeys was a problem in the past. The last identified case of a child being used as a jockey acknowledged by MOI occurred in 2005.

Trafficking in Persons.—In November 2006 the president issued a comprehensive law prohibiting trafficking in persons. The law prescribes punishments including jail sentences for those convicted of trafficking, including for commercial sexual exploitation and involuntary servitude. Although the Government made some progress in combating the problem, the trafficking of men, women, and children from South and East Asia, Eastern Europe, Africa, and the Middle East for involuntary servitude and sexual exploitation continued to be a serious problem.

The country remained a destination country for men and women trafficked for the purpose of involuntary servitude and commercial sexual exploitation.

Women from India, Sri Lanka, Bangladesh, Indonesia, Ethiopia, and the Philippines migrated willingly to the country to work as domestic servants, but some faced conditions of involuntary servitude such as excessive work hours without pay; verbal, mental, physical, or sexual abuse; and restrictions on movement. Women from Asia, Europe, Africa, and the Middle East were reportedly trafficked to the country for commercial sexual exploitation.

Although children were previously trafficked from South Asia, Sudan, and Mauritania as child camel jockeys, the Government repatriated all identified victims.

Similarly, men from India, Sri Lanka, Bangladesh, and Pakistan who came to the country to work in the construction industry were sometimes subject to involuntary servitude and debt bondage in order to pay off recruitment costs sometimes exceeding 2 years' wages. The country was a destination point for trafficking and also served as a potential transit country for women trafficked into Oman and Sudan and men trafficked into labor in Iraq.

During the year there were no known reports of citizen women or men registering as trafficking victims.

During the year there were a number of local media reports of trafficking in women and girls into the country, especially to Dubai, for commercial sexual exploitation. Observers believed that resident citizen employment sponsors and foreign-based traffickers partnered to facilitate trafficking activity.

Some local and foreign employers physically and sexually abused female domestic servants; in some cases, the situation rose to the level of involuntary servitude. There were reports from foreign Embassies that some police authorities pressured victims not to pursue complaints against their employers, and/or assisted the employers in repatriating the victims before a criminal complaint could be filed.

Traffickers may, for example, draw young women, primarily from South Asia and Eastern Europe, to the country with the promise of employment opportunities. Traffickers might supply the women with a fraudulent passport reflecting an age older than the victim's real age. Some victims enter the country on a visitor's or worker's visa, and upon arrival are forced into commercial sexual exploitation.

Although as many as 10,000 women were sexually exploited for profit in the country, prosecutions for sex trafficking remained extremely low relative to the extent of the problem.

During the year Dubai police closed several massage parlors and night clubs suspected of exploiting women for prostitution.

In June Dubai prosecutors investigated two Indians suspected to have sold two housemaids for $2,450 (9,000 dirhams) and forced them into prostitution. At year's end the court had not handed down a verdict.

On July 10, the Dubai Court of First Instance sentenced two Indians to 15 years' imprisonment followed by deportation for sexually exploiting an Indonesian housemaid. This sentence was the first such ruling since the issuance of new trafficking legislation in November 2006.

On July 6, authorities cleared an Indian couple escorting two Indian boys to France from trafficking charges but sentenced them to 6 months imprisonment for using forged passports for the boys. An Indian man had asked the Indian couple to accompany the boys to France for $18,400 (67,343 dirhams; 800,000 rupees). On July 23, the Dubai Public Prosecutor appealed against the two verdicts, demanding tougher penalties in both cases. At year's end the case was pending.

The Government has not fully developed an effective method to screen and identify actual or potential trafficking victims who do not identify themselves to authorities. As a result, many victims were believed to have been deported without access to protective services or without being able to testify against their traffickers. Victims who were unable to provide evidence of trafficking were sometimes assisted until they acquired travel documents to return home.

For the first time, during the year the Human Rights Care Department sheltered a few female victims in hotels until they could testify against their traffickers. Victims hesitant to contact police departments continued to seek shelter in their respective Embassies. At least one private shelter in Dubai also assisted dozens of victims of abuse and trafficking.

On April 8, the Government established the National Committee for Combating Human Trafficking. The committee met during the year to discuss regulatory and coordination procedures, improvement of data availability, pending cases, and prevention measures. It also organized workshops and training programs about anti trafficking. The cabinet authorized the committee to act as the official authority handling international requests, inquiries, and delegations related to trafficking in persons.

On April 23, the Government extended a preexisting Child Protection Agreement with UNICEF until May 2009 and allocated $9 million (30 million dirhams) to rehabilitate former camel jockeys. The Government has repatriated 1,077 children since the agreement was signed with UNICEF in 2005. During the year, the Government also signed memoranda of understanding with Sudan, Mauritania, Pakistan, and Bangladesh to set up independent claims facilities to hear and determine individual claims by former jockeys from each country.

Persons with Disabilities.—The law prohibits discrimination against persons with disabilities. Most public buildings provided some form of access for persons with disabilities. There were no reported incidents of discrimination against persons with disabilities in employment, education, or in the provision of other state services.

The MOL operated five Federal rehabilitation centers, which were open only to citizens. The MOL also operated a training and employment center in Al-Ain and implemented a program to educate 75 students with mental disabilities. There were reported inadequacies in both public and private centers, including unqualified teachers and supervisors, a lack of adequate health care and unreasonably high costs of private centers.

One percent of all jobs in the Federal Government and 2 percent of government jobs in Abu Dhabi Emirate are reserved for persons with disabilities. The percentage of persons with disabilities employed by the Government was not known.

National/Racial/Ethnic Minorities.—Societal discrimination against noncitizens, who comprised approximately 80 percent of the resident population, was prevalent and occurred in most areas of daily life, including employment, housing, social interaction, and healthcare. National origin played an important role in employment, immigration, and security policies, as well as cultural attitudes towards noncitizens. More than 50 percent of foreign workers were estimated to have come from the Indian subcontinent.

Noncitizens were denied equal access to public education, public health care, housing, and social and recreational club memberships.

Other Societal Abuses and Discrimination.—Both civil law and Shari'a criminalize homosexual activity, and Islamic religious law holds the death penalty as punishment for individuals who engage in consensual homosexual activities. During the year there were reports that the Government deported and sentenced to prison individuals for being openly homosexual.

Crossdressing, according to the law, is a punishable offence. On February 3, Dubai police called several men and women to be interrogated for crossdressing in public during a sports celebration parade.

On July 14, three citizen men gang-raped a 15-year-old Swiss-French boy. The authorities initially did not disclose that one of the men was hepatitis and HIV-positive and threatened to charge the victim with homosexual acts when he first reported the rape. The victim left the country before any criminal prosecution. Authorities sentenced on December 12 two of the men to 15 years in jail, and the third defendant, a 17-year-old, (prosecuted at Juvenile Court) awaited his sentence at year's end.

There were credible reports that government officials discriminated against prisoners with HIV by not granting commuted sentences or parole that other prisoners with similar records had received.

Noncitizen residents infected with HIV were denied all health care benefits, quarantined, and deported.

Section 6. Worker Rights

a. The Right of Association.—The law does not authorize workers to form or join unions, and none existed. The labor law does not cover domestic workers, government workers, or agricultural workers. Professional organizations existed, and collective work dispute resolution was permitted. However, international affiliation by professional associations must be approved by the Government.

b. The Right to Organize and Bargain Collectively.—The law does not explicitly prohibit or permit strikes or collective bargaining units for private and public sector employees.

The Government granted some professional associations with mostly citizen membership a limited ability to raise work-related issues to petition the Government for redress and to file grievances with the Government. Foreign workers may belong to these associations; however, they do not have voting rights and cannot serve on the boards of these organizations.

An extremely small number of workers were eligible to pursue resolution of a collective labor dispute due to the lack of unions. Employees covered by the labor law may file individual or collective employment dispute complaints in Arabic with the MOL, which serves as the mediator between the parties. The law gives the MOL 2 weeks to resolve the dispute, although in practice, it generally takes a month or more. If the dispute remains unresolved, the employee may file a complaint with the labor court system, and the case is transferred to the Conciliation Council. The Conciliation Council is required to issue decisions within 2 weeks from the date of the dispute. In all cases, complaints must be filed with the MOL before they can be submitted to the court for consideration. Labor cases are usually quickly adju-

dicated and not subject to court fees. In practice most cases are resolved through direct mediation, and if that fails, are sent directly to the courts without going to the Conciliation Council. When a case is delayed, the MOL generally grants the worker temporary permission to legally continue employment in the country. During the year the MOL settled 26 percent of complaints.

Domestic and agricultural workers faced considerable obstacles in negotiating employment contracts because the law does not protect them or give them negotiating power. They also faced considerable challenges in obtaining assistance to resolve disputes with their employers. The law ties workers' residency permission to their sponsorship by their employer. Most employment contracts stipulate that for 6 months after the end of employment, the employee is forbidden from working for a "competitor," unless the former employee obtains a letter of "no objection" from the former employer. This regulation has been widely used to restrict foreign worker labor, including both domestic workers and workers under the labor law, mobility inside the country. However, although no formal ministerial decision had been issued at year's end, the MOL had in some cases stopped upholding its requirement for a letter of "no objection" from the former employer if the employee had completed 3 years in the position.

On April 1, the MOL established a new contract to govern the relationship between employers and domestic workers. According to the new contract, domestic workers absconding from their employers have no right to claim for wages and would be subject to punishment per the country's entry and residency law. The domestic worker would serve a 4-month paid probation period. During the probation period, an employer would consider whether the domestic worker was able to meet the expectations of the job and if the domestic worker should be retained. The domestic worker has the right to obtain payment for travel from the employer after termination of the contract, but if the domestic worker wishes to terminate the 2-year contract before it expires, the worker must pay for travel to their home country. If a domestic worker is not qualified or absconds during the probation period, the recruitment agencies must pay back all expenses, including air fare, to the sponsor. If a domestic worker dies during employment, recruitment agencies are obligated to repatriate the body and personal belongings. The sponsor must pay the domestic workers' their dues owed.

The law does not explicitly outlaw strikes but allows an employer the right to suspend an employee for temporarily striking. According to the law, the Government may cancel the work permit of and deport any foreign workers absent from work for more than 7 days without a valid reason. The individual would also be banned from working in the country for 1 year. In general the Government has not punished workers for nonviolent protests in response to non-payment of wages by employers. However, unlike previous years, during the year the Government took measures to break-up nonviolent protests.

On March 11, the MOL implemented an administrative directive providing stern measures against workers instigating strikes and violence, including the cancellation of labor cards, permanent work bans, and the end of service benefits.

The Government prohibited strikes by public sector employees on national security grounds. Public sector employees may file an administrative grievance or a case in the civil courts to address a labor-related dispute or grievance.

At year's end approximately 67,000 workers had participated in 30 strikes. Most complaints were related to unpaid wages and hazardous or abusive working conditions.

On July 21, the Government ended a 4-day strike at a gas processing plant by sending in the armed forces.

On August 3, the Government deported 24 of approximately 500 noncitizen construction workers for attempting to strike in protest of their wages.

Also in August, approximately 600 workers refused to work in objection to high deductions of food allowances from their salaries. Reports indicated that the MOL discussed the problem with the employer. At year's end there were no reports as to the outcome.

In October 4,000 laborers in Dubai staged a strike for higher wages and better working conditions. Some of these strikers reportedly vandalized a building and attacked police and vehicles with stones.

On October 29, the Government deported workers involved in a protest in Jebel Ali industrial area. The MOL reported that their visas were cancelled, and they received a lifetime ban from working in the country.

On November 1, more than 30,000 noncitizen employees of Arabtec Construction protested unlivable wages for 10 days. The Government deported more than 200 of the protesters.

On November 7, according to news reports, more than 2,000 construction laborers protested their working conditions. Workers destroyed buses and machinery during the incident, which led to a 4-hour stand off with police.

Businesses in the free trade zones do not have to comply with labor statutes. The MOL did not regulate the free trade zones; instead, each free trade zone maintains its own labor department, which acts as the Government regulating body for free zone labor operations.

c. Prohibition of Forced or Compulsory Labor.—The law prohibits forced or compulsory labor; however, employment agents continued to bring numerous foreign workers to the country to work under forced or compulsory conditions. There continued to be reports of worker suicides. Some women were brought to the country under false promises of legitimate employment and forced into prostitution. Low-paid unskilled and semi-skilled workers were also victims of contract switching, which occurs when a worker is offered a certain position but receives a visa labor card for a different position.

Lack of payment to employees for extended periods of time was common. During the year, according to news reports, foreign laborers working for some private companies had not been paid for several months, some cases for 6 months or more.

d. Prohibition of Child Labor and Minimum Age for Employment.—The law prohibits employment of persons under the age of 15 and has special provisions for employing persons 15 to 18 years of age. The MOL is responsible for enforcing these regulations. The Government does not issue work permits for foreign workers under the age of 18 years. Child labor was not generally a problem throughout the year; however, there were reports of children laborers who came to the country under their parents' work permits, and then were required to work.

e. Acceptable Conditions of Work.—The Government does not impose a minimum wage or have minimum wage guidelines, leaving much of the workforce without sufficient compensation for more than a minimal subsistence. Salaries, which depend on the occupation and employer, were estimated to range upwards from $109 (400 dirhams) per month for domestic or agricultural workers and from $164 (600 dirhams) per month for construction workers. Highly skilled and white-collar employees generally received higher salaries.

The expatriate labor force has increased by about 30 percent annually; during the year noncitizens comprised approximately 98 percent of the private sector workforce. Most foreign workers did not earn the minimum salary required in order to obtain residency permits for their families. It was common for an employee to be required to pay back up to 1 year's salary in illegal recruiters fees. The required monthly minimum salary for an accompanying family to obtain residency permits is $1,090 (3,924 dirhams); the minimum salary requirement is $817 (2,941 dirhams) per month when the Government provides housing or an additional housing allowance to the foreign worker.

While compensation packages generally provided housing or housing allowances; low-skilled employees were often provided with substandard living conditions, including overcrowded apartments or lodging in unsafe and unhygienic "labor camps," which sometimes lacked electricity, potable water, and adequate cooking and bathing facilities. On May 29, the crown prince of Sharjah issued a decree to improve labor accommodations. According to the decree, up to six persons can be housed in one room, with at least 3.5 square meters per worker. However, in practice it was common for 10 or more persons to live in one room. Some low-paid workers did not receive basic benefits, even if stipulated in their contracts. Local newspapers detailed numerous cases of non-payment of wages to foreign workers. Reports of employers not paying the water or electricity were common.

During the year the MOL received approximately 17,000 labor complaints with 20,000 workers involved in the disputes.

The standard workday is 8 hours per day, and the standard workweek is 6 days per week; however, these standards were not enforced. There was no legal provision requiring overtime pay, nor was there a prohibition on excessive compulsory overtime. According to the MOL and the labor law, employees are entitled to 2 days of annual leave per month after completing each of the first two 6-month periods on the job; after the first year, employees are entitled to 30 calendar days of annual leave, in addition to national holidays.

The law requires that employers provide employees with a safe work and living environment. During the year there were several complaints of poor sanitation and lack of access to toilets for workers. Local medical experts recommended that it was inadvisable for laborers to work outdoors when the temperature exceeded 40 degrees Celsius (104 degrees Fahrenheit), and that employers provide safety helmets and

adjust work hours to reduce exposure to the sun. However, in practice many companies violated this safety standard.

The MOL requires a 2½-hour break from 12:30 p.m. to 3:00 p.m. for outdoor laborers during July and August, the hottest months of the year. However, in July the MOL decided to exclude certain professions and activities from this break. Oil sector workers and asphalt and cement mixing and setting workers, for example, were no longer allowed to take the midday break, which put workers at risk for heat exhaustion.

Companies found violating the midday break decree were fined $2,723 (10,000 dirhams) and made liable for a $5,445 (20,000 dirhams) fee in the case of a second violation. On July 16, it was reported that companies were forced to pay more than $327,708 (1.2 million dirhams) in fines for violating the mid-day break rule during the first 13 days of July. In addition to fines, companies found in violation of the law risked being placed in a lower company category, thereby forced to pay higher fees with the MOL. The number of firms violating the midday break decree during the year reached 530. One company caught violating the decree twice had to pay a total of $5,445 (20,000 dirhams). During the summer the total amount collected from firms violating the rule amounted to $2.45 million (9 million dirhams). While the decree was generally enforced effectively, there was a shortage of labor inspectors to enforce the mid-day break rule in the larger Emirates of Abu Dhabi and Dubai, where most violations occurred.

There were also insufficient numbers of inspectors and resources to adequately enforce occupational health and safety codes. While at year's end the MOL did not employ language professionals to assist in interpretation for foreign workers, businesses often requested informal assistance from employees with language skills. The Government did not uniformly enforce health and safety standards or require every large industrial enterprise to employ a certified occupational safety officer.

There were press reports during the year of cases of workers who were injured or killed on the job site as a result of inadequate safety measures. For example, on September 12, reports stated that two accidental deaths occurred at work sites in Abu Dhabi during August; one worker died as a result of exhaustion after working 24 consecutive hours. On November 8, seven workers were killed and 19 injured when a bridge under construction collapsed. Although law requires the Government to track job-related injuries and deaths, in practice the Government registers the cases but does not necessarily follow up on them.

Workers' jobs were not protected if they removed themselves from what they considered to be unsafe working conditions. Injured workers are entitled to fair compensation, and all workers have the right to lodge labor-related grievances. Workers, particularly unskilled laborers, in disputes with their employers over unpaid wages, generally agreed to a mediated settlement for less money than they were owed in order to avoid a protracted court battle. However, workers in disputes with employers generally do not take action due to fear of reprisals, including withdrawal of sponsorship or deportation.

Although a 2003 ruling by the Federal Supreme Court prohibited employers from legally withholding employees' passports, the practice was common, and there have been no recent or consistent attempts by the Ministries of Labor or Interior to enforce the regulation. However, 175,000 individuals without legal status freely left the country during an amnesty for illegal workers that took place between June 3 and November 3.

YEMEN

Yemen, with a population of more than 21 million, is a republic whose law provides that the president be elected by popular vote from among at least two candidates endorsed by Parliament. In September 2006 citizens re-elected President Ali Abdullah Saleh to another 7-year term in a generally open and competitive election, characterized by multiple problems with the voting process and the use of state resources on behalf of the ruling party. Saleh has led the country since 1978. The president appoints the prime minister, who is the head of government. The prime minister, in consultation with the president, selects the cabinet, or Council of Ministers. Although there is a multiparty system, the General People's Congress Party (GPC) dominates the Government. While civilian authorities generally maintained effective control of the security forces, there were a few instances in which elements of the security forces acted independently of government authority.

During a January-to-June third round of conflict which began in 2004, the Government used heavy force in an attempt to suppress the al-Houthi rebels of Saada

Governorate. Although there were no reliable estimates of numbers of rebels and civilians killed at year's end, an estimated 700 to 1,000 government troops were killed and more than 5,000 were wounded.

Significant human rights problems existed. There were limitations on citizens' ability to change their government due to corruption, fraudulent voter registration, and administrative weakness. There were reports that government forces committed arbitrary and unlawful killings, and torture and poor conditions existed in many prisons. Prolonged pretrial detention and judicial weakness and serious corruption were also problems. During the year, arbitrary arrest and detention increased, particularly of individuals with suspected links to the al-Houthi movement, who were forcibly removed from Saada and imprisoned in neighboring governorates. Restrictions on freedoms of speech, press, and peaceful assembly increased significantly. Pervasive discrimination against women also occurred, as well as child labor and child trafficking.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life.—There were reports that the Government committed arbitrary or unlawful killings during the year. There were no known politically motivated killings by the Government or its agents; however, security forces reportedly killed or injured suspects during apprehensions and public demonstrations, actions that appear to have been politically motivated.

On February 22, Mohammed Mohammed Ahmad al-Qadi was found dead in the Bilad al-Taam police station in the Raima Governorate. According to a local human rights organization, al-Qadi was suffering from heart problems and authorities allegedly refused to give him medical attention. Authorities arrested Al-Qadi on February 21 for his alleged failure to pay zakaat (religious charity tax) to the Government. According to the Ministry of Interior (MOI), al-Qadi was given proper medical care while in custody, but died from a heart attack. Al-Qadi's medical records had yet to be released to his family at year's end.

On July 6, Mohammed al-Shoaibi was found dead in an illegal detention center belonging to a government institution in Sana'a. According to a local human rights organization, al-Shoaibi was arrested the day before for allegedly selling merchandise illegally on the streets, and was killed while resisting arrest. No investigation took place by year's end.

In an August 8 clash, government forces raided the home of and killed four individuals allegedly involved in the July 2 Ma'rib suicide attack. Human rights groups complained that the suspects were neither charged nor tried. The authorities did not begin an investigation by year's end.

In December 2006, acting on allegations of terrorism, government security forces raided his home and arrested a supposed member of the al-Qa'ida terrorist organization, killing his brother in the process. His father and another brother were imprisoned for a week after the incident. The family reported the killing to a human rights organization but did not further pursue the case. The authorities made a deal with the family; no investigation took place by year's end.

Unlike the previous year, there were killings by security forces during demonstrations. During protests between August and September in the southern governorates, security forces killed at least seven persons and arrested and injured hundreds.

On September 30, 25-year-old detainee Hashem Abdullah Yahya Hajar died in the Central Prison in Sana'a, according to a local human rights organization. On June 7, Hajar was arrested on charges of having links to the al-Houthi rebels during the Saada conflict. His family claimed he was not provided adequate health care despite serious health problems. The MOI denied these allegations, claiming that he was given adequate medical attention and taken to Sanaa's al-Thawra Hospital, where he died. There was an ongoing investigation into his death at year's end.

There were no developments in the following cases of 2006 killings: Abed al-Osaily, a journalist from the newspaper Al-Nahar; in al-Jawf, Lahij, and Dhamar provinces during the time of the presidential and local council elections; and police officer Mohammed Said Abdu while in custody.

There were reports of killings due to the excessive use of force in the internal conflict with the al-Houthi rebels of the Saada Governorate (see Section 1.g.).

Tribal violence resulted in a number of killings and other abuses, and the Government's ability to control tribal elements remained limited. In several cases longstanding tribal disputes were resolved through government-supported mediation by nongovernmental actors.

Other incidents of fatal shootings and violence continued throughout the year. In most cases, it was impossible to determine the perpetrator or the motive, and there

were no claims of responsibility. Some may have had criminal, religious or political motives, while others appeared to involve land disputes or tribal revenge.

On May 1, according to the press, al-Qa'ida claimed responsibility for the March 29 killing of Colonel Ali Qasilah, director of criminal investigation in Ma'rib Governorate.

On July 2, eight Spanish tourists and two citizens were killed and eight others injured in an attack near Belqis Temple in Ma'rib. Reports indicated that al-Qa'ida was responsible for the attack; investigations were ongoing at year's end.

The country was contaminated with mines and unexploded ordnance as a result of several conflicts, including the 1962–1975 war in the North between republicans and royalists, the 1963–1967 war of independence in the South, the 1970–1983 war against left-wing guerrillas, and the 1994 separatist war. The majority of mines were laid in border areas between North and South Yemen and in the southern governorates.

In April there were two reports of the use of antipersonnel mines, including antitank and improvised mines, during the conflict between government troops and rebel forces led by Abdul-Malik al-Houthi in the northern province of Saada. At least 60 people, including military personnel, were reportedly admitted to hospitals with injuries resulting from mine explosions in Saada.

According to the Yemen Executive Mine Action Center (YEMAC), at year's end, there were at least 18 mine and explosive remnants of war (ERW) casualties, including 12 killed and 6 injured. In 2006 there were at least 19 mine and ERW casualties, including seven killed and 12 injured.

In 1998, the Government ratified the Anti-Personnel Mine-Ban Treaty and began the National Mine Action Program. At year's end, according to YEMAC, approximately 215 square kilometers of land remained to be demined.

b. Disappearance.—There were no reports of politically motivated disappearances; however, during the year there were some reports of tribal kidnappings, traditionally committed to attract government attention to particular grievances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The law prohibits such practices; however, according to human rights nongovernmental organizations (NGOs) and former detainees, authorities tortured and abused persons in detention. During the year, the Political Security Office (PSO), a security agency reporting to the president, denied that torture occurred at their facilities and noted that PSO officers when entering service must sign an internal PSO document that certifies that they recognize that torture is illegal according to the laws and Constitution of the country and that those who torture prisoners will be punished according to the law.

MOI officers reportedly used force during interrogations, especially against those arrested for violent crimes. Although penal law permits amputations and physical punishment such as flogging for some crimes, which the Government maintains is in accordance with Shari'a (Islamic law), there were no reports of amputations or floggings during the year.

Other government sources acknowledged that torture occurred; however, they claimed that torture was not official policy.

During the year, the Ministry of Human Rights (MHR) reported that it received one complaint concerning the alleged torture of Shaif al-Haimi at the hands of the National Security Bureau (NSB) and the Criminal Investigative Department (CID). Throughout the year, the MHR followed up on cases of torture that were either reported in the press or were forwarded to the ministry from NGOs.

On January 24, NSB officers allegedly broke into the home of Shaif al-Haimi and forcibly arrested him on charges of theft and of disguising himself as an NSB officer. Al-Haimi alleged that authorities tortured him during his 1-month prison detention, paralyzing his right hand. Human rights groups accused the authorities of fabricating the second charge to legally involve the NSB, because the NSB has no legal authority over theft. The NGO National Organization for Defending Rights and Freedoms (HOOD) handled al-Haimi's case until his March release. Al-Haimi conducted a press conference on April 23, exposing physical evidence of abuse. Authorities rearrested al-Haimi a few days after the press conference. The NSB maintained their charge that al-Haimi committed crimes while disguising himself as an NSB official. According to NSB, al-Haimi physically abused himself after a partner in crime confessed to their guilt. He was released in October from NSB custody for health reasons and at year's end was awaiting trial in a Ministry of Justice (MOJ) specialized criminal court for the charges.

Although the PSO denied this claim, human rights organizations reported during the year that torture remained a problem in PSO prisons, which were not systematically monitored by other government agencies. Credible reports indicated the pri-

mary forms of abuse in PSO prisons included sleep deprivation and solitary confinement.

There were reports that the MOI's CID routinely used torture to obtain confessions. Defense attorneys and some NGOs claimed that most confessions introduced as evidence against defendants in criminal courts were obtained through torture. During the year, the MOI denied that it used torture as a policy. MOI, in association with the MHR, conducted awareness programs and workshops against torture for their officers during the year. Local NGOs asserted that in several instances in which prison abuse cases were referred to the Attorney General's office for prosecution, the complainants were threatened and decided not to follow through on their cases. Government sources denied this allegation.

In a June 6 MHR prison visit report to the cabinet, the case of Mohammed Saleh al-Amari was reported. Al-Amari was detained by the security department for 7 months at the Radaa Central Prison in the al-Bayda Governorate for allegedly refraining to disclose information on a murder case. He reported that he was tortured during his detention.

Security forces reportedly beat detainees and prisoners during the year. For example, according to a leading local NGO, Azim Hasan Abdullah al-Wosabi was beaten while arrested for stealing on May 14. He was transferred to a rehabilitation center on May 15 with wounds still visible from the beating. The accused officer who beat al-Wosabi, Jamal Abdul Naser al-Maghreb, was ordered to court. His case was ongoing at year's end. On December 3, al-Wosabi was released from the rehabilitation center and his case was ongoing at year's end.

On May 23, 25 detainees in a CID prison ended a hunger strike that lasted for a week, but the 25 strikers said they will sue the CID for material loses and psychological complications they suffered in prison due to mistreatment, according to the Web site NewsYemen. The detainees were arrested in June 2006 and detained without trial or charges against them. Four were released, while the others remained under judicial custody at year's end.

Prison and Detention Center Conditions.—Local and international observers reported that prison conditions remained poor and did not meet internationally recognized standards. The MHR and a number of NGOs were granted limited access to MOI prisons. The Government severely limited access to PSO prisons by independent human rights observers. PSO denied this claim during the year.

Many prisons, particularly in rural areas, were overcrowded and had poor sanitary conditions and inadequate food and health care. In some cases prison authorities extracted bribes from prisoners to obtain privileges or refused to release prisoners who completed their sentences until family members paid them.

Although women were held separately from men, and conditions were equally poor in women's prisons, men and women's prison conditions differed in some respects. By custom, young children and babies born in prison were likely to remain with their mothers. Local tradition requires male relatives of female prisoners to arrange their release; however, female prisoners regularly were held in jail past the expiration of their sentences because male relatives refused to authorize their release due to the shame associated with their behavior.

In some rural and women's prisons, children were held with adults, and pretrial detainees were held with convicted prisoners. Security and political detainees generally were held in separate facilities operated by the PSO.

Unauthorized "private" prisons in rural areas, often controlled by tribes, continued to operate. Tribal leaders misused the prison system by placing "problem" tribesmen in private jails, either to punish them for noncriminal actions or to protect them from retaliation. At times such prisons were simply rooms in a tribal sheikh's house. Persons were detained in such prisons often for strictly personal or tribal reasons without trial or sentencing. Although senior government officials did not sanction these prisons, there were credible reports of the existence of private prisons in government installations.

Persons with mental illness who had committed crimes were imprisoned without adequate medical care. The MOI denied this and asserted that nurses and doctors watch over the mentally ill detainees. In some instances authorities detained without charge persons with mental illness and placed them in prisons with criminals. The MOI reported during the year that, at times, family members brought their mentally ill relative to MOI-run prisons, asking officers to imprison these individuals. At year's end MOI-run prisons in Sana'a, Aden, and Taiz operated in conjunction with the NGO Red Crescent semi-autonomous units for prisoners with mental illnesses; conditions in these units were reportedly deficient. In 2005, MOI requested from the cabinet that the Ministry of Health (MOH) establish centers for the transfer of mentally ill detainees. At year's end, neither the cabinet nor the MOH had acted on this request.

Limited access was granted to family members of PSO-held detainees, but requests for access by parliamentarians and NGOs to investigate human rights violation claims were routinely denied. PSO argued during the year, however, that visitors failed to comply with proper notification procedures, necessitating refusal of access.

Individuals working for NGOs were allowed to meet with MOI prisoners as private visitors. Representatives of the MHR met with domestic NGO monitors and responded to inquiries, particularly in matters relating to prisoners. NGOs had no access to CID prisons.

The MHR stated that it visited prisons approximately twice a month during the year and recommended improvements to the cabinet on prison conditions. The MHR July report on the visit to the Central Prison in Sana'a reported that children were held with adults, and at times were left unsupervised while in the presence of adult prisoners.

Since 2004 the International Committee of the Red Cross (ICRC) has suspended visits to PSO prisons, citing a lack of agreement to its universally applied procedures.

d. Arbitrary Arrest or Detention.—The law prohibits arbitrary arrest and detention; however, the Government generally did not observe these prohibitions. Enforcement of the law was irregular and in some cases nonexistent, particularly in cases involving suspected security offenses.

Role of the Police and Security Apparatus.—The primary state security and intelligence gathering apparatus, PSO and NSB, report directly to the president. Many of NSB's duties are not clearly delineated and appear to overlap with those of PSO. The police CID reports to the MOI and conducts most criminal investigations and arrests. The Central Security Organization (CSO), also a part of the MOI, maintains a paramilitary force. Corruption was a serious problem. There were no public government investigations of police corruption during the year. Some police stations reportedly maintained an "internal affairs" section to investigate security force abuses, and any citizen had the right to file a complaint with the prosecutor's office. During the year, enforcement of this right was irregular and there were no reported effective investigations. MOI also had a complaints fax line for claims of abuse which it reportedly investigated. It was unknown at year's end how many fax complaints MOI received and investigated.

Arrest and Detention.—The law provides that individuals cannot be arrested unless apprehended in a criminal act or served with a summons. Detainees must be arraigned within 24 hours of arrest or be released. The judge or prosecuting attorney must inform the accused of the basis for the arrest and decide whether detention is required. The law stipulates that a detainee may not be held longer than 7 days without a court order. Despite the law, arbitrary arrest and prolonged detention without charge or, if charged, without a public preliminary judicial hearing within a reasonable time, were common practices. For example, following the January start of the third round of fighting between al-Houthi rebels and government forces, approximately 100 individuals from Saada were reportedly arbitrarily arrested and detained for suspected links with the al-Houthi movement.

The law prohibits incommunicado detention and provides detainees with the right to inform their families of their arrests and to decline to answer questions without an attorney present; however, these rights were not always respected. The law states that the Government must provide attorneys for indigent detainees, but in practice it often did not do so. Almost all rural cases were reportedly settled out of court with tribal mediators. There are provisions for bail; however, some authorities abided by these provisions only if bribed.

Citizens regularly claimed that security officials did not observe due process when arresting and detaining suspects and demonstrators. Members of the security forces continued to arrest or simply detain persons for varying periods of time without charge, notification to their families, or hearings. Detainees were often unaware of the investigating agency, and the agencies frequently complicated the situation by unofficially transferring custodial authority of individuals to other agencies. Security forces routinely detained relatives of fugitives as hostages while the suspect was being sought. Authorities claimed during the year that they only detained relatives when they obstructed justice. Human rights organizations rejected this claim.

The Government failed to ensure that detainees and prisoners were incarcerated only in authorized detention facilities. The MOI and the PSO operated extrajudicial detention facilities; both MOI and PSO denied this claim. Unauthorized private prisons also existed. For example, on November 19, a leading local NGO visited an unauthorized private prison within the Yemen Economic Corporation, formally under the Ministry of Defense, and confirmed that five persons were being detained in a

small room adjacent to the main building. The detainees were Yasser Abdullah al-Idrisi, detained since April 14; Ahmed al-Souswah, previously detained from May 27 to July 17 and then again detained since November 12; Mohammed al-Harazi, detained since September 9; Jamil al-Raimi and Khalid al-Raimi, both detained since November 18. Jamil al-Raimi was released at the end of November, Khalid al-Raimi was released on November 21, al-Souswah was released on November 28, and al-Harazi was released on November 29. On December 3, al-Idrisi was moved to the prosecution office, where he remained detained until the end of the year.

Other unauthorized private prisons reportedly existed at the National Drug Company, the Yemen Television Corporation, and the Ministry of Interior. Local NGOs considered these prisons to be unconstitutional and called for their abolition. MOI claimed it did not operate unauthorized private prisons.

There were numerous reports that security forces arrested hundreds of individuals in relation to the Saada conflict and detained them without charge.

Members of the security forces continued to detain journalists for publishing articles deemed controversial by the Government.

According to the European Union (EU) Election Observation Mission, authorities arrested approximately 100 opposition supporters and two opposition candidates during the September 2006 election campaign. All were released shortly thereafter.

During the year the Government also continued to detain suspects accused of links to terrorism, often without due process. The Government did not publish numbers of detainees held under suspicion of terrorist affiliations or activities. In February 2006 the MOI reported that 172 individuals were held for suspected terrorism links. During the year a leading human rights NGO estimated the number to be between 50 and 100 persons, attributing the significant decrease to amnesties and prison escapes. At year's end it was unknown how many persons the Government held on suspicion of terrorist affiliation or activities. A large percentage of the total prison population consisted of pretrial detainees, some of whom had been imprisoned for years without charge.

At year's end authorities released the last detainee of the October 2006 arrests by security authorities of eight noncitizens in an alleged al-Qai'da plot to smuggle weapons into Somalia.

Throughout the year the Government sponsored ideological dialogues led by Islamic scholars as part of a re-education program called "The Committee for Dialogue" aimed at convincing detainees to renounce extremist beliefs. Detainees who participated agreed to give up the armed struggle if they could not persuade official clerics of its legitimacy. If released, they were placed under surveillance and placed in jobs or provided funds for further education.

Amnesty.—According to press reports on September 20, President Saleh ordered the release of 67 prisoners detained on charges of suspected links with the al-Houthi movement.

On October 14, Saleh granted a general amnesty and released approximately 300 prisoners on the occasion of Eid al-Fitr.

e. Denial of Fair Public Trial.—The Constitution provides for an autonomous judiciary and independent judges; however, a weak judiciary was severely hampered by corruption and executive branch interference.

Many litigants maintained, and the Government acknowledged, that a judge's social ties and occasional bribery influenced verdicts. Many judges were poorly trained, and some were closely associated with the ruling party. The judiciary was hampered further by the Government's frequent reluctance to enforce judgments. Tribal members at times threatened and harassed members of the judiciary.

The judicial system is organized in a three-tiered court structure. Courts of first instance are broadly empowered to hear all civil, criminal, commercial, and family matters. A single judge may hear a case in these courts. Decisions taken in the courts of first instance may be appealed to the Courts of Appeal, of which there is one in each province and one in the capital. Each Court of Appeal includes separate divisions for criminal, military, civil, and family issues. Each division is composed of three judges. Above the Courts of Appeal is the Supreme Court.

The Supreme Court is empowered to settle jurisdictional disputes between different courts, hear cases brought against high government officials, and serve as the final court of appeal for all lower court decisions. The Supreme Court has eight separate divisions: Constitutional (composed of seven judges including the chief justice), appeals' scrutiny, criminal, military, civil, family, commercial, and administrative. The Supreme Court has special panels empowered to determine the constitutionality of laws and regulations.

In addition to the regular hierarchy of courts, there are courts for military, juvenile, tax, customs, and labor matters, whose decisions may be appealed to the Courts of Appeal.

A specialized criminal court, not a military tribunal, was first established in 1999 under the MOJ to try persons charged with kidnapping, carjacking, attacking oil pipelines, and other acts considered to be a "public danger," such as banditry and sabotage. However, nonsecurity-related cases were referred to this court during the year. According to a leading local NGO, this court does not provide the defendants with the same rights provided in the regular courts. Amnesty International (AI) and local NGOs reported specialized criminal courts to be unconstitutional. Defense lawyers reportedly did not have full access to their client's charges or relevant government-held evidence and court files.

Trial Procedures.—Laws are based on a mixture of Egyptian laws, Napoleonic tradition, and Shari'a. The law, social custom, and Shari'a, as interpreted in the country, discriminated against women, particularly in domestic matters. There are no jury trials. Judges, who play an active role in questioning witnesses and the accused, adjudicate criminal cases. By law, the Government must provide attorneys for indigent defendants in serious criminal (felony) cases; however, in practice, provision of legal counsel did not always occur. By law, prosecutors are a part of the judiciary and independent of the Government; however, prosecutors also investigate criminal cases. The police were generally weak and played a limited role in developing cases.

The security services continued to arrest, charge, and submit cases to the prosecutor's office to try persons alleged to be linked to shootings, explosions, and other acts of violence. Citizens and human rights groups alleged that the security forces and judiciary did not normally observe due process.

The accused are considered innocent until proven guilty. Defense attorneys are allowed to counsel their clients, address the court, and examine witnesses and any relevant evidence. All defendants, including women and minorities, have the right to appeal their sentences. Trials were generally public; however, all courts may conduct closed sessions "for reasons of public security or morals." Foreign litigants in commercial disputes complained of biased rulings.

In addition to regular courts, there is a system of tribal adjudication for noncriminal issues; however, in practice, tribal judges often adjudicated criminal cases. The results carried the same if not greater weight than court judgments. Persons jailed under the tribal system usually were not charged formally with a crime, but were publicly accused of their transgression.

Parliament has exclusive jurisdiction over executive branch officials and their representatives for crimes including bribery, interference, and embezzlement. No government official was investigated or tried under this law during the year.

Political Prisoners and Detainees.—The number of political prisoners or detainees and conditions in which they were held was unclear. PSO reported that no political prisoners were detained in their prisons during the year. Human rights activists were unable to provide data on any such persons and access to such detainees by international humanitarian organizations was not permitted on a regular basis, prompting ICRC to suspend its visits to PSO prisons in 2004.

Civil Judicial Procedures and Remedies.—The law provides for an independent and impartial judiciary in civil matters; however, there were limitations in practice. In July 2006 local NGO HOOD filed the first civil suit against the president. It was on behalf of Ahmad Ali bin Maeili, who claimed the PSO detained him without charge for 6 years. After the court rejected the case, HOOD appealed to the Supreme Court. There was no further information on the case by year's end.

In December 2006 Hamdan al-Derssi attempted to file a civil case in a Hudayda court against Saleh al-Fasheq, a prominent local sheikh, claiming that al-Fasheq abused and sodomized him with a stick. Al-Derssi claimed that the court rejected the case because the sheikh is politically well-connected. Al-Derssi then filed a complaint with the General Prosecutor in Sana'a. The case was being tried at the Hodeidah Governorate court at year's end.

f. Arbitrary Interference with Privacy, Family, Home or Correspondence.—The law prohibits such action; however, PSO and MOI police forces routinely searched homes and private offices, monitored telephone calls, read personal mail and email, and otherwise intruded into personal matters for alleged security reasons. Activities were conducted without legally issued warrants or judicial supervision. PSO and MOI rejected these claims during the year. According to the PSO, the Attorney General must personally permit monitoring of telephone calls and reading of personal mail and email. For house inspection, PSO reported it received a warrant and a

signed certification by the head of the neighborhood and two neighborhood members as witnesses to a house search.

Local NGOs and journalists reported an increase in interference due to the Saada conflict.

On July 20, five plain clothes men posing as electricians entered the home of journalist Abdelkarim al-Khaiwani. The men beat al-Khaiwani in his home and took him into custody. The men returned to his home and took al-Khaiwani's personal documents and electronics. Al-Khaiwani claimed to have proof that his mobile phone, as well as mobile phones belonging to some of his journalist colleagues, was tapped.

On July 30, 10 armed men in two military vehicles broke into the office of the newly-established Al-Shari'e newspaper, reportedly searching for its owners, Nayef Hassan and Nabil Subaie, who were not there at the time. The men reportedly confiscated electronics.

Throughout the year, various human rights activists and journalists reported receiving repeated threatening phone calls throughout the day and into the night. Activists and journalists charged this is a new form of intimidation by the authorities in an attempt to quiet the opposition, most specifically in regard to the Saada conflict.

The law prohibits arrests or the serving of a subpoena between sundown and dawn; however, there were reports that persons suspected of crimes were taken from their homes without warrants in the middle of the night.

No citizen may marry a foreigner without permission from the MOI, but this regulation does not carry the force of law and appeared to be enforced irregularly.

In other cases, detention of family members continued while the concerned families negotiated compensation for the alleged wrongdoing. Arbitration and mediation by families, tribesmen, and other nongovernmental interlocutors were commonly used to settle such cases.

g. Use of Excessive Force and Other Abuses in Internal Conflicts.—In January a third phase of fighting began between the Government and the al-Houthi rebels of Saada in the conflict that initially dated to 2004. The Government repeatedly used heavy force in an attempt to suppress the rebels' uprising, which was suspended with an unstable cease-fire in June.

Approximately 100 individuals from Saada were reportedly arbitrarily arrested and detained for suspected links with the al-Houthi movement. Authorities forcibly removed approximately 45 individuals, including some minors, from Saada and imprisoned them in the neighboring governorate of Hajja. At year's end, they had been neither released nor charged. Local NGOs accused the Government of illegal and inhumane treatment of these detainees. There were reportedly 50 Saada detainees in Sana'a and 22 in Dhamar.

On October 7, the Yemen Times reported that 14 military vehicles loaded with security personnel attacked the Badr Center for Islamic Studies in Sana'a after the head of the center, Dr. Al-Murtadha al-Mohatwari, demanded the releases of Saada detainees. Security authorities reportedly destroyed the main gate of the center.

There were no reliable estimates of numbers of rebels and civilians killed at year's end. An estimated 700 to 1,000 government troops were killed and more than 5,000 wounded. An international NGO, however, was able to confirm its assistance during the year to at least 45,000 internally displaced persons (IDPs) from the Saada conflict.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech and of the press "within the limits of the law;" however, the Government did not respect these rights in practice. The 1990 Press and Publication Law criminalizes "the criticism of the person of the head of state . . . [that] does not necessarily apply to constructive criticism," the publication of "false information" that may spread "chaos and confusion in the country," and "false stories intended to damage Arab and friendly countries or their relations" with the country. The country's security apparatus, including the NSB and elements of the military, threatened and harassed journalists to influence press coverage. Self-censorship was practiced during the year.

The Ministry of Information influenced the media through control of printing presses, subsidies to newspapers, and ownership of the country's sole television and radio outlets. Three independent newspapers and no opposition newspapers owned their own presses. According to the Yemen Journalist Syndicate (YJS), there were approximately 9 government-controlled, 50 independent, and 30 party-affiliated newspapers. There were approximately 91 magazines, of which 46 were private, 27 were government-controlled, and 18 were party-affiliated. The Government selected

the items to be covered in news broadcasts and rarely permitted broadcasts critical of the Government. The Government televised parliamentary debates and occasionally permitted broadcasts of aggressive criticism of ministries.

Press law specifies that newspapers and magazines must apply annually to the Government for licensing renewal and that they must show continuing evidence of approximately $4,375 (700,000 riyals) in operating capital. There were reports that the authorities made the registration process bureaucratically impossible for opposition figures or organizations, such as the NGO Women Journalists Without Chains (WJWC), which attempted for months unsuccessfully to obtain a license for a newspaper. Progovernment or tribal newspapers were said to receive licenses immediately. In June and July the Ministry of Information granted more than 25 licenses for new newspapers in Hudayda, Sana'a, and Mukallah. These new licenses were allegedly granted as a result of pressure from parliamentarians, journalists, and human rights activists who demanded that new papers be allowed licenses.

On June 11, the text message news service sponsored by WJWC was suspended by the Government. The head of WJWC, Tawwakul Karman, unsuccessfully appealed the decision. The Government instead suspended all text message news services on June 12, eventually restoring all except those of WJWC and the Islah-affiliated Nass Mobile Service. Karman staged sit-ins throughout the summer in an attempt to overturn the ruling. At year's end, WJWC news text message services remained suspended.

On August 8, a group of journalists and human rights activists released a list of individuals and groups responsible for violating press freedom since 2005. Violations included banning the issuance of papers, preventing journalists from practicing their duties, shutting down papers, beatings, harassment and detention. Names of ministers and heads of government offices were included on the list. On November 30, during a regional civil society conference in Sana'a where the list was displayed on a banner, a member of the PSO confiscated the banner and held it for the remainder of the conference. According to the PSO, the officer involved did not act on official orders and was reprimanded for confiscating the banner.

Physical attacks against journalists increased during the year, along with government harassment, including threats against journalists and their families, brief imprisonment, and personal surveillance.

On August 27, a group of men, reportedly government officials, forcibly removed journalist Abdelkarim Al-Khaiwani from the street and put him into a car, where he was beaten. Al-Khaiwani had been released on bail on July 24 after authorities arbitrarily arrested and detained him on July 20 (see Section 1.f.). Al-Khaiwani was taken to a remote location in Khawlan district, 15 kilometers from Sana'a. He was allegedly tortured and threatened that if he continued to write against his "masters," he and his wife and three children would be killed. His kidnappers stole his mobile phone and money and left him in Khawlan, after which he went to the hospital. At year's end Al-Khaiwani was free on bail awaiting trial on charges of conspiring to overthrow the Government and belonging to an armed group, the "Sana'a terrorist cell."

On July 30, 10 armed men in two military vehicles broke into the office of the newly-established al-Shari'e newspaper, reportedly searching for its owners and editors, Nayef Hassan and Nabil Subaie, who were not there at the time. The men allegedly confiscated electronics. On July 7, the defense ministry filed a complaint against al-Shari'e for publishing military secrets in reference to the Saada investigation. According to the law, cases related to the media are arbitrated by the Press and Publication Prosecution Office; however, Subaie and Hassan's cases will be tried by the specialized courts for terrorist-related activity. Al-Shari'e is reported to be the first newspaper to be tried in a specialized criminal court. The case was ongoing at year's end.

On October 2, more than 10 men allegedly attacked journalist Sadam al-Ashmori during his coverage of demonstrations at Freedom Square in Sana'a. Al-Ashmori, who works as a freelance reporter for Yemen Times, suspected that the attackers were plain-clothed security officials. Police and other security officials that were present claimed that they had not seen the incident.

There were no developments in the following cases: Jamel Amer's 2005 abduction and abuse; the November 2006 attack and brief detention of al-Jazeera correspondent Ahmad al-Shalafi and his cameraman, Ali al-Baidhani; the March 2006 abduction and assault of Qaed al-Tairi, journalist for the Socialist Party weekly Al-Thawri; the April 2006 attack on journalist Abdulfatah al-Hakimi; the April 2006 reported death threats against Abed al-Mahthari, editor-in-chief of the independent weekly Al-Deyar; the 2005 stabbing of journalist Nabil Subaie; and in the 2005 armed attack on journalist Mohammed Sadiq al-Odaini.

Unlike in previous years, there were no new government cloned newspapers during the year. In 2005 in an attempt to counter dissent, elements close to the Government or security apparatus cloned two newspapers, Al-Shura and Al-Thawri. The Government published newspapers with similar names, fonts, and colors, but carried more progovernment editorials and stories. The Al-Thawri clone ceased publication in 2005 after several weeks, but the Al-Shura clone continued publishing at year's end.

In February 2006 journalists were tried and sentenced for writing articles critical of the president or for reporting on sensitive issues. The Government temporarily imprisoned three journalists for reprinting Danish cartoons caricaturing the Prophet Mohammed and charged them, along with a fourth journalist who was not arrested, with violating a law that forbids the publication of anything that "prejudices the Islamic faith." In November 2006 a lower court convicted Kamal al-Olufi of Al-Rai al-Am and sentenced him to a 1-year prison term, closed the paper for 6 months, and barred him from writing for 6 months. In December 2006 Mohammed al-Assadi, editor of the Yemen Observer, was convicted and fined approximately $2,500 (500,000 riyals). Again in December a lower court convicted two journalists from Al-Hurriya, Akram Sabra and Yehya al-Abed, who received a suspended sentence, 1 month closure of the newspaper, and a 1-month writing ban. All three defendants paid their fines and were released from jail.

At times customs officials confiscated foreign publications regarded as pornographic or objectionable due to religious or political content. During the year there were some reports that authorities monitored foreign publications and banned those deemed harmful to national interests.

Authors of books were required to obtain a certification from the Ministry of Culture (MOC) for publication and also were required to submit copies to the ministry. At times publishers did not deal with an author who had not yet obtained a certification. Most books were approved, but the process was time consuming. There were reports that both the MOC and the PSO monitored and sometimes removed books from store shelves after publication. A 2005 ban continued on publishers distributing books that espoused Zaydi-Shiite Islamic doctrine or were deemed pornographic. The Government denied that the media was subject to censorship by any security apparatus.

Internet Freedom.—The Government restricted Internet use by intermittently blocking access to some political and religious Web sites and to sites deemed immoral. During the year the Government reportedly blocked a number of independent and opposition news Web sites, such as al-Shura.net and Ishtiraki.net, and the Web site for the independent weekly al-Ayyam newspaper.

The International Telecommunication Union estimated that less than 1 percent of the country's population used the Internet. Many could not afford—and were simply unfamiliar with—the equipment and services needed to access the Internet. The Government limited the Internet content that its citizens could access by using commercially available filtering technology and by controlling its two Internet service providers, TeleYemen (operators of the service YNET) and YemenNet, through the ministry of telecommunications and information technology. Human rights and other NGOs complained that the Government restricted what journalists may write and how citizens used the Internet through a variety of means of intimidation. Limited Internet access was readily available from homes or Internet cafés.

Academic Freedom and Cultural Events.—The Government restricted academic freedom, claiming it was necessary due to the politicization of university campuses. Political parties frequently attempted to influence academic appointments, as well as university faculty and student elections. During the year, security officials were present on university campuses and at intellectual fora. PSO representatives had permanent offices on the campuses. Government informers monitored the activities of professors and students, especially those who were alleged affiliates of opposition parties. Authorities reviewed prospective university professors and administrators for their political acceptability before hiring them, and favoritism was commonly shown toward affiliates or supporters of the ruling GPC party.

A 2005 ban was intermittently enforced on new student associations at Sana'a University. Opposition sources contended that this regulation was not enforced against GPC-affiliated organizations.

b. Freedom of Peaceful Assembly and Association.

Freedom of Assembly.—The law provides for freedom of assembly; however, the Government limited this right in practice. The Government required a permit for demonstrations, which it issued routinely. Government informers monitored many meetings and assemblies.

The Government banned and disrupted some demonstrations, allegedly to prevent them from degenerating into riots and violence.

On August 19, strong clashes occurred between security forces and students enrolling at Sana'a University, with reportedly one student injured and taken to the hospital after a security official beat him on the head with the back of his pistol. Reportedly the incident occurred in sequence with student protests against the admissions committee at the Faculty of Trading and Commerce, accusing the faculty of distorting the admissions process.

After the 1994 civil war, the northern government forced thousands of southern military and civilian officials to retire. These individuals have continued to demand reintegration compensation and other redress and were especially active during the year, with significant southern political support. On August 2, the Government banned a sit-in in Aden by forcibly retired military and civilian officers. Security forces dispersed the protestors by force. One person was reportedly killed and many injured and arrested.

On September 1, thousands of individuals participated in massive protests in the southern governorates citing poor living conditions, corruption, unemployment, and a call for the reintegration of forcibly retired southern military and civilian officers. Police killed at least two in a Mukallah protest and killed three and injured 400 in Aden the same day. The police arrested hundreds of individuals. All were released by year's end.

Throughout September police continued to respond forcibly to protests in the southern part of the country. For example, on September 4, riot police responded to a protest in the Hadramaut governorate with tear gas, bullets, and water cannons. On September 11, police arrested and charged with high treason (a death penalty offense) 20 protestors in Aden and Mukallah for chanting slogans against a unified Yemen. On September 14, security forces dispersed approximately 3,000 peaceful protestors in Mukallah with fire hoses and arrested 11 individuals.

Human rights NGOs and the media reported that those detained from these demonstrations have been abused and tortured in custody. Security authorities denied a request by parliamentarians to visit a detained protest leader.

An investigation remained pending at year's end into MOI actions concerning the shooting deaths of demonstrators in 2005 riots protesting the Government lifting of fuel subsidies. The violence resulted in approximately 43 deaths. Press reports asserted at least 23 civilians were killed, including a 12-year-old child. In July 2006 the Government reported that at least 255 security personnel and 120 protesters were injured in similar riots. Parliament submitted an inquiry to the MOI on the shooting deaths of demonstrators. The investigation remained pending at year's end.

Freedom of Association.—The law provides for freedom of association, and the Government nominally respected this right in practice; however, the ruling party retained control of professional associations by influencing internal elections and subsidies. According to local observers, there were approximately 20 legally recognized NGOs independent of the ruling party operating in the country.

An association, including NGOs, must register annually, usually a routine matter, with one of four ministries: Social Affairs and Labor (MSAL), Culture, Education, or Vocational Training and Technical Education. The Government cooperated in varying degrees depending on the issues with legally recognized NGOs, which by law were provided with an annual stipend. Some ministries reportedly harassed NGOs critical of the Government by denying their annual registration and through subsidy. For example, the YJS reported it had not been issued its stipend during the year. The MSAL refused to register the Arab Sisters Forum for Human Rights, WJWC, and HOOD; these NGOs were often critical of the Government.

All political parties must be registered in accordance with the Political Parties Law, which stipulates that each party must have at least 75 founders, verified in a court of law, and 2,500 members. On March 20, the al-Haq Party was dissolved for reportedly violating the Political Parties Law. However, civil society observers claim that the party was abolished due to its affiliation with the al-Houthi rebels and for its Zaydi appeal.

c. Freedom of Religion.—The law provides for freedom of religion, and the Government generally respected this right in practice; however, there were some restrictions. The Constitution declares that Islam is the state religion and that Shari'a is the source of all legislation.

Government actions to counter the increase in political violence restricted some religious practice. The Government took actions to counter the increase in political violence as a result of the 2004, 2005, and January uprisings by the al-Houthi rebels in the northern Saada Governorate. The Government banned for the third consecu-

tive year the celebration of Ghadeer Day, a holiday celebrated by some Shi'a, in parts of the Saada Governorate.

The Government also reportedly limited the hours that mosques were permitted to be open to the public and reassigned some Imams who were thought to espouse radical Shi'a ideology or Zaydi doctrine, replacing them with Shafi'i or Salafi preachers.

Non-Muslims were free to worship according to their beliefs and to wear religiously distinctive ornaments or dress; however, Shari'a, as interpreted by the Government, forbids conversion from Islam and prohibits non-Muslims from proselytizing. The Government enforced this prohibition. The Government required permission for the construction of all places of worship and the Constitution prohibited non-Muslims from being elected to the presidency or Parliament. Non-Muslim citizens may vote but may not hold elected office.

Under Islam, as interpreted by the Government, the conversion of a Muslim to another religion is considered apostasy, which the Government considers a crime punishable by death. There were no reports of cases in which the crime was charged or prosecuted by authorities.

Official policy does not prohibit or prescribe punishment for the possession of non-Islamic religious literature; however, in previous years there were reports of persons being harassed and temporarily detained for possession of religious materials with the intent to proselytize.

Catholic, Protestant, Ethiopian Orthodox Christian, and Jewish services were held without government interference.

Public schools provided instruction in Islam, but not in other religions; however, most non-Muslims were foreigners who attended private schools. Jewish citizens also had private schools where Hebrew and Judaism were taught.

During the year the Government continued its efforts to prevent the politicization of mosques and schools and to curb religious extremism. This included the monitoring of mosques for sermons that incited violence or other political statements considered harmful to public security. During the year, an additional 1,500 government-ordered closures brought the total to more than 4,500 unlicensed religious schools closed because they were deemed to have deviated from formal educational requirements or to have promoted militant ideology. During the year the Ministry of Endowments and Religious Guidance reportedly opened government-approved schools in the same areas as the schools that had been closed. Private and national schools were prohibited from teaching courses outside the officially approved curriculum.

The Government also deported foreign students found studying in unlicensed religious schools. In 2006 the Ministry of Endowments and Religious Guidance trained 500 male and female religious instructors on moderate Islam and religious tolerance. There were credible reports that authorities banned publishing of some materials that promoted Zaydi-Shiite Islam.

Societal Abuses and Discrimination.—Unlike in the previous year, there were isolated incidents of anti-Semitism. In January the historic Saada community of 45 Jews was relocated to Sana'a after being threatened by a follower of the al-Houthis. Since fleeing their homes, the community has been under government protection in Sana'a. During the year, some members of the Reyda Jewish community reported acts of intimidation and abuse from some of their Muslim neighbors.

Jewish citizens, which number less than 500 in the country, are prevented from certain occupations by social pressures and are not eligible to serve in the military or Federal Government. In 2005, after the ruling party tried to put forward a Jewish parliamentary candidate, the General Election Committee adopted a policy barring all non-Muslims from running for Parliament.

Following the January commencement of the third phase of fighting between the al-Houthi rebels and the Government, some Zaydis reported harassment and discrimination by the Government. Authorities reportedly targeted and harassed Sayyid Zaydi families, who are believed to be descendants of the Prophet Mohammed. Local police seized the daughter of a prominent Sayyid Zaydi religious figure in front of her place of employment, detained her at a Sana'a prison, and released her later that day.

For a more detailed discussion, see the 2007 International Religious Freedom Report.

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons.—The law provides for these rights, and the Government respected them with some restrictions. The Government limited the movement of women, foreigners, and tourists. The two latter groups were required to obtain government permission before leaving the country. In practice the Government did not obstruct do-

mestic travel; however, the army and security forces maintained checkpoints on major roads.

In certain areas armed tribesmen occasionally either manned their own checkpoints or operated alongside military or security officials and subjected travelers to physical harassment, extortion, or theft.

Although not required by law, women customarily were asked by government officials if they had permission from a male relative before applying for a passport or leaving the country. One women's rights NGO asserted that a husband or male relative could bar a woman from leaving the country, and that this requirement was strictly enforced when women traveled with children. During the year there were several reports of women who were turned away at the airport because they did not have the permission of or were unaccompanied by a male relative.

Immigrants and refugees traveling within the country often were required by security officials at government checkpoints to show that they possessed resident status or refugee identification cards.

The law prohibits forced exile, and there were no reports of forced exile during the year.

During the year the Government continued to deport an unknown number of foreigners studying at Muslim religious schools and believed to be in the country illegally. The Government claimed that these persons were suspected of inciting violence or engaging in criminal acts by promoting religious extremism. The Government used existing laws requiring foreigners to register with the police or immigration authorities within a month of arrival.

Protection of Refugees.—The law does not provide for the granting of refugee status or asylum in accordance with the U.N. 1951 Convention relating to the Status of Refugees and its 1967 protocol, and the Government has not established a system for providing protection to refugees. In practice, the Government generally provided protection against refoulement, the return of persons to a country where there is reason to believe they feared persecution. In December 2006, however, the Government stopped its practice of allowing the U.N. High Commissioner for Refugees (UNHCR) to perform refugee status determinations for non-Somalis. A limited number of non-Somalis have since been deported. The Government continued to grant prima facie refugee status to Somalis who arrived in the country after 1991.

The Government also provided temporary protection to thousands of individuals from Iraq and the Darfur region of Sudan who may not qualify as refugees under the 1951 Convention and its 1967 protocol, although there were some reports of deportations. There were also reports that some Iraqis were blocked from reuniting with their families when denied readmission into the country.

Refugees were allowed to work and travel freely within the country, although they faced some difficulties. There were reports of refugees being refused employment or passage at checkpoints because they lacked legal documentation.

The Government cooperated with the UNHCR in assisting refugees and asylum seekers. The government, in cooperation with UNHCR, established six reception centers in 2006 to register and provide greater legal protection to refugees. No updates were provided on the reported 2006 harassment and abuse by security forces at a Somali refugee camp. At times authorities arrested without charge and imprisoned an unknown number of undocumented refugees while their cases were pending with UNHCR. Refugees were generally released from prison upon the completion of UNHCR processing.

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 through periodic elections based on universal suffrage; however, there were limitations in practice. Decision making and effective power was held by the executive branch, particularly the president, who has held office since 1978. The president appoints the prime minister, who presides over a 35-member cabinet chosen by the president. The latest cabinet reshuffle occurred on April 10. In practice the president, in association with the ruling GPC party, dominated the Government. The Parliament, in which three parties were represented, was not an effective counterweight to the executive branch and can be dissolved by the president.

Elections and Political Parties.—According to a report by an international NGO, the September 6 by-elections in Aden and Ibb were conducted in a generally peaceful and orderly manner with only a few violations. The voting and counting was generally considered to have been fair and efficient; however, there were some delays in opening and closing female sub-committees within voting centers. There were also numerous instances of confusion regarding the voting procedures, especially amongst illiterate and elderly voters. The report stated that some candidates wrong-

ly used public resources to fund their campaigns, and campaigning continued on election day and in some cases within the polling stations. Military personnel were also employed as members of the field commissions.

According to local and international observers, the September 2006 presidential and local council elections were considered open and competitive and a marked improvement over previous elections. For the first time opposition candidates contested the presidential elections and had equal coverage on government-owned broadcast and print media. There were problems, however, with voter registration, redistricting, ballot counting, isolated incidents of election-related violence, and use of state resources on behalf of the ruling party.

Ali Abdullah Saleh was elected to a 7-year term in this election, the country's second nationwide direct presidential race, securing 77 percent of the votes. Faisal bin Shamlan, candidate of the opposition coalition Joint Meeting Parties (JMP), gained 22 percent. The remaining three opposition and independent candidates had less than 1 percent each. According to the Supreme Commission on Elections and Referendum (SCER), approximately 65 percent of eligible voters participated in the elections. Approximately 42 percent of the voters were women. The Constitution provides that the president is elected by popular vote from at least two candidates endorsed by Parliament.

International NGOs and the EU Observer Mission characterized polling as an important and unprecedented step in the country's democratic development. In its final post-election report, the EU noted that the GPC had an unfair electoral advantage because significant state resources were put at the disposal of GPC candidates for use during their campaigns. Opposition parties, while regretting irregularities, also hailed the elections as the first genuinely competitive contest in the country's history. Unlike in previous years, international and local observers did not report significant difficulties in accessing voting centers or filing their reports.

An international NGO reported that the voter registration process conducted in April 2006 was marred by poorly trained administrative staff, registration of a large number of underage voters, and interference by security officials. Local NGOs also alleged that deceased citizens were registered as voters. The international NGO reported that the opposition coalition JMP refused to participate in the voter registration process due to allegations of bias on the part of the SCER, which conducted voter registration. The SCER therefore recruited staff members on short notice and was not able to provide them with meaningful training before voter registration began.

In June 2006 the JMP and the GPC agreed on several items of contention, including the formation of a joint committee to review voter lists with the SCER and decide which names needed to be removed due to technical errors. Although the SCER requested that the courts expunge more than 200,000 names identified as underage or duplicate voters, a searchable electronic copy of the registration list was never provided to opposition parties or local constituencies so that they could verify voter lists before the election. There were reports that the SCER mistakenly removed eligible voters from lists in several constituencies.

In addition, many constituencies were redistricted a month before the election in a manner that was not transparent to the public, international observers, or the opposition parties. Independent and opposition observers noted that redistricting resulted in the allocation of more local council representatives for constituencies that were viewed as progovernment.

Whereas ballot counting for the presidential election was reported to be generally fair and accurate, there were numerous reports that ballots for the local council elections went uncounted in some constituencies or were not secured after the count, rendering a recount or inspection of the ballots impossible.

Election-related violence during the 30-day campaign period and on election day was markedly lower than in previous elections. The SCER reported that seven people were killed in election-related violence. In August 2006 one election official (a member of the opposition) and two ruling party members killed each other in an election-related dispute in al-Jawf. On election day two people were killed in clashes between government and opposition party supporters in Taiz governorate, and two in Amran governorate. The SCER reported that an election official died in Hajja governorate on election day, but at year's end there had been no developments in the case.

In August 2006 the campaign manager of independent candidate Ahmed al-Majidi was killed in Lahij, but the SCER did not count this as an election-related killing. At year's end no results of the Government's investigation into this killing had been made public. There were no reports that government security agents killed anyone in election-related incidents.

The law mandates that political parties be viable national organizations that cannot restrict their membership to a particular region. The Constitution prohibits the establishment of parties that are contrary to Islam, "oppose the goals of the country's revolution," or violate the country's international commitments.

The law stipulates that each party have at least 75 founders and 2,500 members. Parties based on regional, tribal, sectarian, class, professional, gender, or racial identities are not permitted. Candidates from any party may declare their candidacy for elections. The Government provided financial support to most of the 23 political parties, including a small stipend to publish party newspapers.

The ruling GPC has been the dominant party since unification of the country and controls 238 of the 301 seats in Parliament (elected in 2003). Islah is the only other significant party, and it controls 46 seats. At times tribalism distorted political participation and influenced the central government's composition. Observers noted that persons were often selected to run for office or given jobs in particular ministries based on their tribal affiliations. Because tribal areas were still run by patriarchal systems, some tribal leaders reportedly influenced tribal members to vote for certain candidates.

Although there were no formal restrictions limiting opposition participation, the Government made it difficult for some parties to organize. At year's end the Government continued to hold substantial assets of the opposition Yemeni Socialist Party, including land and buildings, which were seized after the 1994 civil war. In 2005 the president publicly accused two minor parties of attempting to overthrow the Government by fomenting the al-Houthi uprising. The headquarters of the Union for Popular Forces was seized by armed men and the party forcibly recreated under dubious circumstances.

On March 20, the Government dissolved the al-Haq Party for reportedly violating the Political Parties Law. However, civil society observers claim that the party was abolished due to its affiliation with the al-Houthi rebels and for its Zaydi appeal.

Women voted and held office; however, cultural norms rooted in tribal traditions and religious interpretation often limited their exercise of these rights. There was one woman in the 301-seat Parliament. There were three women in the cabinet, including the minister of human rights, the minister of social affairs and labor, and a supreme court justice. In 2005 the SCER established a Women's Department responsible for addressing gender equality in the electoral process. The department conducted informational campaigns on the importance and mechanism of voting prior to the September elections. In the September 2006 elections, 164 women ran for and 38 won seats on local and provincial councils. Women's rights activists and female parliamentary candidates accused the ruling party and the authorities of rigging the elections against women.

Many members of the Akhdam community, a small ethnic minority descended from east Africans, did not participate in the political process due to socioeconomic factors and discrimination. There were no members of minority groups in Parliament or the cabinet. There were no reports that persons with disabilities were prohibited from participating in the political process.

Government Corruption and Transparency.—The law provides criminal penalties for official corruption; however, the Government did not implement the law effectively, and officials frequently engaged in corrupt practices with impunity. The World Bank's Worldwide Governance Indicators reflected that there is a serious corruption problem, and a perception of corruption in every branch and level of government was widespread. Government officials and parliamentarians were presumed to benefit from insider arrangements and embezzlement. Procurement was a regular source of corruption in the executive branch. In March 2006 the Central Organization for Control and Audit (COCA), the country's investigative body for corruption, reported that between its creation in 1999 and 2005, COCA had investigated 518 official cases of corruption, of which 361 were filed with COCA in 2005, resulting in a loss to the treasury of $24.7 million (4.86 billion riyals). At year's end, of the 518 cases, 490 had been sent to the judiciary for action, while the remaining 28 cases were still under consideration. COCA's reports were rendered to the Parliament but were not accessible to the general public. Only low-ranking officials have been prosecuted for corruption since COCA's inception. The actual number of corruption cases was generally considered to be significantly higher than what was reported by COCA.

Petty corruption was widely reported in nearly every government office. Job candidates were often expected to purchase their positions. Tax inspectors were reported to undervalue their assessments and pocket the difference. Many government officials received salaries for jobs they did not perform or multiple salaries for the same job.

In December 2006 the President ratified an anticorruption law, creating the first Supreme National Authority for Combating Corruption (SNACC), a new independent authority to investigate cases of official corruption. The authority includes a council of government, civil society, and private sector representatives.

On June 25, Parliament elected 11 members to the SNACC, whose chair and deputy chair will serve a 2½-year term and can serve another 2½-year term, subject to SNACC consent, while regular SNACC members can serve only one 5-year term. On July 4, President Saleh signed a decree officially establishing SNACC and chaired SNACC's first meeting. SNACC elected former Minister of Telecommunications Ahmed al-Anesi as Chair and Sana'a University Associate Professor of Political Science Bilquis al-Osbo'a as Deputy Chair.

In early June, the local authority fired the Director General of Taxes Hussein Ali al-Ameer, Director General of Public Health and Population Fadhl Mohammed al-Akwa'a, and Director General of Electricity Ahmad Sailan on charges of corruption in the Dhammar province.

The law requires a degree of transparency and public access to information, and the Press and Publications Law provides for journalists to have some access to government reports and information; however, in practice the Government offered few procedures to ensure transparency. In August 2006 Parliament passed a law requiring public disclosure of government officials' assets, and the SNACC worked to implement this during the year. The Government provided limited information on Internet sites; however, few citizens had access to the Internet.

Section 4. Governmental Attitudes Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

Domestic and international human rights groups operated with varying degrees of government restriction, generally investigating and publishing their findings on human rights cases with little constraint. NGOs reported that government officials were not always cooperative and responsive to their views. The Law for Associations and Foundations regulates the formation and activities of NGOs.

The law permits some foreign funding of NGOs and requires government observation of NGO internal elections. During the year the MHR sponsored several initiatives to further cooperation with local NGOs.

Domestic human rights NGOs operated throughout the year. Although progovernment NGOs were supported by the Government or ruling party, others were clearly supported by opposition parties or were fully independent. Some of the most active included the Human Rights Information and Training Center, HOOD, the Arab Foundation for Supporting Women and Juveniles, the Democracy School, Media Women Forum, and the Arab Sisters Forum for Human Rights.

Some NGOs practiced self-censorship. Some ministries reportedly harassed NGOs critical of the Government by delaying the procedures required for annual registration and licensing and through bureaucratic funding criteria. For example, MSAL refused to reissue the license for the Arab Sisters Forum for Human Rights due to its criticism of the Government surrounding press freedom. The Government requires NGOs to register annually or be declared illegal. However, NGOs that were not granted licenses continued to operate during the year. In some instances the Government reportedly registered a progovernment clone version of an NGO, recognizing the clone as the legitimate NGO, thereby preventing the original NGO from renewing its registration under its original name. In such cases registration applications must be re-filed under a new name. In some instances during the year, the Government reportedly did not act upon some registration applications and reportedly placed unofficial freezes on new licenses ahead of the September elections.

The Government monitored NGO finances. The Government reportedly used financial reviews as a pretext to harass or close NGOs, and some NGOs allegedly kept less than transparent records. Several NGOs reported being singled out as "agents of foreign powers" in progovernment media after publishing reports critical of the Government. During the year, Women Journalists without Chains, HOOD, Arab Sisters Forum, and the Observatory for Human Rights were all named as "foreign agents" in progovernment media.

The Government provided AI, Human Rights Watch, the Parliament of the EU, and the CPJ limited access to records, detention centers, and prisons. The ICRC maintained a resident office to inspect prisons during the year, although access to PSO prisons was sometimes restricted. ICRC also carried out humanitarian missions around Saada to support the displaced populations during the war. ICRC continued to run IDP camps for Saada's displaced population.

The MHR attempted to raise awareness of human rights via public information campaigns, training of security forces, and participation in numerous conferences in cooperation with civil society.

During the year, the Parliament's committee on human rights was largely inactive, as was the consultative council's committee on human rights.

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

The law provides for equal rights and equal opportunity for all citizens; however, the Government did not effectively enforce the law. Discrimination based on race, gender, and disability remained serious problems. Entrenched cultural attitudes limited women's ability to access equal rights.

Women.—The law criminalizes rape; however, the Government did not effectively enforce the law. The punishment for rape is imprisonment for up to 15 years; however, this had not been imposed in any rape case by year's end. The rape victim was often prosecuted on charges of fornication after the perpetrator was set free. According to the law, the accused must confess or the defense needs to provide four female or two male witnesses to the crime. The Government has yet to introduce DNA technology to its criminal rape cases, and without witnesses cases were difficult to prosecute. Rape cases were also often hindered by excessive corruption. A leading local women's rights organization asserted that the judicial system fails to bring justice to victims of rape. According to the law, a woman may not refuse sexual relations with her husband; accordingly, spousal rape is not criminalized. There are no reliable statistics on the number of rapes. Most women do not come forward, often remaining silent in fear of shaming the family and violent retaliation.

The 2003 rape case of Anisa al-Shuaibi was ongoing at year's end. Al-Shuaibi was detained in November 2003 with her two children by the CID for the kidnapping and murder of her husband, who was later found to be living. According to her lawyers, al-Shuaibi was detained illegally for 38 days in a CID jail, during which she was raped and tortured by two high-level CID officers. Al-Shuaibi continued to receive threats on her life and those of her children at year's end.

The law provides women with protection against violence; however, the law was rarely enforced. Spousal abuse occurred; however, it generally was undocumented. Violence against women and children was considered a family affair and usually went unreported to the police. Due to social norms and customs, an abused woman was expected to take her complaint to a male relative (rather than to the authorities) to intercede on her behalf or provide her sanctuary. For example, on December 3, the Yemen Times published an editorial entitled, "There Must be Violence Against Women," in which the author argued that women should not contact the authorities if beaten by a male relative.

A small shelter for battered women in Aden assisted victims, and telephone hotlines operated with moderate success in Aden and Sana'a. The MHR announced on April 10 its launching of a nationwide hotline to receive complaints on abuses of human rights; it was unclear how many domestic violence cases the MHR hotline received.

The press, women's rights activists, and the MHR continued to investigate and report on violations of women's rights. During the year NGOs sponsored several women's rights conferences dealing with issues such as violence against women, increasing the political representation of women, and economic empowerment.

The penal code allows leniency for persons guilty of committing a "crime against honor," a violent assault or killing committed against females for perceived immodest or defiant behavior. However, the law does not address other types of honor crimes, including beatings, forced isolation, imprisonment, forced early marriage, and deprivation from education. Legal provisions regarding violence against women state that a convicted man should be put to death for killing a woman. However, a husband who kills his wife and her lover may be fined or imprisoned for 1 year or less.

Prostitution is illegal; however, it was a problem, particularly in Aden and Sana'a. The punishment for prostitution is imprisonment for up to 3 years or a fine. The MOI and PSO tolerated and unofficially facilitated prostitution and sex tourism through corruption for financial and operational gain. No laws addressed sex tourism; however, it was a problem, particularly in Aden and Sana'a.

There are no laws prohibiting sexual harassment, which occurred both in the workplace and in the streets.

Social custom and local interpretation of Shari'a discriminated against women. Men were permitted to take as many as four wives. By law the minimum age of marriage is 15 years; however, the law was not widely enforced, and some girls married as early as age 10.

Husbands may divorce wives without justifying their action in court. A woman has the legal right to divorce; however, she must provide a justification, and there are a number of negative practical, social, and financial considerations.

Women who seek to travel abroad must customarily obtain permission from their husbands or fathers to receive a passport and to travel. Male relatives were expected to accompany women when traveling internationally; however, enforcement of this requirement was not consistent. Some women reported that they traveled freely without male escorts.

Some interpretations of Shari'a prohibit Muslim women from marrying a non-Muslim man; however, a Muslim man is allowed to marry a non-Muslim woman. Women do not have the right to confer citizenship on their foreign-born spouses; however, they may confer citizenship on children born of foreign-born fathers if the father dies or abandons the child. The foreign wife of a male citizen must remain in the country for 2 years to obtain a residence permit.

According to a MOI regulation, any citizen who wishes to marry a foreigner must obtain the permission of the ministry. A woman wishing to marry a foreigner must present proof of her parents' approval to the MOI. A foreign woman who wishes to marry a male citizen must prove to the ministry that she is "of good conduct and behavior" and "is free from contagious disease."

According to data from the 2004 Central Statistics Organization census, approximately 69 percent of women were illiterate, compared with approximately 27 percent of men, although statistics in Yemen are extremely unreliable. The high illiteracy rate had a significant effect on women's participation in the September 2006 elections, limiting access to information on campaigns and political rights. Election observers also noted that illiteracy helped perpetuate the belief that women were incapable of holding public office. The fertility rate was 6.67 children per woman. Most women had little access to basic health care.

In general women in the South, particularly in Aden, were better educated and had somewhat greater employment opportunities than their northern counterparts. However, since the 1994 war of secession, the number of women in government in the south has declined, due to cultural pressure from the north, as well as due to stagnation of the economy. According to the U.N. Development Program, female workers accounted for 23 percent of the paid labor force in 2003.

The law stipulates that women are equal to men in employment rights; however, female activists and NGOs reported that discrimination was a common practice in the public and private sectors. Mechanisms to enforce equal protection were weak or nonexistent.

According to the MLSA there were more than 170 NGOs working for women's advancement. The Arab Sister's Forum for Human Rights worked with other NGOs, the Government, and donor countries to strengthen women's political participation. The Yemeni Women's Union and Women's National Committee conducted workshops on women's rights.

Children.—The Government lacked the political will and necessary resources to ensure adequate education, health care, and welfare services for children. The law provides for universal, compulsory, and free education from age 6 to 15 years; however, compulsory attendance was not enforced and books and school uniforms raised the cost of attendance to about $10 (2,000 riyals) per student per year. Public schooling was available to children through the secondary school level. Attendance was mandatory through the ninth grade; however, many children, especially girls, did not attend primary school. According to 2006 government statistics, average student attendance in primary schools was 81.65 percent for boys and 61.74 percent for girls. The 2007 Community, Habitat and Finance (CHF) ACCESS–MENA report stated that 55 percent of children between the ages of 6 to 15 did not attend school.

The law provides for free medical care for children with citizenship; however, this was not always enforced. Malnutrition was common. According to 2005 U.N. Children's Fund (UNICEF) statistics, the infant mortality rate was 76 deaths per 1,000 births. Male children received preferential treatment and had better health and survival rates.

On June 12, hundreds of children reportedly marched in front of government buildings in Sana'a demanding more financial aid in order to solve their health, education, nutrition, child labor, and trafficking problems. The march, which was organized by local NGO Democracy School and was attended by children's rights activists, submitted a letter to the Prime Minister requesting that the Government fulfills its promises of offering free education and health services to children.

The law prohibits female genital mutilation (FGM); however, it was a pervasive practice in the coastal areas on infants before they reach 40 days of age. Although government health workers and officials discouraged the practice, women's groups reported that FGM reached as high as 90 percent in some coastal areas, such as Mahara and Hodeida. The Woman's National Committee and the Ministry of Endowments and Religious Guidance provided a manual for religious leaders on women's health issues, including the negative health consequences of FGM.

Child marriage was a significant problem in the country. The law requires that a girl be 15 years of age to marry; however, it was not enforced, and marriages of girls as young as age 10 occurred. In 2005 UNICEF estimated that approximately 37 percent of citizen children under the age of 15 were married. According to the ministry of social affairs and labor, the Government did not promote public awareness campaigns on the negative effects of child marriage due to the cultural sensitivity of the issue.

The law does not define or prohibit child abuse, and there was no reliable data on the extent of child abuse.

Child labor was a problem. The Child Rights Law prohibits child labor; however, the law has not been implemented, and children as young as 4 years of age worked in workshops, agriculture, fishing or as street vendors.

Trafficking in Persons.—The law does not explicitly address or prohibit trafficking in persons, but other sections of the country's criminal code can be applied to prosecute trafficking offenses. There were credible reports of trafficking in children for forced begging, unskilled labor, and street vending, and unsubstantiated reports of trafficking in women and children for commercial sexual exploitation. The law, which does not differentiate between children or adult victims, allows for a prison sentence of up to 10 years for anyone convicted of crimes constituting trafficking in persons. Other laws forbid and severely punish kidnapping and sexual assault. The Child Rights law mandates the protection of children from economic and sexual exploitation.

There were no reports of underage internal sex trafficking during the year. However, according to a local human rights NGO, it was possible that Yemeni women, including those under the age of legal consent, were trafficked from their homes to other regions within the country for the purposes of prostitution. For example, there were reports that two underage girls, one in 2005 and one in 2006, were trafficked into prostitution in Aden after fleeing abusive homes or forced marriages in the northern governorates. The same NGO also believed that such prostitution may have been organized and speculated that low-level government and security officials operated or were complicit in sex trafficking within the country. Notably, the Government reportedly detained and prosecuted victims of trafficking under anti-prostitution laws.

There were no official statistics available on the number of children trafficked out of the country. Press and NGO reports claimed that children mostly from northern governorates were trafficked out of the country to work as street beggars, vendors, or domestic help in Saudi Arabia at a rate of approximately 200 children per week. The MSAL's Child Labor Unit (CLU) acknowledged during the year that high rates of children are trafficked into Saudi Arabia for work. The CLU estimated that at least 10 children per day are trafficked into Saudi Arabia. MSAL had no reports during the year indicating that children were trafficked into Saudi Arabia for commercial sex work. However, experts at international and intergovernmental organizations reported that there was evidence in the three governorates of Mahweet, Aden, and Taiz that indicated that young girls below the age of 15 were trafficked into the commercial sex trade in those areas. They worked predominantly in hotels, casinos, and nightclubs. Children were trafficked by individuals, older children, and loosely organized syndicates who helped them cross the border by donkey, automobile, or foot.

Government investigations revealed that extreme poverty was the primary motivation behind child trafficking, and the victims' families were almost always complicit. The traffickers were often well known by, if not related to, the family; parents were either paid or promised money in exchange for allowing their children to be trafficked. Many cases were also later discovered to be instances of illegal immigration.

The Government continued its discussions with Saudi Arabian officials to discuss combating child trafficking. The MHR ran a hotline for persons to report child trafficking.

In an attempt to prevent child trafficking, the MSAL conducted a campaign in regions known as points of origin of trafficked children. The MSAL warned potential victims' parents against the dangers of allowing their children to work in Saudi Arabia.

Persons with Disabilities.—Several laws mandate the rights and care of persons with disabilities; however, there was discrimination against them. Five percent of government jobs should be reserved for persons with disabilities, and a law mandates the acceptance of persons with disabilities in universities, exempts them from paying tuition, and requires that schools be made more accessible to persons with

disabilities. It was unclear to what extent these laws have been implemented. No national law mandates the accessibility of buildings for persons with disabilities.

The government's Social Fund for Development and Fund for the Care and Rehabilitation of the Disabled, administered by the MSAL, provided limited basic services and funded over 60 NGOs to assist persons with disabilities.

National/Racial/Ethnic Minorities.—The Akhdam (an estimated 2 to 5 percent of the population) were considered the lowest social class. They lived in poverty and endured persistent social discrimination. The government's Social Fund for Development provided basic services to assist the group.

During the year tribal violence continued to be a problem in Sana'a and throughout Yemen, and the Government's ability to control tribal elements responsible for acts of violence remained limited. Tensions over land or sovereignty in particular regions, which periodically escalated into violent confrontations, continued between the Government and a few tribes. During the year human rights groups reported that some immigrants of African origin had difficulty in securing MOI permission to marry citizens.

There were no reports of discrimination based on sexual orientation or HIV/AIDS; however, these topics are socially sensitive and not discussed publicly.

Incitement to Acts of Discrimination.—Two inflammatory government newspapers, al-Dostor and Akhbar al-Youm, continuously published propaganda material for the purpose of slander and incitement to discrimination or violence. On July 23, al-Dostor published an article with the names of Yemen's top 40 female activists, branding them as apostates. The newspaper also printed photos of four of the activists.

Section 6. Worker Rights

a. The Right of Association.—The law provides that citizens have the right to form and join unions; however, this right was restricted in practice.

The law permits trade unions to organize. Although not required by law, all current unions are federated within the General Federation of Trade Unions of Yemen (GFTUY), a national umbrella organization. The GFTUY claimed approximately 42,000 members in 21 unions during their June elections. The GFTUY denied any association with the Government; however, it worked closely with the Government to resolve labor disputes through negotiation.

The politicization of unions and professional associations continued to hamper the right of association. In some instances the GPC ruling party attempted to control professional associations by influencing internal elections or placing its own personnel, usually tied to the Government, in positions of influence in unions and professional associations.

The law dictates that labor unions can be dissolved only by court order or its own members; however, the Government did not respect this right in practice. In September the MSAL threatened to dissolve the Yemen Teachers Union, Technical Education Syndicate, and the Physicians and Pharmacists Syndicate, claiming they had not obtained a MSAL-issued license and were thus operating illegally. This announcement from MSAL came after months of sit-ins and demonstrations staged around Yemen by the Teachers Union to demand a pay increase.

The law generally protects employees from anti-union discrimination. Employers do not have the right to dismiss an employee for union activities. There were reports that private sector employers discriminated against union members through transfers, demotions, and dismissals.

Employees may appeal any dispute, including cases of anti-union discrimination, to the MSAL. Employees also may take a case to the Labor Arbitration Committee, which is chaired by the MSAL; it is composed of an employer representative and a GFTUY representative. Such cases often were disposed favorably toward workers, especially if the employer was a foreign company. Neither GFTUY nor the MSAL were able to provide statistics on how many unionized employees used this system during the year.

b. The Right to Organize and Bargain Collectively.—The labor law provides workers, except public servants, foreign workers, day laborers, and domestic servants the right to organize and bargain collectively without government interference. The Government permitted these activities; however, at times it sought to influence them by placing its own personnel inside groups and organizations. Unions may negotiate wage settlements for their members, and may resort to strikes or other actions to achieve their demands. Public sector employees must take their grievances to court. The MSAL has veto power over collective bargaining agreements. Several such agreements existed. Agreements may be invalidated if they are "likely to cause a breach of security or to damage the economic interests of the country."

The labor law provides unions the right to strike only if prior attempts at negotiation and arbitration fail, and workers exercised this right by conducting legal strikes. The proposal to strike must be submitted to at least 60 percent of all concerned workers, of whom 25 percent must vote in favor. Strikes for explicit "political purposes" were prohibited. During the year there were reports of at least 40 peaceful strikes.

Throughout the year the Yemen Teachers Union staged a number of demonstrations, strikes, and sit-ins demanding that the Government adhere to the 2005 Salaries and Wages Strategy Law, which grants them higher salaries and allowances. On May 6 and May 18, the Teachers Union staged strikes in Lahj. On August 7, the Union staged a sit-in and a march in Lahj including thousands of teachers. On September 4, the Union organized massive sit-ins in Amran and Sana'a. No penal action was taken against the participants of these demonstrations; however, some teachers were threatened with salary deductions and transfers to remote schools by the ministry of education. At year's end, the ministry had not taken any action against the teachers.

MSAL, aware of the problems encountered by the Teachers Union, reportedly submitted a request to the Attorney General requesting the dissolution of the Teachers Union due to its unregistered status. According to the MSAL, the ministry's role is to monitor and give advice to unions.

The Land Aviation Engineers Syndicate organized a strike between May 19 and 21, suspending it after Yemenia Airlines met its claim to implement a new wage strategy and to rehire three employees that had previously been fired without due process. Yemenia Airlines had not implemented the two demands at year's end.

Throughout the year the Yemeni Physicians and Pharmacists Syndicate was largely inactive, despite the Government's failure to fulfill its 2006 pledge to raise wages.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor.—The law prohibits forced or compulsory labor, including by children, and there were no reports that such practices occurred.

d. Prohibition of Child Labor and Minimum Age for Employment.—The Child Rights Law prohibits child labor; however, it has not been effectively implemented.

The established minimum age for employment was 15 years in the private sector and 18 years in the public sector. By special permit, children between the ages of 12 and 15 years could work. The Government rarely enforced these provisions, especially in rural and remote areas. The Government also did not enforce laws requiring 9 years of compulsory education for children.

Child labor was common, especially in rural areas. The 2007 CHF ACCESS–MENA report states that children in the country were predominantly employed in agriculture and fishing. Many children were required to work in subsistence farming due to family poverty. Even in urban areas, children worked in stores and workshops, sold goods, and begged on the streets. Many children of school age worked instead of attending school, particularly in areas in which schools were not easily accessible.

The Child Labor Unit at the Ministry of Social Affairs and Labor was responsible for implementing and enforcing child labor laws and regulations; however, the unit's lack of resources hampered enforcement.

In 2006 the Ministry of Social Affairs and Labor estimated that there were over 500,000 working children, ages 6 to 14 years, and that working children equaled 10 to 15 percent of the total work force. CHF 2007 estimated that approximately 52 percent of male children between the ages of 10 to 14 were in the work force, compared to 48 percent of female children in the same age group. CHF estimated that 83 percent of working children worked for their families (including street beggars) and 17 percent worked outside the family. The MSAL cites that children working outside the family are employed in small factories and shops. The Government was an active partner with the International Labor Organization's International Program to Eliminate Child Labor. During the year this program offered remedial education, vocational training, counseling, and reintegration of child laborers into schools.

e. Acceptable Conditions of Work.—There was no established minimum wage. The labor law provides equal wages for workers and civil servants. Private sector workers, especially skilled technicians, earned a far higher wage. The average daily wage did not provide a decent standard of living for a worker and family. During the year the minimum civil service wage did not meet the country's poverty level.

The law specifies a maximum 48-hour workweek with a maximum 8-hour workday; however, many workshops and stores operated 10- to 12-hour shifts without

penalty. The 35-hour workweek for government employees was 7 hours per day from Saturday through Wednesday.

MSAL is responsible for regulating workplace health and safety conditions. The requisite legislation for regulating occupational health is contained in the labor law. However, enforcement was weak to nonexistent due to the need for capacity building in the MSAL. MSAL has a Vocational Safety Department that relies on committees to conduct primary and periodic investigations of safety and health conditions in workplaces. Many workers were regularly exposed to toxic industrial products and developed respiratory illnesses. Some foreign-owned companies and major manufacturers implemented higher health, safety, and environmental standards than the Government required. Workers have the right to remove themselves from dangerous work situations and may challenge dismissals in court.

SOUTH CENTRAL ASIA

AFGHANISTAN

Afghanistan is an Islamic republic with a population of approximately 30 million. Citizens elected Hamid Karzai president in October 2004 in the country's first presidential election under its January 2004 Constitution. The September 2005 parliamentary elections—the first in more than three decades—did not fully meet international standards for free and fair elections, but citizens perceived the outcomes as acceptable, and the elections established the basis for democratic development at the Federal and local levels.

The country's human rights record remained poor due to a deadly insurgency, weak governmental and traditional institutions, corruption, drug trafficking, and the country's legacy of two-and-a-half decades of conflict. Human rights problems continued, including extrajudicial killings; torture; poor prison conditions; official impunity; prolonged pretrial detention; increased restrictions on freedom of press; restrictions on freedoms of religion, movement, and association; violence and societal discrimination against women, religious converts, and minorities; trafficking in persons; abuse of worker rights; and child labor. While civilian authorities generally maintained effective control of the security forces, there were instances in which members of the security forces acted independently of government authority.

While the Government deepened its authority in provincial centers, the Taliban or factions operating outside government authority controlled some areas. During the year more than 6,500 persons died as a result of the insurgency, including by suicide attacks, roadside bombs, and gun assassinations, in contrast to 2006, when more than 1,400 individuals died. The overwhelming majority of the casualties were insurgent fighters killed in combat. The Taliban and antigovernment elements continued to threaten, rob, attack, and kill villagers, government officials, foreigners, and nongovernmental organization (NGO) workers. The Taliban increasingly attacked civilian and international targets using the tools of terrorism, including targeted suicide bombings, automatically and remotely detonated bombs and landmines, and the use of civilians as shields. Also during the year, the number of NGO representatives who were threatened and kidnapped increased significantly. The instability caused by the continuing insurgency and the difficult operating environment caused by the Taliban's strategy of targeting government offices and workers contributed to weaknesses in government institutions.

The Government continued to develop and professionalize its army and police force. Increased oversight of police by internal and external monitors helped to prevent abuses, and human rights training became a regular element for police and army personnel. The Ministry of Interior (MOI) continued rank and pay reform efforts and removed officers involved in human rights violations and high-level corruption. International human rights groups stated that extensive reporting of human rights abuses led to increased arrests and prosecutions of abusers.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life.—There were numerous reports that the Government or its agents committed arbitrary or unlawful killings. The shortage of trained police, poor infrastructure and communications, and a weak justice system hampered investigations of unlawful actions and prevented reliable numerical estimates. Additionally, there were killings of civilians in conflict, high-profile killings by unknown actors, and politically motivated killings by insurgent groups during the year in connection with the ongoing insurgency (see Section 1.g.).

In June in Jowzjan Province, police fired on protesters demanding the removal of the province's governor, killing at least 10 persons and injuring at least 40. At year's end there had been no prosecutions in the case.

According to a 2006 Amnesty International (AI) report, President Karzai's chief of staff told the Secretary General of AI that there would be a moratorium on executions while judicial reform was carried out. However, on October 7, 15 prisoners were executed at Pol-e-Charkhi prison by executive order. According to prison officials, all prisoners allegedly were multiple offenders convicted of crimes including murder, armed robbery, and rape. One prisoner escaped, allegedly with the help of prison guards. The European Union (EU), U.N., and numerous human rights NGOs condemned this execution, noting that the lack of due process in the judicial system did not guarantee a fair trial for those executed.

There were no developments in the February 2006 police killing of four protesters in Kabul and one in Maymana when demonstrations over satirical cartoons of the Prophet Mohammad turned violent; there also were no developments in the September 2006 death in custody in Ghazni Province.

In February 2006 inmates at Pol-e-Charkhi prison rioted for 5 days, resulting in the death of six inmates and injuries to 44, according to the Afghan Independent Human Rights Commission (AIHRC); many reported that security personnel used excessive force in their response to the riot. There continued to be no public investigation.

There were no further developments in the 2005 case involving Kabul Police Chief General Abdul Jamil Junbesh, who allegedly tortured and killed a civilian named Hussain, or in the case of the December 2005 police beating and subsequent death of a detainee at the Kabul police station. In both cases human rights activists characterized official investigations as ineffective, and authorities made no formal charges. In June 2006 President Karzai removed Junbesh from office following a security incident in which critics attacked Junbesh's ability to maintain order.

Violence perpetrated by Taliban, al-Qa'ida, and Hizb-e-Islami Gulbuddin terrorists and insurgents killed more civilians than in the previous year. Violence by these groups included an increasing number of terrorist attacks using suicide bombs. Insurgent violence killed more than 6,500 civilians and military personnel during the year, compared to more than 1,400 in 2006. Attacks on government security forces, international organizations, international aid workers and their local counterparts, and foreign interests and nationals increased during the year, prompting some organizations to restrict their developmental or humanitarian activities or leave areas of the country. Government officials remained under attack by insurgents, with more than a dozen killed in numerous incidents.

Insurgents appeared to be targeting Provincial Reconstruction Teams (PRTs) and construction crews, NGOs, and contractors as a means to hamper reconstruction efforts and drive the international assistance community out of the country. There was a marked increase in high-profile kidnappings of foreign NGO workers, journalists, and contractors. During the year the Taliban beheaded at least 20 citizens and foreigners for alleged "crimes" ranging from espionage to supporting the Karzai government.

On April 4, in Badakhshan, the local population and police discovered a mass grave of more than 120 civilians. An initial investigation indicated that they were likely killed in the late 1970s; the investigation continued at the end of the year.

b. Disappearance.—The Constitution prohibits kidnapping; however, there were reports of insurgent groups and criminals perpetrating disappearances and abductions during the year, including in connection with the ongoing insurgency (see Section 1.g.). Insurgents targeted government officials and civilians. In some cases, inadequate judicial institutions failed to disclose detentions in a timely way, creating the impression of disappearance.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Constitution prohibits such practices; however, there were reports of abuses by government officials, local prison authorities, police chiefs, and tribal leaders. NGOs reported that security forces continued to use excessive force, including beating and torturing civilians. During the year human rights organizations reported that local authorities in Herat, Helmand, Badakhshan, and other locations continued to torture and abuse detainees. Torture and abuse included pulling out fingernails and toenails, burning with hot oil, beatings, sexual humiliation, and sodomy. On March 15, the U.N. Secretary-General released a report noting that in a significant portion of cases ill-treatment and torture had been used to force confessions, and on September 21, released another report stating that the Government must investigate allegations of torture of detainees by authorities, especially by the National Directorate of Security (NDS).

On November 11, AI released a report stating that prisoners frequently were subject to torture once transferred to local authority. The report documented specific cases of torture and noted that AI received repeated reports from both individuals

and international organizations of torture and ill-treatment by the NDS. The Government rejected the report's assertions.

In 2006 Mohammed Ibrahim Sahdat, a lawyer from the Afghanistan Human Rights Organization, reported the case of Jalaludin, whose home was near the scene of an explosion and whom police accused of having ordered it. Authorities reportedly hung Jalaludin by his feet for 10 hours, beat him, and subjected him to electric shocks. He was later released. There were no further developments in the case.

There were numerous reports of abuse by Afghan national police (ANP) officers. In September in Ghazni Province, police beat two prisoners in custody. The cases were referred to the MOI's human rights unit, and investigations continued at year's end.

In 2006 in Faryab Province, villagers in Kata Kala town reported that regional leaders imprisoned and tortured them to extort money. Some were beaten and others were locked in dark rooms for hours. Victims also were repeatedly threatened with death if they did not cooperate.

In the fall of 2006, residents of the village of Galouch claimed that ANP and Afghan National Army (ANA) soldiers seeking a local commander entered villagers' homes, verbally abused them, and stole personal items from the residents.

There were continued allegations of rape and sexual abuse of individuals in government detention; investigations did not result in charges. In 2006 in Pol-e-Charkhi prison, the AIHRC also reported that two police officers and several prisoners raped a young male prisoner. The AIHRC reported that in 2005 local authorities granted one woman medical treatment after police provided her to men for sexual exploitation.

In Balkh Province in 2006, residents alleged that regional leaders were running private prisons to extort money. Abuse generally consisted of beatings, resulting in death in some cases. There was no investigation by year's end.

There were also reports of abuses by the Taliban and other insurgent groups. Media reports and firsthand accounts accused the Taliban of employing torture in interrogations of persons they accused of supporting coalition forces and the central government. According to media sources, the Taliban reportedly claimed responsibility in such cases by contacting newspapers and television stations directly. For example, in November in Kandahar, the Taliban tortured and then killed five policemen, reportedly as a warning to villagers against cooperating with the Government.

Violence and instability due to the insurgency increasingly hampered relief and reconstruction efforts in different parts of the country and led to numerous human rights abuses. During the year government employees received threats of kidnapping and physical violence in Khost, Laghman, Paktika, Kapisa, and Sari-Pul. Additionally, directors of the provincial offices of the Department of Women's Affairs in Kandahar, Helmand, Farah, Uruzgan, Wardak, and Nuristan received threats of physical abuse.

In June 2006 in Balkh Province, unknown assailants beat member of Parliament (MP) Faizullah Zaki. There were many allegations that this attack was politically motivated; however, there continued to be no public investigation into the attack.

According to U.N. reports, in some cases where there were no local detention facilities, tribal leaders held women accused of crimes in private detention, forced them into slave-like conditions outside the reach of the law, and subjected them to sexual and physical abuse for committing acts that often did not constitute legal offenses.

According to an AIHRC report, children who were in detention centers and orphanages were exposed to sexual exploitation. According to the AIHRC, during the Pol-e-Charkhi prison riots in 2006, a prison official working in the women's wing of the prison raped one female inmate.

Prison and Detention Center Conditions.—Prison conditions remained poor. Most were decrepit, severely overcrowded, unsanitary, and fell well short of international standards. Some prisons held more than twice their planned capacity. Often prisoners were in collective cells, reflecting resource constraints and also cultural preferences for collective housing rather than individual or two-person cells. Where new collective cells were constructed, consideration was given to appropriate square footage per person. In district prisons, shipping containers were used as cells when other structures were unavailable. There were reports of prisoners beaten and tortured. Resource constraints contributed to some prisoners not always having access to an adequate diet, but it was not policy or practice to withhold food to ensure a compliant prison population. The AIHRC continued to report that inadequate food and water, poor sanitation facilities, insufficient blankets, and infectious diseases were common conditions in the country's prisons. Infirmaries, where they existed, were underequipped, and the supply of quality medicine was insufficient. Contagious and mentally ill prisoners were rarely separated from other prisoners. In

September, 120 inmates at Pol-e-Charkhi prison undertook a hunger strike lasting 2 days. The prisoners stated they were protesting conditions at the prison and unfair judicial procedures.

The Government reported 34 official prisons, one in each province. The Government also reported 31 active rehabilitation centers for juveniles. Approximately 14 detention centers housed female prisoners.

Children under 12 years of age whose mothers had been convicted of a crime were incarcerated with their mothers. Prisons did not have the capacity to separate prisoners and lacked adequate separate housing for women, accompanying children, and juveniles. In Pol-e-Charkhi prison, as in other parts of the country, juveniles frequently were detained with adult prisoners, unless space permitted. Prisoners awaiting trial generally were not separated from the rest of the inmate population.

According to an AIHRC report, children in juvenile detention centers were normally kept in areas where they were exposed to the possibility of physical and sexual exploitation. There were approximately 134 juvenile offenders in correction facilities, but 12 provinces did not have specialized juvenile correction centers. In December Pol-e-Charkhi prison held 106 female inmates, 58 of whom were accompanied by their children, who had not committed any crimes.

A local NGO tried to provide kindergarten activities for some of the incarcerated children; however, there was not enough space in the classrooms. According to prison staff, the official policy was that children could stay with their mothers only until the age of 2 and were then transferred to a rehabilitation center. Space constraints at the rehabilitation center sometimes prevented the transfer, adding to children's time.

The Government permitted the International Committee of the Red Cross (ICRC) to visit all prisons operated by the NDS and Ministry of Justice (MOJ), and the ICRC conducted such visits during the year. The AIHRC also monitored prison conditions regularly during the year. The AIHRC reported that in some cases prison authorities did not grant representatives full access. In a March 15 report, the U.N. Secretary-General stated that access to detention facilities remained problematic for the AIHRC and the United Nations Assistance Mission in Afghanistan (UNAMA).

International media reports asserted that Taliban forces detained and imprisoned individuals in Musa Qala in a Taliban jail after seizing control of the town from February to December. The ICRC and the AIHRC did not have access to prisoners and hostages held by Taliban insurgents. According to U.N. reports, in some cases where there were no local detention facilities, women accused of crimes reportedly were placed in private detention, sometimes in the house of the head of the village against approved treatment guidelines and international human rights standards. NGOs reported that powerful local leaders and insurgents, including the Taliban, continued to operate private prisons.

d. Arbitrary Arrest or Detention.—The law prohibits arbitrary arrest or detention; however, both remained serious problems.

Role of the Police and Security Apparatus.—The ANP, under the MOI, had primary responsibility for internal order. In some areas powerful individuals, some of whom reportedly were linked to the insurgency, maintained considerable power as a result of the Government's failure to assert control. During the year the Government expanded its reach to new areas, including the eastern border region with Pakistan, through the use of auxiliary police. The North Atlantic Treaty Organization remained in control of the U.N.-sanctioned International Security Assistance Force (ISAF), which worked closely with the national security forces. The NDS investigated criminal and national security cases and also functioned as part of the intelligence apparatus. During the year human rights activists and NGOs reported widespread human rights violations committed by representatives of national security institutions, including arbitrary arrest, illegal detention, and torture. U.N. High Commissioner for Human Rights Louise Arbour, speaking during a November visit to the country, noted her concern regarding transfer of prisoners taken during ISAF operations to the NDS, stating that it "is not a regular law enforcement body and operates on the basis of a secret decree."

The ANP played a major role in providing security in the country. Rank and pay reform procedures put in place in 2006 continued, resulting in the removal of more than 80 senior officers in the past 2 years. International support for recruiting and training of new ANP personnel was conditional upon new officers being vetted in a manner consistent with international human rights standards to generate a more professional police force. The international community worked with the Government to develop training programs and internal investigation mechanisms to curb security force corruption and abuses. At the end of the year, more than 73,000 ANP

members had been trained in basic literacy, professional development, and fundamental standards of human rights. Nevertheless, human rights problems persisted.

According to media reports and polling during the year, the perception of widespread corruption and mistreatment of citizens in custody undermined confidence in the police. The MOI Human Rights Unit receives and responds to complaints of police abuse and has trained at least two ANP officers in each province and one in each checkpoint in Kabul to recognize and report human rights violations. Communication and coordination of reports between the provinces and MOI headquarters in Kabul remained a concern.

Fueled in part by inadequate and irregular payment of salaries and corruption, official impunity remained pervasive. Illegal border checkpoints, some reportedly manned by tribal leaders and low-level members of insurgent groups, extorted bribes and continued to be a problem. Human rights groups and detainees reported that local police extorted bribes from civilians in exchange for their release from prison or to avoid arrest.

The Government made efforts to combat corruption in the security apparatus. The Government introduced electronic direct deposit of police and military salaries during the year, making pay more transparent and accountable.

NGOs and human rights activists noted that societal violence, especially against women, was widespread; however, in many cases, security forces did not prevent or respond to such violence.

Arrest and Detention.—Arbitrary arrest and detention remained problems. Judicial and police procedures and practices for taking persons into custody and bringing them to justice varied depending on the area and local authorities. Some areas, such as the major regional centers, had more formal judicial structures than others.

The law provides for access to legal counsel, the use of warrants, and bail; however, authorities applied all three inconsistently.

The press and human rights organizations reported arbitrary arrest in most provinces. There was little consistency in the length of time that detainees were held before trial or arraignment. In a March 15 report the U.N. Secretary-General stated that in many cases there was prolonged pretrial detention and that suspects had not been given access to lawyers.

In 2006 during Ramadan, a locally established "morals and rules commission" in Khost Province arrested individuals for selling alcohol to Muslims, possessing and selling pornography, and displaying "other improper ethics."

Many detainees were able to bribe their way out of custody before their cases were prosecuted.

Police often detained women at the request of family members for "zina," a term used broadly to refer to actions that include defying the family's wishes on the choice of a spouse, running away from home, fleeing domestic violence, eloping, or for other "moral" offenses such as adultery or premarital sex. Authorities imprisoned an unknown number of women for reporting crimes perpetrated against them and as substitutes for their husbands or male relatives convicted of crimes. Some women were placed in protective custody to prevent violent retaliation by family members.

Authorities did not respect limits on length of pretrial detention, and lengthy pretrial detention remained a problem in part because the legal system was unable to guarantee a speedy trial. The U.N. Human Rights Commission, ICRC, and AIHRC reported that arbitrary and prolonged detentions frequently occurred throughout the country. The Interim Criminal Procedure Code sets limits on pretrial detention. Police have the right to detain a suspect for a maximum of 72 hours to complete a preliminary investigation. If they decide to pursue a case, the file is transferred to the prosecutor's office, which must see the suspect within 48 hours. The investigating prosecutor could continue to detain a suspect without formal charges for 15 days from the time of arrest while continuing the investigation. Prosecutors must file an indictment or drop the case within 30 days of arrest. The court has 2 months to hear the case. An appeal must be filed within 20 days, and the appellate court has 2 months to review the case. A second appeal must be filed within 30 days, after which the case moves to the Supreme Court, which could take up to 5 months to conclude the trial. In many cases, courts did not meet these deadlines. NGOs continued to report that prison authorities detained individuals for several months without charging them. There were credible reports during the year that police in Ghazni and Kabul continued to detain prisoners after they were found innocent.

Lengthy trial procedures stemmed in part from the severe inadequacy of the judicial system. Reports from international NGOs estimated that no more than 150 defense lawyers, 1,400 judges, and 2,000 to 2,500 prosecutors practiced; most of them lacked any formal legal training. During the year international groups worked with

the MOJ to provide constitutionally mandated legal aid, with more than 800 prosecutors, attorneys, and justice professionals receiving training.

According to the MOJ, there were 9,604 persons detained in correctional facilities nationwide, of whom 5,342 had been tried and convicted; the remaining 4,262 were awaiting trial. There were also widespread shortages of judges. Bamyan Province, for instance, reported that there were no judges in three of its districts and three districts were understaffed. Another significant barrier to justice was detainees' lack of awareness of their rights under the 2004 Interim Criminal Code for Courts. The Criminal Code, which human rights and legal experts widely reported was inadequate, continued to be rewritten and improved during the year.

Amnesty.—On February 20, the Parliament passed a bill that would grant amnesty from prosecution to all persons engaged in conflict for the past 25 years, as well as those who are currently fighting. The bill also states that those individuals should not be subjected to criticism. The bill does allow for individuals to bring cases against perpetrators. NGOs, the AIHRC, and many citizens criticized the bill, noting that it would grant amnesty to gross violators of human rights, including many parliamentarians. An AIHRC commissioner noted that it would cause instability and undermine national reconciliation. At the end of the year, President Karzai had not signed the bill, and its status remained unclear.

e. Denial of Fair Public Trial.—The law provides for an independent judiciary, but in practice the judiciary was underfunded, understaffed, and subject to political influence and pervasive corruption. Pressure from public officials, tribal leaders, families of accused persons, and individuals associated with the insurgency, as well as bribery and corruption, threatened judicial impartiality. Justice was administered unevenly according to a mixture of codified law, Shari'a (Islamic law), and local custom.

The formal justice system was relatively strong in the urban centers, where the central government was strongest, and weaker in the rural areas, where approximately 75 percent of the population lives. Nationwide, fully functioning courts, police forces, and prisons were rare. The judicial system lacked the capacity to handle the large volume of new and amended legislation. A lack of qualified judicial personnel hindered the courts. Municipality and provincial authorities as well as judges had minimal training and often based their judgments on their personal understanding of Shari'a, tribal codes of honor, or local custom. Both judges and prosecutors were hampered by a lack of access to legal codes and statutes.

In October 2006 the Attorney General's Office launched an investigation of Judge Gholam Rabbani, who was in charge of the Paghman District Court. Officials suspended Rabbani's license and on January 16, the Supreme Court sentenced him to 2 years' imprisonment, removed him from his position, and made him pay a fine of approximately $500 (24,400 AFN). The attorney general also suspended and detained Judge Mohammed Dawood, a member of the District 11 Court on charges of bribery. In January the Supreme Court removed him from his position, sentenced him to 3 years in prison, and forced him to pay a fine of approximately $3,500 (175,000 AFN). According to the personnel office at the Supreme Court, a clerk in District 12 Court faced accusations of bribery and was fired. The clerk remained in detention at year's end and was under investigation by the Attorney General's Office.

The judicial branch consists of the Supreme Court, high courts (appeals courts), and primary courts, the structure and authority of which are determined by law. Judges are appointed with the recommendation of the Supreme Court and approval of the president. The Supreme Court has overall responsibility for the national court system. The president appoints Supreme Court members with the approval of the House of Representatives (Wolesi Jirga). A national security court tried terrorists and other cases, although details were limited on its procedures. In 2005 President Karzai passed an antinarcotics law by decree, which serves as law pending parliamentary review. The law created a separate central court with national jurisdiction for narcotics prosecutions above a threshold level.

In some remote areas not under government control, the Taliban enforced a parallel judicial system by means of informal "shuras" (community councils). These included districts in Helmand Province. Punishments handed out by such Taliban councils included beatings, hangings, and beheadings, according to human rights activists.

In major cities, courts primarily decided criminal cases, although civil cases were often resolved in the informal system. Due to the undeveloped formal legal system, in rural areas local elders and shuras were the primary means of settling both criminal matters and civil disputes; they also allegedly levied unsanctioned punishments. The informal justice system played a vital role in society. Some estimates

suggested that 80 percent of all cases went through the shuras, which did not adhere to the constitutional rights of citizens and often violated the rights of women and minorities.

Trial Procedures.—Trial procedures rarely met internationally accepted standards. The administration and implementation of justice varied in different areas of the country. Trials were usually public, and juries were not used. Defendants have the right to be present and to appeal; however, these rights were rarely applied. Defendants also have the right to consult with an advocate or counsel at public expense when resources allowed. This right was inconsistently applied, mainly due to a lack of trained personnel and funding. Defendants were not allowed to confront or question witnesses. Citizens were often unaware of their constitutional rights, and there was no functioning public defender system. Defendants and attorneys were entitled to examine the documents related to their case and the physical evidence before trial; however, NGOs noted that court documents often were not available for review before cases went to trial. Defendants were presumed innocent until evidence proved otherwise. The courts reportedly heard cases in sessions that lasted only a few minutes.

In criminal cases involving murder and rape, judges may sentence convicted prisoners to execution. Under the 2004 Constitution, capital punishment is conditional upon approval of the president, who also had the right to reduce penalties and pardon offenders. However, under Shari'a, relatives of victims can also pursue a civil case against a suspected offender, where a judge can offer restitution or even order execution, which the family could choose to carry out themselves, regardless of the outcome of the criminal case.

Where courts were not available, local elders, often without formal legal training, made decisions through the shura system, basing their rulings on local customs or Shari'a. Even in areas where courts were available, many persons opted for informal dispute resolution, citing cost and effectiveness as reasons. Local elders and shuras often imposed unsanctioned penalties that were not in compliance with codified law. In such proceedings, the accused typically had no right to legal representation, bail, or appeal. In cases lacking a clearly defined legal statute, or cases in which judges, prosecutors, or elders were simply unaware of the law, courts and informal shuras enforced Shari'a; this practice often resulted in outcomes that discriminated against women. In some rural areas, this included the practice of ordering the defendant to provide compensation in the form of young girls to be married to men whose wives had died. Unlike in past years, there were no confirmed reports of flogging or death by stoning.

There were no developments in the case of Asadullah Sarwari, the communist-era intelligence chief and reported human rights abuser. In February 2006 the court sentenced Sarwari to death in a summary, 1-day trial without legal representation, which observers deemed seriously flawed. Sarwari had been detained since 1992; authorities held him without charges until 2005. This sentence was the first attempt to hold a senior government official accountable for past crimes. Sarwari remained in custody at the end of the year.

Political Prisoners and Detainees.—There were reports that a number of tribal leaders, sometimes affiliated with the government, held prisoners and detainees. There were no reliable estimates of the numbers involved.

Civil Judicial Procedures and Remedies.—Citizens had limited access to justice for constitutional and human rights violations, and interpretations of religious doctrine often took precedence over human rights or constitutional rights. The judiciary did not play a significant role in civil matters due to a lack of capacity and severe corruption. Land disputes remained the most common civil dispute and were most often resolved by shuras or informal local courts.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The law prohibits such actions; however, the Government did not respect these prohibitions in practice, and there were no legal protections for victims.

Antigovernment elements, tribal leaders, and security and police officials forcibly entered and looted the homes and businesses of civilians with impunity. There were reports of theft by national security forces while conducting raids and searching homes. According to press reports in April, men in military uniforms looted homes and businesses in the Sangenn District of Helmand Province. There are conflicting reports about whether the men were allied with international forces or an independent militia. Following a September bus crash in Ghazni, ANP officers allegedly looted valuables from victims and told victims that unless they paid the police they would not receive medical attention. In August 2006 ANP officers in Uruzgan Province raided a local bazaar to seize contraband items, including poppy. Several storekeepers and shoppers reported being harassed and having their money and goods

stolen. During a subsequent inspection of the ANP provincial headquarters' evidence locker, authorities found only small amounts of the contraband.

The law provided for wiretapping in certain cases.

The government's willingness to recognize the right to marry varied according to nationality, gender, and religion. The family court could register a marriage between a Jewish or Christian woman and a Muslim man, but the court required the couple to accept a Muslim ceremony. A woman of any other faith had to first convert to Islam before marrying a Muslim man. The court could not register a marriage between a Muslim woman and a non-Muslim man. The court also could not register a marriage for citizens who stated they were not Muslim, even if they were born into other faiths. Non-Afghans could marry, and foreigners were permitted a civil ceremony as long as neither was Muslim.

In late 2006 in Farah and Balkh provinces former muhajeddin leaders acting outside central government authority repeatedly interfered with civilians' lives. In Badakhshan a local militia leader pressured a family to marry its 13-year-old daughter to the son of a prominent politician. The girl refused, and villagers threatened to stone her. The case eventually went to the Supreme Court. Several residents from Badakhshan urged authorities to decide against the girl. Following discreet negotiations, including some action by the central government to advocate on the girl's behalf, the court dropped the case.

There were reports that officials arrested and sentenced individuals, often women, for crimes committed by other family members.

In the south and east, Taliban and other antigovernment elements frequently forced locals to provide food and shelter to their fighters. The Taliban also continued to loot schools, radio stations, and government offices. In Ghazni and Helmand provinces the Taliban reportedly enforced curfews.

g. Use of Excessive Force and Other Abuses in Internal Conflicts.—Ongoing internal conflict and the continued use of excessive force caused civilian deaths, abductions, prisoner abuse, property damage, and the displacement of residents.

Killings.—On November 6, a bomb killed at least 64 persons in the northern province of Baghlan, including six MPs, children, and onlookers. It was reported that many of the casualties occurred when security forces shot into the crowd after the bombing. The U.N. reported that security forces indiscriminately fired into the crowd of unarmed civilians, including numerous children; however, official investigations by the Ministries of Interior and Justice stated that only a few of the casualties were due to gunfire.

Persistent Taliban and al-Qa'ida activity, interfactional fighting between regional warlords, and criminal activity resulted in unlawful killings and numerous civilian casualties. Militants targeted and killed foreigners and local NGO employees. Militant suicide attacks increased, with 143 suicide attacks this year compared to 140 in 2006 and 15 in 2005. Insurgents targeted national and government officials, as well as women working in the Government and other high profile positions, but the majority of victims were civilians. Attacks against noncombatants (government officials, civilians, religious figures, teachers, and students) remained a threat, with 635 in 2005, 664 in 2006, and 671 this year. A U.N. report released during the year found that 76 percent of all suicide bombings targeted international and local security forces, with the overwhelming majority of victims being civilians.

Insurgents targeted and killed more than 30 government officials during the year, including the head of the Khost Provincial Council, a district police chief in Farah, and at least 10 intelligence officers in two separate incidents in April in Laghman Province. Nearly 900 police were killed during the year.

In March a suicide bomber using a vehicle-borne improvised explosive device attacked a foreign Embassy convoy in Kabul, injuring several individuals. During the year insurgents killed two female journalists and attempted to assassinate Parwan MP and Provincial Director of Education Samia Sadat. In June the bodies of four judges kidnapped in Ghazni Province were found. The media reported that the Taliban claimed responsibility.

In July a suicide bomber attacked the convoy of the Turkish civilian PRT director in Wardak during an unsuccessful assassination attempt. That same month in Helmand Province, a suicide bomber killed two locals and wounded two others. In a separate incident a few days later, a suicide bomber attacked a convoy using an explosives-packed motorcycle, killing one and wounding several others. Also in July in Paktia Province, a suicide bomber killed at least 10 civilians and injured as many as 30 others. On July 2, the deputy head of education in Khost Province was killed in a drive-by shooting at his home. On July 9, Taliban militants attacked a police convoy in Zabul Province in the south, killing five police officers and wounding six.

On August 3 in Kunar Province, a bomb, widely believed to have been set by the Taliban, killed four police officers and wounded bystanders.

In August a suicide bomber detonated a bomb outside the gates of Kabul's international airport next to a German military patrol, killing two local soldiers and wounding 10 others. Also in August three deminers were killed in Kandahar Province in the south, with the Taliban widely believed to have been responsible.

In September in Helmand Province, the Taliban killed a 15-year-old boy by beating and then hanging him. The boy allegedly had a U.S. $5 bill in his pocket, which witnesses said the Taliban interpreted as a sign of his support for the Coalition Forces. The Taliban reportedly stuffed $1 bills into the boy's mouth as a warning for other villagers to stay away from Coalition troops.

On September 29, a suicide bomber attacked a bus carrying ANA personnel, killing 28 soldiers and two civilians. In October a suicide bomber attacked a foreign Embassy convoy en route to Kabul's international airport. On October 2, a suicide bomber attacked an ANP bus in a residential section of Kabul, killing at least 12 police officers, wounding several more, and killing several civilians. Also in October a foreign Embassy convoy struck an improvised explosive device in Ghazni Province, killing one.

In December in Sangin District in Helmand Province, the Taliban hanged a 12-year-old boy. Press reports indicated the Taliban had accused him of helping the Government.

There were other documented incidents during the year of officials targeted unsuccessfully for killings. In March in Faryab Province, unidentified militants attacked a convoy escorting local government officials. One district administrator was killed. Also in March, the governor of the northern province of Sar-i-Pul survived two assassination attempts on the same day when a roadside bomb exploded near his convoy and an unknown assailant hurled a hand grenade at the same convoy. Four locals were injured; the governor was unharmed. In July a district chief in Ghazni escaped gunfire aimed at his car. In October Khost Provincial Governor Arsad Jamal escaped a vehicle-borne suicide bomb attack as he moved in a PRT convoy in Khost city. During the year, Jamal was the target of four suicide bomb attacks.

During the year antigovernment elements continued to attack progovernment religious leaders. The Taliban killed at least 10 clerics and committed a number of acts of violence inside mosques and other religious facilities. In October in Zabul Province, insurgents beheaded a prayer leader who had spoken in favor of the government, according to media reports. The Taliban reportedly claimed responsibility. Investigations continued at the end of the year but authorities had made no arrests. In 2006 the Taliban killed more than 20 clerics, including more than a dozen in Kandahar. Suicide bombings around mosques occurred; in September 2006 a suicide bomber detonated himself outside a mosque in Kandahar.

The Ministry of Education (MOE) reported that terrorist and insurgent attacks killed a total of 140 teachers, students, or other school employees during the year. Investigations occurred in some cases, but the outcomes were unclear at the end of the year.

In 2006 insurgents killed Governor Taniwal of Paktia Province, Safia Ama Jan, Director of Women's Affairs in Kandahar, as well as a district police chief, an intelligence officer, and an administrator in the eastern province of Nangarhar. Coalition and ISAF forces faced frequent attacks on their convoys. The Taliban also beheaded more than a dozen civilians for allegedly acting as coalition spies. In January 2006 antigovernment forces targeted a coalition convoy, killing Canadian diplomat Glynn Berry. In 2006 a suicide bomber killed more than a dozen Hajj pilgrims outside the governor's compound in Helmand Province. In October 2006 Karen Fischer and Christian Struwe, two German journalists, were shot and killed in Baghlan Province in a tent they had pitched near a road in the north. The MOI stated that the motive was not clear and that the two were conducting an investigation. At year's end, there were no further developments in the case.

Abductions.—Authorities reported approximately 90 abductions during the year, at least 15 of which resulted in the death of the hostage; however, the unreported number was believed to be much higher. The overall number of kidnappings of foreign aid and NGO workers increased to more than 70 from only a few in 2006. The head of UNAMA said publicly in October that insurgents and criminal gangs had abducted 76 aid workers, that 34 aid workers had been killed during the year, and that insurgents had attacked or looted 55 aid convoys. The Taliban, militants, tribal leaders, and insurgents abducted security forces, civilians, and at least one journalist for political and financial gain. Many were killed but some were allowed to live if they vowed to resign and join antigovernment elements. Antigovernment forces abducted a pregnant German woman from a restaurant in Kabul in August

and two German contractors in Wardak Province. ANP freed the German woman and arrested four suspects. One of the men was killed; the other was released in early October.

In March insurgents led by Mullah Dadullah in Helmand Province kidnapped Italian journalist Daniele Mastrogiacomo, traveling with local journalist Ajmal Naqshbandi and driver Sayed Agha. The insurgents later released Mastrogiacomo in exchange for five Taliban prisoners; they killed Naqshbandi and Agha by beheading.

On July 17, the Taliban kidnapped mine clearance workers in Ghazni Province. The deminers were released after 9 days in captivity. On July 19, the Taliban abducted 23 South Korean relief workers traveling from Kabul to Kandahar Province. The Taliban killed two of the South Korean abductees after government authorities refused to release several Taliban prisoners. The Taliban freed two women before releasing the remaining 19 hostages on August 31.

In September insurgents abducted four ICRC workers who were negotiating the release of a German contractor who was abducted in August. Insurgents released the ICRC staff after 2 days. Also in September in Farah the Taliban allegedly kidnapped two Italian soldiers. An Italian military operation secured their release after 2 days in captivity.

Italian journalist Gabriele Torsello was kidnapped in October 2006 and released after less than a month in captivity. It was not known if he was targeted because of his profession. According to the Committee to Protect Journalists (CPJ), Torsello's kidnappers originally demanded the return of Abdul Rahman from Italy in exchange for his release.

According to a 2006 U.N. High Commissioner for Refugees (UNHCR) report there were also several documented cases of abduction of young boys for sexual exploitation by men. The Institute for War and Peace Reporting (IWPR) reported that this practice continued to increase, especially in the north.

Physical Abuse, Punishment, and Torture.—Landmines and unexploded ordnance caused deaths and injuries, restricted areas available for cultivation, and impeded the return of refugees to mine-affected regions. The most heavily mined areas were the provinces bordering Iran and Pakistan.

The U.N. Mine Action Center for Afghanistan (UNMACA) reported that landmines and unexploded ordnance killed or injured an average of 62 persons each month. Mine explosions over the past two decades affected 4.2 million with an estimated 1.5 million casualties.

The U.N., with funding from international donors, organized and trained mine detection and clearance teams, which operated throughout the country. U.N. agencies and NGOs conducted many educational programs and mine awareness campaigns for women and children in various parts of the country. HALO Trust cleared 5.96 billion square feet of land. There were almost 7.78 billion square feet of uncleared land remaining at year's end, according to UNMACA.

During the year there were reports of the Government providing compensation to civilian victims of fighting between the Government and the Taliban.

Child Soldiers.—There continued to be reports of the Taliban and insurgents using child soldiers; however, exact numbers were unobtainable. A 2003 presidential decree prohibited the recruitment of children and young persons under the age of 22 into the army; in the middle of 2006 the Government changed the legal recruitment age to 18. There were unconfirmed reports of children under 18 falsifying their identification records to join the national security forces, which was a large-scale source of new employment opportunities. The U.N. Children's Fund (UNICEF) maintained that efforts to assist the Government in creating a national birth registry and ID system would greatly mitigate this problem. There were no reports of forced child conscription by the government; however, Integrated Regional Information Networks (IRIN) and the AIHRC reported that children younger than 18 were being recruited and in some cases sexually abused by the ANP and militias. Additionally, there were reports of Taliban forces using children younger than 18, including as suicide bombers.

Warlords and Taliban leaders were reported to be involved in the sexual exploitation of young men. Rule 19 of the Taliban Rule Book, updated in 2006, states, "Mujaheddin are not allowed to take young boys with no facial hair onto the battlefield or into their private quarters," implying that sexual exploitation of young men was a possibility.

Beginning in 2004 an estimated 8,000 former child soldiers were demobilized under a UNICEF-initiated program. Since 2004, more than 15,000 children affected by war have been supported through UNICEF's reintegration project in 28 provinces. During the year UNICEF supported educational and skills training for more

than 2,691 demobilized child soldiers and other war-affected children (approximately 800 of whom were girls) in six provinces.

Other Conflict-Related Abuses.—During the year suspected Taliban members fired on NGO vehicles and attacked NGO offices. International NGO and U.N. workers and recipients of NGO assistance were attacked on 70 occasions. In a shift in tactics during the year, insurgents actively attacked and targeted NGO workers with acts of violence. Violence and instability hampered relief and reconstruction efforts in different parts of the country. NGOs reported that insurgents, locally powerful individuals, and militia leaders charged them for the relief supplies they were bringing into the country. Assistance efforts were increasingly limited by the difficulties in moving relief goods overland to remote areas due to insurgent threat. There were reports in Kandahar that antigovernment forces increasingly attacked those accepting foreign assistance, causing villagers to begin refusing aid. Due to the increasing violence, the U.N. considered more than a third of the country inaccessible.

In October ongoing fighting in Uruzgan Province between the Taliban and Afghan National Security Forces (ANSF) displaced approximately 1,600 families; according to the U.N., the protracted conflict and ongoing aerial strikes made it extremely difficult to provide humanitarian aid.

During the year the Taliban increasingly distributed threatening letters at night in villages to intimidate and attempt to curtail development activities. During the year the leader of a women's NGO in Herat reported that the Taliban had sent several "night letters" telling her to cease her activities on fear of death for herself and her children.

Militants used women and children as human shields either by forcing them into the line of fire or by basing operations in civilian settings. In December in Kandahar, suspected Taliban forced a family to drive their vehicle at high speed towards an ANA convoy that also contained coalition vehicles. Suspecting a suicide attack, the convoy fired on the vehicle, killing two persons.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The law provides for freedom of speech and of the press; however, there were instances of insurgents, government officials, and the Taliban intimidating journalists to influence reporting.

Some media observers stated that individuals could not criticize the Government publicly or privately without fear of reprisal. A combination of influential political leaders and a weak judicial system caused individuals to feel vulnerable. On May 21, the Parliament voted to suspend MP Malalai Joya for the remainder of her term for comments she made criticizing her fellow MPs during a televised interview the previous day. Previously, Joya repeatedly and publicly criticized the human rights records of several of her fellow MPs.

The media faced increased restrictions during the year, including heightened detention of journalists and government interference in media coverage. The press frequently was critical of the government, but according to independent media and observers, government repression and armed groups prevented the media from operating freely. The Afghan Independent Journalists Association and Center for International Journalism reported 43 registered cases of intimidation and undue influence by tribal leaders, purported warlords, and government officials. The law prohibits information that could insult "the sacred religion of Islam and other religions." The ambiguity over what was considered offensive offered the potential for abuse of press freedom. Under the media law new newspapers, printers, and electronic media had to be licensed by and registered with the Ministry of Information and Culture. The Government strictly regulated and limited foreign investment in the media.

In September Parliament passed a media law that is less restrictive, in some regards, than the previous law-by-decree. However, the Ministry of Information and Culture controls media licensing; content of certain types is prohibited, including works that are contrary to Islam, that publicize other religions, and that affect the community's ethical integrity. Radio Television Afghanistan (RTA), while not under direct ministerial control, remains within the structures of the state. There was concern within the media community that the new law would place greater restrictions on media content and create an overall climate of government intimidation and self-censorship. The amended law confirmed that the High Media Council, created in 2006 by presidential decree, is responsible for planning and approving media policy. The Minister of Information and Culture chaired this council, which also included members of the Supreme Court, Ministry of Communications, and Parliament. There was also a Private and Personal Media Commission responsible for monitoring the performance of such media and dealing with complaints. On December

26, citing potential constitutional conflicts within the draft, President Karzai sent the law back to Parliament for review.

The independent media were active and reflected differing political views, although the extent varied from region to region. There were approximately 400 publications, 50 private radio stations, five news agencies, and eight television networks, although not all were independently owned and operated. The Government owned at least 35 publications and most of the electronic news media, although competing independent media existed in virtually all markets. There were numerous other newspapers that published sporadically, and many were affiliated with different provincial authorities. While some independent journalists and writers published magazines and newsletters, circulation largely was confined to Kabul, and many publications were self-censored. The foreign media were covered under the freedom of speech law; however, they were restricted from commenting negatively on Islam and from publishing materials considered a threat to the president. Approximately a dozen international stations broadcast in Dari or Pashto. More than 30 community-based independent radio stations existed.

During the year various insurgents, government officials, and the Taliban subjected members of the press to harassment, intimidation, and violence. Threatening calls and messages against media organizations also remained common and some resulted in violence. According to media sources, NDS banned all issues of The Mashal Weekly, a new publication that is critical of the Government.

The Ministry of Information and Culture and some provincial governors exercised control over news content to varying degrees. Many media organizations stated that the current Minister of Information and Culture supported a restrictive media law. Factional authorities tightly controlled media in some parts of the country. Observers noted tighter controls, especially in the larger provinces of Mazar-e-Sharif, Kandahar, Herat, and Nangarhar. Male journalists were not allowed to interview women for their reports.

During the year two officials from RTA resigned due to government interference in RTA content.

On January 27, NDS officials detained Tolo TV News Director Sharif Hassanyar for 29 hours after he conducted telephone interviews with a Taliban spokesperson. In February Minister Khoram dismissed nearly 70 young RTA employees. In late February Ariana TV correspondent Fawad Ahmadi was arrested in Herat; NDS officials allegedly deleted footage of a factory worker demonstration from his camera. In February police beat two journalists in Herat while they were covering sectarian violence. On April 8, Attorney General Sabit's office reportedly instructed local media outlet Lemar TV to cease transmissions of its Al Jazeera English programming.

On April 17, 50 police officers raided Tolo TV's main headquarters in Kabul, abducted three staff members, and brought them to the Attorney General's office. There were reports that police physically abused Tolo TV employees who barred police from entering the studio without a warrant. There were also reports that authorities abused the three while they were in detention. In August authorities arrested two Tolo TV staff members on the grounds that the TV station had misrepresented the Attorney General's remarks to the Parliament as critical of the central government. Human rights observers stated that this was an abuse of the Attorney General's authority and an example of government officials' misuse of power to manipulate the media.

In May a member of Parliament from Ghazni beat reporter Noorullah Rahmani and cameraman Omed Yakmanish as they tried to cover a debate on atrocities allegedly committed by parliamentarians. In July armed men, allegedly working for an MP, beat three members of a television crew for covering a land grab story outside Kabul. Authorities did not investigate or bring charges against individuals in connection with these incidents.

In July security forces arrested Mohammed Asif Nang, editor of a government-produced magazine called Peace Jirga and the parliamentary affairs spokesperson, and held him for 17 days due to an article he authored that was critical of President Karzai. Authorities did not file formal charges, and there were no further developments in the case.

On July 4, according to CPJ, secret police detained Mir Hazar, a journalist for Salam Watandar and chief editor for the KabulPress Web site, and warned him not to continue writing articles criticizing government officials. He was released on July 9 and placed under surveillance. Police detained him again on August 9 and released him the same day. Independent media groups reported that Hazar feared reimprisonment and remained under surveillance.

In August authorities released Tawab Niazi, a journalist who had been arrested in 2006 and sentenced to 1 year in jail for allegedly being in contact with the

Taliban. Afghanistan's Independent Journalists Association reported that during Niazi's detention all of his possessions were seized, and he was threatened with re-arrest if he reported on his jail experience. Independent media groups reported that Niazi feared re-imprisonment and remained under surveillance.

In August conservative MPs, angry that a Tolo TV crew broadcast footage of them sleeping during a parliamentary session, physically attacked the crew and had them expelled from the Parliament.

In October police arrested Sayed Perwiz Kambakhsh, a student at Balkh University and a journalist for Jahan-e Naw (New World) daily, after he downloaded information from the Internet regarding the role of women in Islamic societies. He remained in jail at year's end. According to IWPR, Kambakhsh's brother Sayed Yaqub Ibrahimi's office was raided the day after Kambakhsh was arrested. Ibrahimi, an IWPR journalist, had written investigative reports exposing local powerful leaders' human rights abuses. Ibrahimi reported that he faced continued harassment and surveillance from the NDS.

In January 2006 Afghan TV was fined $1,000 (49,000 AFD) by the media monitoring commission for broadcasting un-Islamic material. According to IWPR the Government cracked down on a private television station in Kabul for violating traditional values. The fine was levied by a special media commission, composed of six members from various government organs, and headed by the Minister of Information and Culture. In February 2006 two local television stations were warned against programming that ran counter to local culture and did not conform to conservative views held by many in their respective localities. In February 2006 authorities arrested and detained radio journalist Abdul Qudus for 10 months on false allegations that he had attacked MP Sharmia Sardad. He was released in January.

In June 2006 the NDS summoned several journalists and presented them with a list of directives for press conduct, including restrictions on reporting the country's deteriorating security situation; negative propaganda, interviews, or reports against the international coalition forces and ISAF; materials that harmed the morale of the public, caused security problems, or were against the national interest. The NDS later distributed a copy to journalists accompanied by a demand that it not be copied or further distributed. Later that month, President Karzai's office issued a statement denying the Government had issued restrictions, instead characterizing the directive as a request reflecting the need to help the nascent media sector develop.

In October 2005 police arrested and convicted journalist Ali Mohaqiq Nasab of blasphemy for publishing un-Islamic materials, specifically for publishing a different interpretation of Shari'a law and listing the harsh punishments imposed on individuals accused of adultery and theft, as well as the right of Muslims to convert to other religions. In December 2005 authorities released Nasab with a suspended 6-month sentence under the condition that he repent. Nasab moved to Iran, and there were no further developments in the case.

Members of the media reported that they did not interview Taliban commanders or leaders due to government pressure. During the year the security forces briefly detained one Tolo TV staffer for talking to a Taliban spokesman; the staffer was released without prosecution. Observers also reported media self-censorship by obscuring parts of female images when broadcasting certain pieces, such as music videos.

Cumbersome licensing procedures restricted operations of publishing houses.

Nongovernmental actors also interfered in the operations of journalists. In February a key leader of the Taliban warned media outlets of reprisals unless they covered Taliban activities in a positive light, and warned the media not to report positively on government and ISAF programs. In August unnamed militants set a radio station afire in Wardak Province. There were also allegations that Iran bribed and threatened reporters in the western provinces to increase the number of antigovernment reports and decrease the number of anti-Iranian articles.

At least 10 journalists were killed during the year. In April the Taliban beheaded journalist Ajmal Naqshbandi in Helmand Province. He had been abducted on March 4, with Italian journalist Daniele Mastrogiacomo and their driver, Sayed Agha. After a personal appeal by the Italian Prime Minister to President Karzai, Mastrogiacomo was released on March 19 in exchange for Taliban prisoners. In June Shakiba Sanga Amaj, a female reporter for Shamshad Television, was killed. Authorities arrested two men, and an investigation into the case is ongoing. Also in June Zakia Zaki, head of the local Radio Peace station, was killed in Parwan Province. Zaki had been critical of local warlords and had received threats. Authorities arrested three men and charged them with the crime. Court proceedings continued at the end of the year.

On August 20, 12 Taliban fighters attacked Yawali Ghag community radio station in Wardak Province. They assaulted, bound, and held the station guard captive. They also set the station afire, destroying the equipment.

On September 24, unknown gunmen attacked two radio stations in Logar Province that were affiliates of Internews, Milli Paygham and Radio Istiqal with rocket propelled grenades. The Milli Paygham station sustained damage to its transmission cable and a guard was severely injured. On August 28, Taliban fighters kidnapped Mohammad Bahand, a reporter for Salam Watandar. They took him to a Taliban command center where Zabiullah Mujahid, a Taliban spokesman, interrogated and threatened him.

In July 2006 the Taliban contacted a radio station in Paktika wanting direct airtime. The Taliban had previously requested that the station broadcast traditional Muslim religious programs and prayers. The station complied by broadcasting readings from the Koran for 1 hour in the morning and evening.

In October 2006 unknown attackers killed two German journalists in the north. The BBC reported that they were believed to be the first foreign reporters to be killed in the country since 2001.

Members of the media noted their concern that current media law did not include clear definitions of libel and defamation, additions that would make journalists less vulnerable to prosecution for criticism of influential political or other leaders.

Internet Freedom.—There were no government restrictions on access to the Internet or reports that the Government monitored e-mail or Internet chat rooms. Individuals and groups could engage in the peaceful expression of views via the Internet, including by e-mail. However, in October police arrested student journalist Sayed Perwiz Kambaksh for distributing information he downloaded from the Internet regarding the role of women in Islamic societies. Internet access was unavailable to most citizens, and computer literacy and ownership rates were miniscule, although Internet cafes were increasingly popular.

Academic Freedom and Cultural Events.—Through its appointment of university officials and censoring and restriction on course content it deemed un-Islamic, the Government restricted academic freedom.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for freedom of assembly and association; however, security conditions and, in some cases, local officials restricted this right in practice. Increased Taliban, al-Qa'ida, and other antigovernment activity, particularly in the south and east, forced U.N. agencies and NGOs to cancel or curtail public activities at times during the year.

Freedom of Assembly.—A lack of physical security and interference from local authorities and security forces inhibited freedom of assembly in areas outside Kabul.

For example, in June in Jowzjan Province, police fired on protesters demanding the removal of the province's governor, killing at least 10 persons and injuring at least 40. At year's end an investigation into the incident continued.

In February and March 2006 protests took place around the country in response to Danish cartoons depicting the Prophet Mohammad. Police killed four protesters while attempting to protect foreigners from violent protesters.

In July 2006 several hundred Korean Christians arrived in Kabul with plans to hold a nationwide "Peace Festival" with rallies in Kabul, Mazar-e-Sharif, and Herat in early August. After talks with the Government and foreign Embassy representatives, the group decided against holding the rallies due to security concerns.

Freedom of Association.—The law on political parties obliges parties to register with the MOJ and requires them to pursue objectives consistent with Islam. Political parties based on ethnicity, language, Islamic school of thought, and religion were not allowed. At year's end there were 91 registered political parties. Parties generally were able to conduct activities throughout the country without opposition or hindrance, except in regions where antigovernment violence affected overall security. However, the International Crisis Group reported some instances of registration obstruction.

During the year the Supreme Court considered banning a proposed association of female judges, citing fears that such associations would detract from the independent nature of the judiciary. Women's rights and civil society groups challenged this as discrimination against women, and the Supreme Court took no further action in the matter by the end of the year.

In August 2006 Interior Minister Zarar called for two parties run by rival warlords, National Islamic Movement of Afghanistan, known locally as "Junbish" and headed by General Abdul Rashid Dostum and the Freedom Party of Afghanistan, run by General Abdul Malik, to be disbanded after allegations surfaced connecting them to violence in the Northern provinces. Members of both parties protested and the parties were not dissolved.

c. Freedom of Religion.—The law proclaims that Islam is the "religion of the state" but allows non-Muslim citizens the freedom to perform their rituals within the limits determined by laws for public decency and peace. This right was not respected in practice. The law also declares that no law can be contrary to the beliefs and provisions of Islam. For issues on which the Constitution and penal code are silent—such as conversion and blasphemy—the courts defer to Shari'a. Family courts are governed by a Sunni Hanafi school-based civil code, regardless of whether the parties involved are Shi'a or Sunni. This civil code also applies to non-Muslims.

Licensing and registration of religious groups is not required, but the Government began a new initiative to register mullahs. The Government assumes all native-born citizens to be Muslim. The Government also does not designate religion on national identity cards. In practice non-Muslims faced harassment and social persecution and opted to practice their faith discreetly.

According to Islamic law, conversion from Islam is punishable by death. In recent years this sentence was not carried out in practice. On April 9, police arrested a citizen, born a member of the Baha'i faith, after his wife exposed his religious beliefs to authorities. Officials detained him for 31 days in jail without charges, in contravention of the penal code. Authorities released him on May 11 after the international community expressed its concern. Upon his release, he fled to another country. On May 20, the General Directorate of Fatwas and Accounts under the Supreme Court issued a ruling on the status of the Baha'i faith, declaring it a form of blasphemy. The ruling also declared all Muslims who convert to Baha'i to be apostates and all followers of the Baha'i faith to be infidels.

On November 15, the National Council of Religious Scholars issued a declaration calling for moderation in freedom of expression and press freedom by urging individuals to avoid conduct that may be perceived as insulting to local traditions and religious values. The statement declared that "Safeguarding our national honors and Islamic values is the obligation of every citizen."

In early November authorities arrested and detained Ghaus Zalmai for publishing an unofficial translation of the Koran in Dari. Religious scholars alleged the translation was un-Islamic for misinterpreting verses about alcohol, begging, homosexuality, and adultery, as well as for not providing a parallel text in Arabic for comparison. Protests calling for Zalmai's punishment were held in various towns. The Parliament prohibited Zalmai from leaving the country, and a commission of clerics and prosecutors was established to examine the text. At the end of the year, Zalmai remained in jail, and no charges have been filed. The editor is in hiding.

Due to societal pressure, Christians were forced to remain underground, not openly practicing their religion or revealing their identity. During the year there were sporadic reports of harassment and threats against Christians. There was only one known Christian church in the country, located inside the diplomatic quarter. Local nationals wishing to practice Christianity did so in private locations, as the church was not open to them.

Members of the Government called for the execution of Christian converts. An NGO alleged that in late 2006 a Muslim convert to Christianity was murdered by his wife's father, who was a Muslim. Local authorities investigated the crime but made no arrests; later, they closed their investigation.

In February 2006 authorities arrested Abdul Rahman for converting to Christianity and sentenced him to death. The court determined that Rahman was unfit to stand trial, and he was given asylum in Italy. Rahman accused authorities of beating him with hoses and bare hands during his detention. Hundreds in Mazar-e-Sharif protested the Government's failure to pursue Rahman's case.

There are no laws forbidding proselytizing, although authorities viewed proselytizing as contrary to the beliefs of Islam, and authorities could punish blasphemy and apostasy with death under the Shari'a. Foreigners caught proselytizing were deported. There were no overt foreign missionaries or other non-Islamic religiously oriented organizations in the country.

The Government did not require women to wear burqas. Although some women continued to wear the burqa out of personal choice, many other women felt compelled to wear one due to societal or familial pressure. Cases of local authorities policing aspects of women's appearance to conform to a conservative interpretation of Islam and local custom continued to diminish.

Public school curricula continued to include Islamic content but no content from other religious groups. Non-Muslims were not required to study Islam, and there were no restrictions on parental religious teaching. Members of some indigenous minority groups, such as the Sikhs, operated private schools to avoid harassment and to provide religious and cultural education to their community. In July the MOE opened a school for local Sikh and Hindu children in Ghazni Province.

There were 1,134 schools and madrassas under construction or renovation. The Government announced in April that it would begin setting up its own madrassas to counter the influence of extremist elements. The first schools were scheduled to be established in the spring and summer, with a new madrassa to eventually open in each of the 34 provinces.

During the year antigovernment elements continued to attack progovernment religious leaders for supporting the Government or for stating that activities conducted by terrorist organizations were against the tenets of Islam. Antigovernment elements killed 11 clerics, compared with 12 clerics killed in 2006. These attacks also injured more than 30 other religious officials, compared with more than 40 in 2006.

Societal Abuses and Discrimination.—Historically the majority Sunni population discriminated against the minority Shi'a community. However, since Shi'a representation has increased in government, there has been a decrease in hostility from Sunnis. The Shi'a religious affiliation of the ethnic Hazaras historically was a significant factor contributing to their repression, and there was continued social discrimination against Hazaras.

There were approximately 500 Sikhs and Hindus in the country. Those communities, although allowed to practice their faith publicly, reportedly continued to face discrimination, including intimidation; discrimination when seeking government jobs; and verbal and physical abuse in public places, including during major celebrations. Unlike in previous years, when Hindus complained of not being able to cremate the remains of their dead in accordance with their customs, the Government stepped in to protect their right to carry out cremations. Although community representatives expressed concerns over land disputes, they often chose not to pursue restitution through the courts for fear of retaliation, particularly when powerful, local leaders occupied their property.

Non-Muslims faced discrimination in schools. The AIHRC continued to receive reports that students belonging to the Sikh and Hindu faiths were prevented from enrolling in some schools and others stopped attending due to harassment from both teachers and students. The Government did not implement measures to protect these children but did open the first government-sponsored school for Sikh and Hindu children in Ghazni Province. In both Jalalabad and Kabul, the community representatives expressed concerns that they would not be able to accommodate returning families. While Hindus and Sikhs had recourse to dispute resolution mechanisms such as the Special Land and Property Court, in practice the community felt unprotected. Although Hindus reported being harassed by neighbors in their communities, there were no known reports of discrimination against Hindus by the Government.

In July 2006 several hundred South Korean Christians arrived in Kabul with plans to hold a nationwide "Peace Festival" with rallies in Kabul, Mazar-e-Sharif, and Herat in early August. In response to concerns about societal violence against them, government agencies worked with the international community to develop a comprehensive security plan to prevent violent clashes between the demonstrators and the country's Muslim communities. The MOI deployed additional police officers in the three cities where the Koreans had assembled to maintain peace and housed the Christians in clusters around each city but took measures to prevent the Christians from assembling in large groups. After talks with several foreign Embassies, the Christian group decided against holding the rally due to security concerns.

There were no reports of anti-Semitic acts. There was only one known Jewish resident, where he was caretaker of a local synagogue in Kabul.

For a more detailed discussion, see the 2007 International Religious Freedom Report.

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons.—The law provides for freedom of movement within the country, foreign travel, emigration, and repatriation; however, certain laws limited citizens' movement, and the Government limited citizens' movement due to security interests. The greatest restriction to movement in some parts of the country was the lack of security. In many areas insurgent violence, banditry, and landmines made travel extremely dangerous, especially at night. The Government cooperated with UNHCR and other humanitarian organizations in providing protection and assistance to internally displaced persons, refugees, returning refugees, asylum seekers, stateless persons, and other persons of concern.

During the year the Parliament amended the passport law to give women the right to apply for a passport without permission from a male relative. In some areas of the country, however, local custom or tradition forbids women from leaving the home except in the company of a male relative.

Taxi, truck, and bus drivers reported that both security forces and armed militants operated illegal checkpoints and extorted money and goods. The number of such checkpoints increased at night, especially in the border provinces. In Kunduz the customs department had no effective control of the many illegal crossings and claimed the corruption of border police permitted smuggling of drugs, weapons, and other commodities. Residents reported having to pay bribes to ANP and border police officials at checkpoints and border crossings between Jalalabad and Pakistan. The Taliban imposed nightly curfews on the local populace in regions it controlled.

Ethnic Hazaras reported being asked to pay additional bribes at border crossings where Pashtuns were allowed to pass freely.

In July the MOI issued an order requesting it be informed of foreign aid and assistance workers' movements outside Kabul. The MOI maintained that this policy helped the Government protect and locate foreigners in cases of emergency.

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

According to the AIHRC, female residents deported from Iran remain in government custody until their citizenship can be verified or guaranteed by family.

Internally Displaced Persons (IDPs).—Authorities estimated there were 129,310 IDPs in the country at the beginning of the year. Many of these were members of the residual caseload of more than 1 million IDPs who left their places of origin because of drought in 1995, insecurity and drought in 2002, and human rights violations and ethnic-based conflict linked to land and property issues between 2003 and 2004. These individuals resided in a camp-like situation, mainly in the south.

Authorities estimated that approximately 29,000 individuals were newly displaced within the country during the year, mainly due to insecurity and violence linked to armed conflict in their areas of origin. Most of these individuals originated from provinces in the south (Kandahar, Helmand, Uruzgan, and Zabul) and west (Herat and Badghis). Local government provided housing assistance and, in some cases, food aid to conflict-affected IDPs through provincial emergency commissions, consisting of the Ministry of Rural Rehabilitation and Development, Afghan Red Crescent Society, UNHCR, International Organization for Migration, UNAMA, and UNICEF.

There were no reported cases of IDPs being denied access to domestic or international humanitarian organizations; however, there were scattered instances of corruption in rural areas interfering with the local distribution of assistance to IDPs. Moreover, many humanitarian organizations widely acknowledged that a lack of access to many areas of the country has prevented both an accurate assessment of the scope of the IDP situation and the effective provision of assistance. In one instance, emergency assistance delivered by a PRT to a group of IDPs in Kandahar Province to which aid agencies had little or no access was seized by antigovernment elements immediately after the PRT left the area.

The Provincial Departments of Refugees and Repatriation and UNHCR assisted approximately 2,000 individuals to return to their places of origin, mostly in the north, during the year. Approximately 2,400 IDPs returned spontaneously.

In February more than 8,000 persons fled their homes in the Musa Qala District in Helmand Province in fear of an impending attack on suspected Taliban insurgents. The exact number of individuals could not be verified due to lack of access to the area, nor was it known how many returned spontaneously. In December approximately 400 families fled Musa Qala in fear of renewed fighting in the area, and all reportedly returned when the fighting ceased.

In March according to IRIN, medical services were disrupted for almost a month to as many as 50,000 IDPs in Kandahar after the abduction of five health workers by Taliban forces.

A small number of families were displaced by foreign and ANSF military operations in Nangarhar Province. The displaced civilians reported that they were not informed in advance of the military operation and were unable to take their possessions with them. They returned after the operations ceased.

IRIN reported that between July and October approximately 13,000 persons fled their homes in Helmand, Uruzgan, and Kandahar due to fighting.

In November approximately 160 families were displaced due to fighting in Farah Province. The Afghan Red Crescent society was unable to provide aid due to inadequate resources. Due to increasing insurgency, Farah is inaccessible to the U.N.

Protection of Refugees.—Although the Constitution states that all matters related to asylum will be regulated by law, and the Government ratified the 1951 Convention on the Status of Refugees and its 1967 protocol, the laws do not provide for the granting of asylum or refugee status in accordance with the Convention and its

1967 protocol, and the Government has not established a system for providing protection to refugees.

While the Government did not officially grant refugee status or asylum, it did accept the UNHCR's presence in the country and recognize the UNHCR's mandate to deal with both refugees and asylum. The UNHCR issued letters to individuals confirming their refugee or asylum status and the Supreme Court similarly recognized refugees under the Shari'a, such as conversion to Islam. Through these means, the UNHCR and the Government provided legal and material assistance to asylum seekers and refugees from Iran, Iraq, and other countries. In practice, the Government provided protection against refoulement, the return of persons to a country where there is reason to believe they feared persecution.

In December an estimated 350 to 500 Pakistani families fled sectarian violence in Pakistan's Kurram Agency and crossed the border into Khost and Paktia provinces. The government, the Afghan Red Crescent Society, and the international community provided food aid and nonfood items to the families.

The country continued to focus on providing services for its own returning refugees. Since March 2002, more than 5 million refugees have returned to the country, more than 4 million with UNHCR assistance.

During the year the UNHCR assisted more than 365,000 returning refugees. The return numbers significantly increased from the previous year's 138,000, largely due to the UNHCR's decision to offer unregistered Afghans living in Pakistan a one-time opportunity to repatriate with UNHCR assistance. Approximately 206,000 unregistered individuals took advantage of this opportunity. Spontaneous returns otherwise decreased during the year.

The continuing insurgency and related security concerns, as well as economic difficulties, discouraged some refugees from returning to the country. In Pakistan, three of the four Afghan refugee camps scheduled for closure during the year remained open.

The UNHCR estimated that approximately 2.9 million refugees were still living in Iran and Pakistan. In April Iran began deporting large numbers of illegal Afghan migrants; by year's end, Iran had deported 363,000. Most deportees were single men who had traveled to Iran seeking work; however, some families and vulnerable individuals, including children, single women, elderly, and infirm, were deported who had lived in Iran for decades and who needed humanitarian assistance upon arrival in Afghanistan. Furthermore, a small number of registered refugees were swept up in the deportations and have had difficulty returning to Iran. The Afghan government and the UNHCR protested these expulsions.

Governor Sherzai of Nangarhar gave returning refugees from Pakistan who had settled in Tangi, Nangarhar, title to the land. The governor had made a verbal commitment in 2006 to give land to the returned refugees, but ethnic Kuchis protested, claiming that the land was theirs. The Tangi settlement has a strong community structure and now receives government and international community assistance for health, education, water, and shelter.

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

The Constitution provides citizens with the right to change their government peacefully, and citizens exercised this right in the 2004 presidential and 2005 parliamentary elections.

Elections and Political Parties.—In 2004 citizens chose Hamid Karzai to be the first democratically elected president in an election that was perceived as acceptable to the majority of the country's citizens. Observers stated that it did not meet international standards and noted irregularities, including pervasive intimidation of voters and candidates, especially women.

In 2005 citizens elected 249 members of the Wolesi Jirga, the lower house of the National Assembly, in an election viewed as credible by the majority of citizens. The AIHRC and UNAMA reported that local officials tried to influence the outcome of the 2004 and 2005 elections. The Electoral Complaints Commission received 5,397 complaints during the parliamentary election season and disqualified 37 candidates, of more than 6,000, from the campaign, including three for committing election offenses. In 2005 antigovernment forces killed seven parliamentary candidates, two parliamentarians-elect, and at least four election workers. Militants targeted civilians and election officials in a campaign to derail national elections, and according to Human Rights Watch (HRW), in the south and southwest antigovernment forces drove down participation to nearly a third of registered voters.

Presidential and provincial council nomination selected members of the Meshrano Jirga, the upper house.

There was no established tradition of political parties; however, they grew slowly in importance in the National Assembly. The MOJ recognized more than 90 accredited political parties. Political parties generally were able to conduct activities throughout the country, except in regions where antigovernment violence affected overall security. Many tribal leaders, former mujaheddin leaders, and insurgents were active MPs. There were reports that some used fear and intimidation to influence the votes of other members. AIHRC and UNAMA reported that officials sometimes interfered with political parties. The parties also exercised significant self-censorship. Political parties were visibly discouraged or curtailed in some parts of the country.

While women's political participation gained a degree of acceptance, there were elements that continued to resist this trend. Women active in public life faced disproportionate levels of threats and violence. As required by law, there were 68 women in the 249 seat Wolesi Jirga at the beginning of the year, but MP Malalai Joya was removed by parliamentary action in May. President Karzai appointed 17 women to serve in the 34-seat Meshrano Jirga, and an additional six female MPs were elected to that house, bringing the total to 23 women in the Meshrano Jirga. There was one woman in the Cabinet. There were no women on the Supreme Court.

There were no laws preventing minorities from participating in political life; however, different ethnic groups complained of not having equal access to jobs in local government in provinces where they were in the minority. The law requires that 10 seats of the 249 seat Wolesi Jirga be allocated to Kuchis.

Government Corruption and Transparency.—The law provides criminal penalties for official corruption; however, the Government did not always implement the law effectively, and officials frequently engaged in corrupt practices with impunity. There was widespread public perception of government corruption, including involvement by some officials in the illegal narcotics trade, but the Government took some steps to address the problem. The president replaced several governors, police chiefs and other officials, in some cases because of their corrupt practices. For example, the MOI removed the police chief in Wardak in July due to allegations of corruption. Authorities asked Border Police Commander Haji Zahir to leave his post in June 2006 due to allegations of corruption, but he refused to do so. The MOI stopped salary payment to the officers operating under Zahir; however, Zahir continued to operate, reportedly using his own funds to pay officers' salaries and funded more than 1,000 additional officers, essentially forming a private militia.

According to the World Bank's Worldwide Governance Indicators, the country had a severe problem with corruption. A lack of political accountability and technical capacity to monitor government spending exacerbated government corruption, as did low salaries. Observers alleged that governors with reported involvement in the drug trade or past records of human rights violations nevertheless received executive appointments and served with relative impunity. The MOI reportedly reviewed the dismissal of several provincial police chiefs on charges of corruption and human rights abuses.

The Constitution provides citizens the right to access government information, except in cases where this right might violate the rights of others. The Government generally provided access in practice, but officials at the local level were less cooperative to requests for information. Lack of government capacity also severely restricted access to information.

Section 4. Governmental Attitudes Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A wide variety of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were generally cooperative and responsive to their views. Some of these human rights groups were based in Pakistan with branches inside the country. The lack of security and instability in parts of the country severely reduced NGO activities in these areas. The ICRC regularly visited more than 80 detention places, including NDS detention centers. Security constraints sometimes prevented ICRC delegates from visiting some places of detention, and the ICRC was not notified of all places of detention and detainees.

In a shift in tactics, militant groups and suspected Taliban directly targeted NGO groups for violence during the year. The overall number of kidnappings of foreign aid and NGO workers increased to more than 70 from a few in 2006. More than 40 humanitarian workers were killed during the year, with 31 humanitarian facilities attacked or looted and 55 convoys attacked, according to year-end U.N. figures.

Local employees ran several international NGOs, including the HRW. In 2005 the Government passed a law to reduce the number of for-profit companies operating as NGOs. Many NGOs supported this action as a way to differentiate themselves

from those organizations. In February 2006 the Government stripped the licenses of more than 1,600 NGOs accused of economic fraud and corruption. The Government cooperated with international governmental organizations and permitted them to visit the country.

U.N. High Commissioner for Human Rights Louise Arbour told the Government and the international community that it must revitalize the Action Plan for Peace, Reconciliation, and Justice (APPRJ), commonly known as transitional justice. Arbour specifically focused on the lack of prosecution of past human rights abusers, "some of whom continue to hold high positions."

The constitutionally mandated AIHRC continued its role in addressing human rights problems. The president appointed the nine-member commission, which generally acted independently of the government, often voicing strong criticism of government institutions and actions, and accepting and investigating general complaints of human rights abuses. The AIHRC operated 10 offices outside Kabul. The AIHRC was reasonably influential in its ability to raise public awareness and shape national policy on human rights. The AIHRC did not have adequate resources to focus on advocacy of human rights or to intervene in individual cases. During the year some MPs called for a vote of confidence on AIHRC chairman Sima Samar and the other AIHRC commissioners, but by year's end the vote had not taken place. Samar remained the head of the AIHRC. Some MPs also sought to review the law that defines the mandate of the AIHRC and proposed that the AIHRC include religious scholars educated in the Shari'a.

In 2005 the Government developed the APPRJ, in coordination with the AIHRC and UNAMA. The Government reaffirmed its commitment to this transitional justice plan in the January 2006 Afghanistan Compact. The plan included symbolic measures, such as the creation of national memorial sites and a national museum; institutional reform by vetting civil service employees for involvement in past atrocities, and reform of the judiciary; truth-seeking documentation of past atrocities; promotion of national reconciliation and unity through public debate and awareness; and the establishment of accountability mechanisms to bring to justice those responsible for grave human rights abuses. In December 2006 President Karzai declared December 10 a national day of remembrance for the victims of past human rights atrocities and worked with the AIHRC to reenergize efforts to implement the plan. During the year the AIHRC noted that implementation of the transitional justice had been a "complete failure," mainly due to lack of political commitment.

During the year the implementation of transitional justice became the object of controversy. In response to a December 2006 HRW report naming several prominent government officials as gross human rights violators during the mujaheddin period and calling for a special court to try them as well as the implementation of transitional justice, Parliament, which included many human rights abusers, passed an amnesty law granting immunity to any citizens involved in the country's two-and-a-half decades of conflict, provided those persons recognized the central government and the Constitution. At year's end, President Karzai had not signed the law. Local and international human rights organizations decried this law as unconstitutional and incompliant with international human rights standards.

There are three parliamentary committees that deal with human rights in the Wolesi Jirga: The Gender, Civil Society, and Human Rights Committee; the Counternarcotics, Intoxicating Items, and Ethical Abuse Committee; and the Judicial, Administrative Reform, and Anticorruption Committee. In the Meshrano Jirga, the Committee for Gender and Civil Society addresses human rights issues. During the year these committees vetted several draft laws that went before Parliament and conducted confirmation hearings on several presidential appointees.

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

The Constitution states discrimination between citizens is prohibited and provides for the equal rights of men and women; however, local customs and practices that discriminated against women prevailed in much of the country. Equal rights based on race, disability, language, or social status is not explicitly mentioned in the law. There were reports of discrimination based on race, ethnicity, religion, and gender. Shi'a minorities faced discrimination from the majority Sunni population. Ethnic Hazaras reported discrimination at border checkpoints and in obtaining civil service jobs. Although the severity varied by region, women faced the harshest forms of discrimination in both public and private life.

Women.—Women continued to face pervasive human rights violations and remained largely uninformed of their rights under the law. Discrimination was more acute in rural areas and small villages. Women in urban areas continued to make strides towards greater access to public life, education, health care, and employment; however, the denial of educational opportunities during the continuing insur-

gency, as well as limited employment possibilities, and the threat of violence continued to impede the ability of many women to improve their situation.

The law criminalizes rape, which is punishable by death, but under the Shari'a, which the country's laws draw from greatly, the criminalization did not extend to spousal rape. Under the Shari'a, rape cases require that a woman produce multiple witnesses to the incident while the man need simply claim that it was consensual sex, often leading to an adultery conviction of the victim. Adultery is defined in the Penal Code and was designated a crime; premarital sex is not designated a crime, but local officials often considered it a "moral" offense. According to the MOI, 260 cases of rape were reported during the year; however, the actual number of cases generally was believed to be much higher. Of the reported cases, 146 were of rape against females and 114 were of rape against males. The MOI reported 409 arrests in connection with rape cases. Statistics on convictions were unavailable. Rapes were difficult to document in view of the associated social stigma against victims. Female victims faced stringent societal reprisal, including being deemed unfit for marriage or being imprisoned. In 2006 the AIHRC reported a case in which a girl was raped by her brother. A resulting pregnancy forced the girl to reveal the incident to her parents. In order to save the family's reputation, the parents killed the girl by setting her afire. At year's end authorities had not investigated this case.

According to NGO reports, hundreds of thousands of women continued to suffer abuse at the hands of their husbands, fathers, brothers, armed individuals, parallel legal systems, and institutions of state such as the police and justice system. The community tolerated and practiced violence against women. For example, in December 16-year-old Nazia's 40-year-old husband cut off her ears and nose, after months of torture, including breaking her teeth with stones. At year's end there was no investigation.

Authorities rarely prosecuted abusers and seldom investigated complaints of violent attacks, rape, murders, or suicides of women. If cases came to court, the accused were often exonerated or punished lightly. There were no regulations explicitly outlawing domestic violence and no accurate statistics for the number of women affected by domestic violence. The director of the Women's Skills Development Center, which ran a shelter for victims of domestic violence, noted that it occurred in most homes but went largely unreported due to societal acceptance of the practice. Domestic violence usually consisted of the beating of women and children and, less often, the burning of women by other family members. During the year the AIHRC initiated additional efforts to collect statistics on violence against women. In a 1-month pilot project 96 cases were reported in the cities of Kabul and Kandahar, compared to only 362 cases reported through existing channels nationwide.

According to IRIN, four shelters in Kabul were home to more than 100 women and girls. The Ministry of Women's Affairs (MOWA) and other agencies supported the centers, which were designed to give protection, accommodation, food, training, and healthcare to women who were escaping violence in the home or were seeking legal support due to family feuds. According to the MOWA, up to 20 women and girls were referred to the MOWA's legal department every day; however, space at the specialized shelters was limited. Many of the women who could not find a place in the four secure hostels in Kabul ended up in prison. One shelter in Kabul reported that while it only had capacity for 20 women, it held 26 women and eight children during the year. Approximately 120 women and girls passed through the shelter seeking refuge since its opening in 2003.

The concept of women's shelters was still not widely accepted in society, as many persons treated them with distrust and did not understand their utility. As a result, many of the shelters were not in publicly disclosed locations. Policewomen trained to help victims of domestic violence complained that they were instructed not to do outreach to victims but simply to wait for victims to show up at police stations. This significantly hindered their work, as reporting domestic violence was not socially accepted. On January 24, the U.N. Development Fund for Women (UNIFEM) reported that a new Family Response Unit dealing with family violence, children in trouble, and female victims of crime started operating in Kabul. It allowed policewomen to address violence and crimes towards women and children; interrogate, detain, and investigate female suspects; and provide support to female victims of crime and ensure the security of women.

Societal discrimination against women persisted, including domestic abuse, rape, forced marriages, exchange of girls to settle disputes, kidnappings, and honor killings. In some rural areas, particularly in the south, women were forbidden to leave the home except in the company of a male relative.

Violence against women was widely tolerated by the community and generally went unreported; thus most known information is anecdotal. Authorities rarely prosecuted or investigated cases of abuse, and if a case made it to court, perpetrators

were often exonerated or punished lightly. The AIHRC estimated that approximately 40 percent of marriages were forced, and distinguished this category from another 20 percent of marriages that were "arranged," the latter allowing the woman the choice to decline marriage but not to choose her spouse. For example, according to UNIFEM, Rosina, 18, was sold into marriage by her father to a man in his fifties. When she refused she was beaten.

During the year the AIHRC recorded 30 cases of women being given to another family to settle disputes, although the practice is outlawed by presidential decree. The unreported number was believed to be much higher.

Local officials occasionally imprisoned women at the request of family members for opposing the family's choice of a marriage partner or being charged with adultery or bigamy. Women also faced bigamy charges from husbands who had deserted them and then reappeared after the woman remarried. Local officials imprisoned women in place of a family member who had committed a crime but could not be located. According to MOI statistics, at year's end there were 234 women detained in the country, of which 172 had been convicted and sentenced to prison. The remainder was held in pretrial detention. Some women resided in detention facilities because they had run away from home due to domestic violence or the prospect of forced marriage. Several girls between the ages of 17 and 21 years of age remained detained in Pol-e-Charkhi prison because they were captured after fleeing abusive forced marriages.

The AIHRC documented a total of 45 honor killings throughout the year; however, the unreported number was believed to be much higher. In February in Herat Province, a man beheaded his 15-year-old daughter after she was accused by locals of adultery. Although police detained the man following the crime, there was no evidence at year's end that he had been prosecuted. In December 2006 media outlets reported that villagers in Kunar Province killed a boy and girl for having illicit sexual relations.

Women occasionally resorted to self-immolation when they felt there was no escape from these situations. During the year the AIHRC documented 110 cases of self-immolation, in contrast to 106 cases nationwide in 2006. Other organizations reported an overall increase over the past 2 years. In Herat Province, a new burn unit reported at least 70 cases of women setting themselves on fire and eight cases of men self-immolating.

Women active in public life faced disproportionate levels of threats and violence. Supported by official government policy, women's political participation gained some acceptance, even as conservative elements and insurgents resisted the trend.

Several female MPs reported death threats. MP Samia Sadat survived assassination attempts against her in May and in February 2006. Women were also the targets of Taliban and insurgent attacks. In September 2006 unknown assailants assassinated Safia Ama Jan, the director of the Kandahar Department for Women's Affairs. In October 2006 gunmen killed the daughter of MP Shakila Hashemi at her home in an attack believed to have been intended for the MP herself. Several provincial employees of MOWA continued to report threats. In November 2006 gunmen ambushed the vehicle of Kandahar provincial councilwoman Zargohna Kakar, killing her husband. Investigations into these cases continued at year's end.

Insurgents issued night letters threatening women working for the government, local NGOs, and foreign organizations. Women who received threats were often forced to move constantly to evade those harassing them. Threats against women also affected the 2005 parliamentary elections. Of the 633 female candidates, 51 withdrew their candidacies due to harassment and threats.

Prostitution was illegal but existed. Many observers, journalists, and international organizations also believed that "temporary marriages" were a form of prostitution. Temporary marriages allowed for short-term marriages, lasting from 1 day to a few months, in exchange for a dowry. Several Chinese restaurants were believed to serve as fronts for brothels where prostitutes were solicited.

There was no law specifically prohibiting sexual harassment. The public generally viewed sexual harassment of Muslim women as socially unacceptable. There were reports of harassment of foreign women.

Women who reported cases of abuse or who sought legal redress for other matters reported pervasive discrimination within the judicial system. Local family and property law were not explicitly discriminatory toward women, but in parts of the country where courts were not functional or knowledge of the law was minimal, elders relied on Shari'a and tribal custom, which generally was discriminatory toward women. Most women reported having limited access to justice in tribal shuras, where all presiding elders were men; women in some villages were not allowed any access for dispute resolution. Women's advocacy groups reported informal interven-

tion from the Government through letters to local courts encouraging interpretations of the law more favorable to women.

The Government and NGOs continued to promote women's rights and freedoms, but according to MOWA, women made up less than 25 percent of government employees. There were efforts to integrate gender units into several ministries.

The MOWA, the primary government agency responsible for addressing the needs of women, had provincial offices, but the organization suffered from a lack of capacity. During the year Parliament considered eliminating the MOWA as part of an effort to streamline the Government but decided to preserve it.

The Government did not require women to wear burqas, and cases of local authorities policing aspects of women's appearance continued to diminish. However, informal social and familial pressure led the majority of women in rural areas to wear burqas, and most women, even in Kabul, wore head covering.

Women, particularly in villages and rural areas, faced pervasive human rights violations and remained uninformed of their rights under the law and Constitution. The Government established special police units to address the needs of women and children. Policewomen staffed the unit and kept complaints confidential. The government, along with local and international NGOs, ran shelters for abused women in Kabul, Herat, and Mazar-e-Sharif. Some MPs opposed these shelters as against family values, arguing that these facilities encouraged women to separate from their families.

Some local authorities excluded women from all employment outside the home, apart from the traditional work of women in agriculture.

Children.—The Government demonstrated an increasing commitment to address the concerns of vulnerable children and their families; however, a 2006 report by the AIHRC stated that the country's civil code did not adequately address the rights of the child. In May 2006 the Government launched its National Strategy for Children at Risk (NSFCAR), which was designed by the Ministry of Work, Social Affairs, Martyred, and Disabled (MOWSAMD) to improve care for vulnerable children and families. The Ministry of Public Health trained more than 1,600 health workers on prevention of child abuse and violence against children.

The law makes education mandatory up to the secondary level and provides for free education up to the college level. According to the MOE there were 9,033 basic and secondary schools. Local authorities made some progress in school attendance. A back-to-school campaign launched by the MOE increased school enrollment from 4.2 million children in 2003 to more than 5.4 million, according to UNICEF. During the year UNICEF estimated that more than 2 million children (approximately 54 percent) were out of school, including 1.3 million girls. According to figures from the MOE, approximately 40 percent of teachers were professionally accredited.

During the year the MOE estimated that 40 percent of girls attend primary school but only 5 percent go on to secondary school. The World Bank and NGOs estimated female attendance at 32 to 35 percent. Estimates of female literacy varied from 5 to 13 percent.

In most of the country the enrollment of girls in schools may have increased, in some places significantly. However, nearly one-third of districts and several provinces had no schools for girls to attend. Enrollment was as low as 15 percent in some areas. Even in secure areas such as Kabul, where access to schools was not an issue, some male family members did not allow girls to attend school. In most regions boys and girls attended primary classes together but were separated for intermediate- and high school-level education.

According to the U.N., schools continued struggling with high dropout rates and serious shortages of teachers, especially female teachers. The MOE reported that, on average, girls in cities stopped attending school after completing high school and, in the villages, girls stopped attending school at the age of 12 or 13 in part because there was a lack of female teachers and families did not allow their teenage girls to be taught by adult men.

Violence continued to impede access to education in some parts of the country where Taliban and other extremists threatened or physically attacked schools, officials, teachers, and students, especially in girls' schools. Where schools did remain open, parents were often afraid to send their children to school, particularly girls. The majority of school-related violence occurred in 11 provinces in the southern and border regions. The MOE reported that more than 300 schools were attacked during the year and a total of nearly 200 schools had been closed due to attacks, preventing almost 220,000 students from receiving an education. For example, in Helmand Province 30,000 fewer students attended schools and more than 100 schools remain closed due to insecurity.

In January unknown gunmen killed a headmaster in Helmand District. In April a landmine, apparently planted deliberately in a playing field, killed four young

boys. In June two gunmen on motorbikes opened fire on a girls' school in Kabul, killing a teacher, a young student, and wounding two others. On June 12, unidentified gunmen attacked a school in Logar, killing two young girls and wounding three other children. In early October four schools were attacked in Shindad Province.

According to an HRW report on school attacks, there were entire districts where attacks by Taliban and other insurgents led to the closing of all schools. Education officials stated that attacks averaged one school per day. Even more common were threatening "night letters," distributed alone or preceding actual attacks, in mosques, around schools, and on routes taken by students and teachers, warning them against attending school and making credible threats of violence. Physical attacks or threats against schools and their staff caused schools to close, either because the building was destroyed or because the teachers and students were too afraid to attend. Schools in the surrounding area frequently shut down as well. In areas where students did attend school, the quality of education was extremely low.

Children did not have adequate access to health care; only one children's hospital existed in the country, and it was not readily accessible to those outside Kabul. However, infant mortality statistics improved during the year. According to a John Hopkins University and the Ministry of Public Health (MOPH) survey, infant and under 5-year-old child mortality decreased from a 2006 figure of 165 out of 1,000 live births to 129 this year. A MOPH survey revealed that 54 percent of children under age 5 were chronically malnourished.

Child abuse was endemic throughout the country, ranging from general neglect, physical abuse, abandonment, and confinement to work in order to pay off family debts. Although against the law, corporal punishment at schools was common.

On September 30, according to AI, Taliban members kidnapped a 15-year-old boy named Zainullah from a bazaar and hanged him from a utility pole after accusing him of spying.

The legal age for marriage was 16 for girls and 18 for boys. International and local observers estimated that 60 percent of girls were married before 16.

There is no clear provision in the Criminal Procedure Law to penalize those who arrange forced or underage marriages. Article 99 of the Law on Marriage states that marriage of a minor may be conducted by a guardian. However, in March, the Supreme Court approved a new marriage contract stipulating that the man needs to verify his bride is 16 years of age, and that marriage certificates would not be issued for underage brides. In June 2006 the Government set up a working group on early and forced marriages under the MOWSAMD; however, this group appears to have informally dispersed. The AIHRC estimates that up to 70 percent of reported cases of domestic violence have roots in child marriage.

Sexual abuse of children remained pervasive. During the year an AIHRC study found that most child victims were abused by extended family members. A UNHCR report noted that boys were also abused by tribal leaders. There were reports of sexual abuse that occurred in government-run orphanages around the country. During the year the MOI recorded 80 cases of rape of young boys, following approximately 130 documented cases in 2006. A 2006 AIHRC study found that 60 percent of child sexual abuse victims were girls; whereas 35 percent were boys (the remainder of victims surveyed did not record their gender). Eighteen percent of respondents knew of other children who had suffered sexual abuse. Only 29 percent of victims had approached relevant authorities for help after the abuse, citing a lack of trust in the judicial system, fear of consequences, and lack of family permission as the main reasons. Only 35 percent of victims who did file complaints were satisfied with the outcome. Article 427 of the penal code reads that "any person who conducts adultery or sodomy with a female or sodomy with a male shall be sentenced to lengthened imprisonment in accordance with the circumstances." Article 247 authorizes lengthened punishment (not to exceed 10 years), "if the victim has not attained the age of 18." Article 430 more explicitly criminalizes sexual exploitation of children: "Any person who incites a male or female, who has not completed the age of 18, to engaging in debauchery as a profession or facilitates such an engagement, shall be sentenced to intermediate imprisonment, no less than 3 years."

According to the AIHRC, only 24 percent of child sexual abusers are actually incarcerated.

While there were no documented cases of child trafficking during the year, most experts believed the practice was widespread and continued to be a problem.

Beginning in 2004 an estimated 8,000 former child soldiers were demobilized under a UNICEF-initiated program. Since 2004 more than 15,000 war-affected children in 28 provinces have been supported through UNICEF's reintegration project. UNICEF supported educational and skills training for more than 2,691 demobilized child soldiers and other war-affected children (approximately 800 of whom were girls) in six provinces.

Living conditions for children in orphanages were unsatisfactory. Children reported mental, physical, and sexual abuse, were sometimes trafficked out of state-run orphanages, and did not always have access to health services, recreational facilities, or education. MOWSAMD operated 52 orphanages across the country. UNICEF estimates that some 80 percent of the 8,000 children currently living in orphanages had at least one living parent. NSFCAR strongly advocated taking most children out of these orphanages and promoting community-based care options; however, the existing capacity of social workers and child welfare services was extremely weak.

Displacement due to the conflict also affected children. NGOs estimated that up to a third of all refugees were children, and street children remained a problem in urban areas, although no reliable estimates were available. Street children had little to no access to government services, although several NGOs provided access to basic needs such as shelter and food.

Trafficking in Persons.—The law does not prohibit trafficking in persons; however, traffickers could be prosecuted under other laws, including statutes against kidnapping.

The country is a source, transit point, and destination country for human trafficking. It is a source for women and children trafficked internally and to Iran, Pakistan, and Saudi Arabia for forced labor and commercial sexual exploitation. Children are trafficked internally for forced labor as beggars or for debt bondage in the brick kiln and carpetmaking industries. Local women and girls are kidnapped, lured by fraudulent marriage or job proposals, or sold into marriage or commercial sexual exploitation within the country and elsewhere. The AIHRC reported 150 cases of child trafficking in 2006, although many believe this was a low estimate.

During the year the MOI reported 40 to 70 arrests of child traffickers. Four prosecutions resulted in 15 convictions, with six traffickers sentenced to jail terms ranging from 8 months to 20 years and seven traffickers sentenced to death. However, the Government did not report any significant measures taken to investigate, prosecute, or otherwise curb government corruption, particularly among border guards who were widely believed to facilitate trafficking.

The Government did not fully comply with the minimum standards for the elimination of trafficking. There was an interagency working group on trafficking, but little discernible action was taken.

The Government made modest improvements in its protection efforts. The Government cooperated with Saudi Arabia to repatriate children trafficked for forced begging. In 2005 authorities repatriated 317 children from Saudi Arabia, Pakistan, Zambia, UAE, and Oman. The MOWSAMD, with the assistance of UNICEF, set up a transit center to assist with these returns, and other agencies such as the AIHRC helped with the children's reunification and reintegration. The transit center remained in operation and also served to reintegrate children affected by the conflict.

While the Government did not operate any shelters for trafficking victims that provided medical, psychological, or legal aid to trafficking victims, NGOs operated such shelters. Adult victims were sometimes jailed. The Government did not encourage victims to participate in the trials of their traffickers.

The government's national antitrafficking task force was not active; however, it disseminated information about missing children through the media and mosques and conducted limited police training to raise awareness of trafficking. Government officials failed to screen emigrants and immigrants adequately at the border to identify trafficking victims or to undertake a broad public awareness campaign.

Persons with Disabilities.—The law requires the state to assist persons with disabilities and protect their rights, including healthcare and financial protection. The Government took no measures to mandate accessibility to buildings for persons with disabilities.

According to the MOWSAMD, sample surveys estimated a total disabled population of 2 million persons, 25 percent of whom had disabilities caused by the country's two-and-a-half decades of conflict. IRIN reported that more than 50 percent of persons with disabilities are less than 19 years old. Domestic NGOs offered privately funded trade classes to persons with disabilities. However, according to the National Disability Survey, more than 72 percent of all persons with disabilities over age 6 have not received any education, and fewer than 30 percent of persons with disabilities have jobs. Although community-based health and rehabilitation committees continued to provide services to approximately 100,000 persons, their activities were restricted to 60 out of 330 districts. As a result, they were able to assist only a small number of those in need. The MOWSAMD worked within the framework of the U.N. Development Program's National Program for Action and Disability (NPAD) to coordinate and develop policy strategies that create employment

opportunities, access to education, health care, and greater mobility for disabled citizens; however, during the year, the MOWSAMD reported that the scope of NPAD was greatly reduced due to a lack of funds. Ministry services currently extend to only 16 of the 34 provinces. Disabled groups repeatedly protested the inaction of the MOWSAMD.

The Afghanistan Landmine Monitor Report stated that the rehabilitation and reintegration needs of mine survivors and other persons with disabilities were not being met. For every one person with a disability who received assistance, 100 more reportedly did not receive assistance. Disability services existed in only 20 of the 34 provinces.

In the Meshrano Jirga two of the 34 seats appointed by the president were reserved for persons with disabilities.

National/Racial/Ethnic Minorities.—Ethnic Hazaras continued to prevent some Kuchi nomads from returning to traditional grazing lands in the central highlands, in part because of allegations that the Kuchis were pro-Taliban and thus complicit in the massacres of Hazaras in the 1990s. During the year there were clashes between Hazaras and Kuchis in Wardak Province.

Claims of social discrimination against Hazaras and other Shi'as continued. The Hazaras accused President Karzai, a Pashtun, of providing preferential treatment to Pashtuns and of ignoring minorities, especially Hazaras. During 2006 nomadic Kuchis expressed concern that the voter registration process underrepresented their population. The Government and the Joint Electoral Management Body worked to address their concerns.

A recent UNHCR paper reported that while attempts were made to address the problems faced by ethnic minorities and there were improvements in some areas, there was still a well-founded fear of persecution. Confiscation and illegal occupation of land by insurgents and tribal leaders caused displacement in isolated situations. Other forms of discrimination concerned access to education, political representation, and civil service employment. A 2006 UNHCR paper reported that while the Government attempted to address the problems faced by ethnic minorities and some areas improved, there was still a well-founded fear of persecution by tribal and insurgent leaders. Confiscation and illegal occupation of land by powerful individuals, in some cases tied to the insurgency, caused displacement in isolated situations. Discrimination, at times amounting to persecution, continued in some areas, in the form of extortion of money through illegal taxation, forced recruitment and force labor, physical abuses and detention.

According to a 2006 UNHCR report, while Ismailis (a minority Shi'a Muslim group who follow the Aga Khan) were not generally targeted or seriously discriminated against, they continued to be exposed to risks. In Baghlan Province, tribal leaders occupied or confiscated and then sold Ismaili land, and Ismailis were unable to reclaim their property. The Baghlan provincial court and other provincial authorities refused to dispense justice for Ismailis in land-related cases. Ismailis faced illegal taxation and extortion by tribal leaders. In Tala-wa-Barfak District, cases of rape of Ismaili women were reported, with perpetrators acting with impunity.

Other Societal Abuses and Discrimination.—The law criminalizes homosexual activity; however, the authorities only sporadically enforced the prohibition. A recent UNHCR report noted that most homosexual persons hid their sexual orientation. Many observers believed that societal disapproval of homosexuality was partly the cause for the prevalence of rape of young boys. During 2006 the Taliban published a new set of rules that explicitly forbade the recruitment of young boys for sexual pleasure.

Section 6. Worker Rights

a. The Right of Association.—The law provides broad provisions for protection of workers; however, little was known about their enforcement. In January the Parliament passed a new labor law. Implementation remained a problem due to lack of funding, personnel, and political will. Labor rights were not understood outside of the Ministry of Labor, and workers were not aware of their rights. There was no effective central authority to enforce them. The largest employers in Kabul were the ministries and local and international NGOs. The labor law does allow unionization and the formation of associations.

b. The Right to Organize and Bargain Collectively.—As a consequence of 25 years of war, occupation, and civil strife, the country's elementary industrial base had been erased by the time the Taliban fell in 2001. Unions were ruined along with the economy. There was only one semiactive union, the Central Council National Union Afghanistan Employees (CCNUAE). This union was a Soviet-era organization, which formally separated from the Government after the fall of the Taliban.

In 2006, CCNUAE reported a membership of 200,000 government workers and employees of state-owned enterprises, but membership was more theoretical than real. Most government workers did not consider themselves members of CCNUAE, and according to CCNUAE, fewer than 40 percent paid dues. The union operated mostly on proceeds from real estate properties and other investments. The Government allowed CCNUAE to operate without interference. The new law does not provide for the right to strike, and the country lacked a tradition of genuine labor-management bargaining. The law did not protect collective bargaining. There were no known labor courts or other mechanisms for resolving labor disputes. Wages were determined by market forces, or, in the case of government workers, dictated by the Government.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor.—The law prohibits forced or compulsory labor, including by children; however, there were reports that such practices occurred. As in past years, there were reports of women being given away as laborers to another family in order to settle disputes and debts.

d. Prohibition of Child Labor and Minimum Age for Employment.—Children under 13 may not work under any circumstances. The law recognizes the standard legal age for work as 15, but there are provisions for 13- and 14-year-olds to work as apprentices, provided they only work 35 hours per week. There was no evidence that authorities in any part of the country enforced labor laws relating to the employment of children. Child labor remained a pervasive problem. According to UNICEF estimates, at least 20 percent of primary school age children undertook some form of work and there were more than 1 million child laborers under age 14. An AIHRC report released in 2006 estimated that most child laborers worked as street vendors (13 percent) or shop keepers (21 percent). Other common forms of labor were workshop labor, blacksmiths, farming, auto repair, and tailoring. In cities, a larger proportion of child laborers were involved in collecting paper, scrap metal, and firewood; shining shoes; and begging. Some of these practices exposed children to the danger of landmines. Boys comprised 86 percent of child laborers.

AIHRC reported approximately 60,000 child laborers in Kabul alone, the majority of whom migrated to the city from other provinces. Many employers subjected them to sexual exploitation and forced labor. UNHCR noted that Jalalabad and Mazar-e-Sharif also had large numbers of child laborers. According to Save the Children, there were up to 5,000 child laborers working in brick factories in Nangarhar. Children faced numerous health and safety risks at work and some of them sustained serious injuries such as broken bones.

MOWSAMD reported that the Government was working on the problem of child labor. The NSFCAR addressed child labor and demanded the creation of diversified services for vulnerable families to prevent family separation and exploitation of children. MOE efforts in promoting universal basic education, such as workshops in schools and outreach to employers also contributed to the prevention of exploitative child labor.

e. Acceptable Conditions of Work.—No reliable information existed regarding a statutory minimum wage or maximum workweek or the enforcement of safe labor practices. The national minimum wage of approximately $1,000 (5,000 AFD) per month did not provide a decent standard of living for a worker and family and was not observed in practice. Many employers allotted workers time off for prayers and observance of religious holidays. The law provides workers the right to receive wages, annual vacation time in addition to national holidays, health compensation for injuries suffered in the line of work, overtime pay, health insurance for the employee and immediate family members, per diem for official trips, daily transportation, food allowances, night shift differentials, retirement rights, and compensation for funeral expenses in case of death while performing official duties. Article 30 of the Labor Rights Law defines the standard workweek as 40 hours per week, 8 hours per day with 1 hour for lunch and noon prayers. Reduced standard workweeks were stipulated for youth, pregnant women, nursing mothers, and miners and other occupations that present health risks to laborers. These standards were not effectively enforced, and citizens were not generally aware of the full extent of their labor rights under the law. For example, in October IRIN reported that in the preceding 12 months, seven female employees at wool and fur factories in Herat had died due to respiratory diseases and chest infections. The factories do not provide protective gloves or masks and do not offer medical insurance or any financial assistance for health problems. There were no occupational health and safety standards and no enforcement mechanism. Employment was at-will, and while there was

a Ministry of Work and Social Affairs, there were few if any protections for workers under either the 1987 or the new laws.

BANGLADESH

Bangladesh is a parliamentary democracy of 150 million citizens. Khaleda Zia, head of the Bangladesh Nationalist Party (BNP), stepped down as prime minister in October 2006 when her 5-year term of office expired and transferred power to a caretaker government that would prepare for general elections scheduled for January 22. On January 11, in the wake of political unrest, President Iajuddin Ahmed, the head of state and then head of the caretaker government, declared a state of emergency and postponed the elections. With support from the military, President Ahmed appointed a new caretaker government led by Fakhruddin Ahmed, the former Bangladesh Bank governor. In July Ahmed announced that elections would be held by the end of 2008, after the implementation of electoral and political reforms. While civilian authorities generally maintained effective control of the security forces, these forces frequently acted independently of government authority.

The government's human rights record worsened, in part due to the state of emergency and postponement of elections. The Emergency Powers Rules of 2007 (EPR), imposed by the Government in January and effective through year's end, suspended many fundamental rights, including freedom of press, freedom of association, and the right to bail. The anticorruption drive initiated by the government, while greeted with popular support, gave rise to concerns about due process. For most of the year the Government banned political activities, although this policy was enforced unevenly. While there was a significant drop in the number of extrajudicial killings by security forces, they were accused of serious abuses, including custodial deaths, arbitrary arrest and detention, and harassment of journalists. Some members of security forces acted with impunity and committed acts of physical and psychological torture. Violence against women and children remained a major problem, as was trafficking in persons.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life.—Security forces committed numerous extrajudicial killings. The police, Bangladesh Rifles (BDR), the military, and the Rapid Action Battalion (RAB) frequently used unwarranted lethal force.

While there was a significant decrease in the number of killings by security personnel, the Government and military did not take any public measures to investigate these cases. According to local human rights organizations, no case resulted in criminal punishment, and, in the few instances in which the Government levied charges, punishment of those found guilty was predominantly administrative.

According to reports published by the media, local human rights organizations, and the government, the RAB—a paramilitary group composed of personnel from different law enforcement agencies—killed 94 persons throughout the year. The average number of such deaths dropped from 15 per month in 2006 to approximately eight per month during the year. The deaths, many under unusual circumstances, occurred during police operations or while the accused were in custody. The government, however, often described these deaths as "crossfire" killings, occurring in exchanges of gunfire between the RAB or police and criminal gangs.

According to reports in the media, from local human rights organizations and the government, law enforcement officials were responsible for 184 deaths, 129 of which were attributed to crossfire. According to reported figures, this total represented nearly a 50 percent drop from the previous year. The RAB accounted for 90 crossfire killings; members of the police were responsible for 35; and combined security units committed four crossfire deaths. Since 2004 when the Minister for Law, Justice, and Parliamentary Affairs stated that crossfire deaths under RAB or police custody could not be considered custodial death, the Government has not disclosed publicly any prosecution of a RAB officer in a killing.

On February 21, according to local media reports, investigations by local human rights organizations, and witness accounts, Lieutenant Commander S.M. Reza and a naval contingent from the navy camp in Char Fashion, Bhola, detained Khabirul Islam Dulal, a ward commissioner. According to human rights organizations and witness accounts, Reza and other navy personnel brought Dulal to his home, where they accused him of possessing illegal weapons. After he denied the allegations, they threatened to kill his wife and children. They beat Dulal and his wife and took him

to the navy camp, where they bound and threw him into a pond, where he drowned. Navy officials stated they had conducted an internal investigation that found Dulal had fallen into the pond and drowned while attempting to flee. According to an autopsy, at the time of Dulal's death, his body, including his genitalia, was severely bruised, some of his finger and toe nails were missing, and his throat was distended. According to Odhikar, when one of their investigators questioned navy personnel about the case in March, a naval officer threatened to make him "disappear" if he did not stop investigating the case. Navy intelligence officers later threatened Odhikar's acting director and his family, accusing him of collaborating with foreign agents. The Government supported the navy's version of events. No further investigation was conducted, and no disciplinary action was taken against the navy personnel involved.

On March 20, an indigenous Garo activist, Choilesh Ritchil, died while in army custody in Madhupur, according to local media reports, investigations by local human rights organizations, and witness accounts. Plainclothes army soldiers had detained Ritchil and a relative, Prothap Jambila, while they were returning to Madhupur from a wedding. Soldiers took Ritchil and Jambila to a temporary army camp in Madhupur where they stripped, beat, and burned them with electric shocks during an interrogation about secret weapons caches. Ritchil died in custody, but the army eventually released Prothap. Photographs of Ritchil's body taken before his burial, and the statements of witnesses who prepared the body for the funeral, contradicted the initial autopsy report that he died of natural causes. Members of the army said Ritchil died of heart failure while fleeing arrest. The Madhupur police refused to accept a case filed against the army by Ritchil's family, at first claiming they could not accept cases against the army and later stating that they could not accept the case because they had already filed an unnatural death case. In May Chief Advisor Fakhruddin Ahmed appointed a one-member Judicial Investigation Commission to undertake an independent investigation. The findings were not disclosed to the public. The Government stated, however, that four army personnel received punishments, including dismissal from service and denial of promotion.

On May 20, according to local human rights organizations Odhikar and Ain-o-Shalish Kendro (ASK), members of the RAB–5 unit in Rajshahi beat Mohammad Kamran Islam Mojnu to death in Choto Bongram, Rajshahi. Witnesses claimed that the officers beat Mojnu while investigating an extortion and kidnapping allegation. The RAB initially claimed that Mojnu died of heart failure, but after an investigation, a magistrate announced Mojnu had been beaten to death. The Government later claimed Mojnu had been lynched by an angry crowd. Following the events, RAB officers reportedly ordered authorities and journalists not to discuss the case any further. An internal RAB disciplinary hearing ordered two officers involved to forfeit their seniority for 1 year and denied five others their annual salary increases. The RAB removed all seven officers from RAB service and returned them to their respective home units.

There were no updates available concerning the March 2006 killing of Iman Ali by RAB members in Dhaka; the September 2006 killings of Abdul Hawladar and Mohammad Shamin in Khulna by RAB members; the 2005 killing of Abdul Kalam Azad; the February 2005 death in custody of Delawar Hossain; or the July 2005 extrajudicial killing of Khandker Iqbal Hossain by the detective branch (DB) of Dhaka Metropolitan Police (DMP).

There were fewer politically motivated killings than in previous years, reportedly due to the state of emergency that suspended most political activities. According to Odhikar, 79 deaths between January and December were suspected of being politically motivated. On January 6, according to local human rights organizations, before the Government declared the state of emergency, activists of the BNP beat to death an Awami League (AL) activist, Azibor Rahman. The activists injured three other AL party workers. At year's end, the police failed to submit a charge sheet, although witnesses had identified suspects in the case. On May 1, a local BNP leader, Saiful Islam, was shot to death in Chuadanga. At year's end, there had been no progress made in the investigation into his killing.

There were no developments in the September 2006 killing of Aftab Ahmad, a Dhaka University political science professor.

In March the Government ordered the re-opening of the investigation into the 2005 deaths of former finance minister and AL leader Shah A.M.S Kibria and four others in Habinganj. There were no developments at year's end.

On August 26, trials began in Sylhet for four members of the banned militant Islamist organization Harkatul Jihad al Islami (HuJi). They had been accused of organizing the 2004 grenade attack at the Hazrat Shajalal shrine in Sylhet that killed three persons and injured 70 others, including the British High Commissioner. One of the four persons arrested admitted involvement in the Kibria murder. Media re-

ports alleged that the HuJi had planned to kill top AL leaders in addition to other secular leaders. At year's end the pretrial proceedings were underway. There was no investigation of charges filed in the 2005 killing of AL legal affairs secretary Khorshed Alam Bachchu, who was shot by unknown gunmen near his home in Dhaka.

On March 30, the Government administered death sentences to six militants, including Bangla Bhai, who were convicted on charges of terrorism and murder related to the August 2005 bombings in 63 of the country's 64 districts, as well as for the deaths of two judges in Jhalakathi later that year.

Vigilante killings were common. Newspapers reported 108 vigilante killings throughout the year, although local human rights organizations said the reported cases were only a fraction of the total number of actual incidents. Examples of vigilante killing from the press included: On January 26, local residents beat an alleged extortionist and handed him to the RAB, and later the man later died at a local hospital; on May 6, a mob beat to death five men suspected of having stolen money from a dye factory in Araihazar in Narayanganj district; on September 27, a mob in Mohammadpur chased and beat an alleged burglar to death as he attempted to flee the scene of a break in. The Government did not take any action to investigate these cases.

Violence along the border with India remained a problem. According to human rights organizations, the Indian Border Security Force (BSF) killed 120 citizens, injured 82, arrested eight, abducted 98, and raped three.

b. Disappearance.—Disappearances and kidnappings remained serious problems during the year. According to human rights organizations, 235 persons were kidnapped during the year. An indeterminate number of these kidnappings were politically motivated, and child kidnapping for profit also continued to be a problem, according to human rights organizations.

On February 12, according to media reports, kidnappers abducted Abdul Aziz, in Khoksa Bazar in Kushtia district. Aziz reportedly had refused to pay extortion money to the men for several days preceding the abduction. Residents found Aziz's body in Kalabari on February 14. Police had made no arrest at year's end.

On June 25, according to media reports, abductors took Hossain Shahid Sumon and Mohammad Hanif, two employees of the Danish aid agency DANIDA, in Thanchi, Bandarban. On July 8, villagers found Sumon after kidnappers abandoned him. Over the course of a search, the military detained more than 20 persons on suspicion of involvement and captured four alleged kidnappers. At year's end police had detained five representatives from nongovernmental organizations (NGOs) on suspicion of involvement in the kidnapping; they were not charged and the evidence against them had not been disclosed.

There were no developments in the May 2006 disappearance and death of Tera Mia in Chhatak, Sunamganj district. Police initially refused to file a report regarding Mia's disappearance. After villagers found Mia's body a few days later, police filed a complaint against the alleged perpetrators. According to human rights organizations, police failure to act on the initial report of disappearance may have contributed to Mia's death.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—While the law prohibits torture and cruel, inhuman, or degrading punishment, security forces, including the RAB, military, and police, frequently employed severe treatment as well as psychological abuse during arrests and interrogations. According to human rights organizations, the use of such techniques increased after the interim government declared the state of emergency on January 11. Abuse consisted of threats, beatings, and the use of electric shock. According to human rights organizations, security forces tortured 30 people to death. The Government rarely charged, convicted, or punished those responsible, and a climate of impunity allowed such abuses by the RAB, police, and military to continue.

On January 27, according to international and local human rights organizations and witness accounts, soldiers detained Shahidul Islam, the director of the NGO Uttaran at the organization's training center in Tala, Shatkhira district. According to witnesses, 20 soldiers led by Major Mehedi Hasan took Islam to the Tala army camp where they questioned him about Uttaran's activities and accused him of possessing illegal weapons. They blindfolded him and beat him below the waist for several hours before turning him over to the Tala police station in a semi-conscious condition. On January 29, the police transferred Islam to the local hospital, where doctors treated him for multiple fractures to his leg and a subcutaneous hemorrhage. He spent several weeks in the hospital before being sent to Satkhira prison to await trial on four criminal accounts. On August 21, the High Court ordered Islam released on bail; meanwhile, police issued final reports dismissing all four

cases. The Government did not launch an investigation nor pursue disciplinary action against the army personnel accused of beating Islam.

On June 22, in response to an attempted robbery of an army officer's residence on the Dhaka Cantonment, a team of military police detained approximately 20 people, including 15-year-old Mohammad Jamal Uddin and 16-year-old Mohammad Kajol. When the military later transferred them to the Kafrul Police Station, they were semi-conscious and unable to stand without assistance. According to the police sub-inspector, authorities transferred the two adolescents to Dhaka University Medical College, where Jamal died later that day of a brain hemorrhage. The family of Kajol, who survived, filed a case against the army but later withdrew it after the army agreed to bear all of Kajol's medical expenses. On June 23, police filed an unnatural death case regarding Jamal. According to the government, the army formed an internal court of inquiry to investigate, but at year's end it had not announced any findings.

On October 10, the trial resumed concerning the July 2006 case of Kishore Kumar Das, originally arrested and injured, allegedly after RAB abuse, and charged with possession of weapons at his house. At the resumed trial, six RAB officers provided differing accounts of the incident. The case was on-going at year's end.

There were no developments in the June 2006 death of Tajul Islam in Kurigram. According to the Asian Human Rights Commission, Islam allegedly was beaten and kicked to death while in police custody. Kurigram District officials said they arrested and suspended Sub-Inspector Hakim, the police officer-in-charge. Uddin's family reportedly was unable to get a copy of Uddin's report of death from Kurigram District Hospital.

There were no developments in the case of AL official Asraf Hossain Khan, who was detained and allegedly beaten and threatened with crossfire by the RAB in Munshigonj in February 2006. Authorities released Khan after supporters blocked a road into town and demanded his release. At the time of the incident, a doctor verified that Khan appeared to have been mistreated. No charges were filed against the RAB.

In May according to media reports, Sub-Inspector Nuruzzaman raped a woman while she was in custody at the police station in Karimgonj, Kishoranganj district. Police suspended Nuruzzaman and arrested him on rape charges. At year's end he remained in jail awaiting trial. Authorities also arrested the officer-in-charge of the station, Sub-Inspector Ruhul Amin, who was later released on bail. In addition, authorities temporarily suspended Sub-Inspector Habibur Rahman.

On August 16, Sub-Inspector Abdul Mannan of the Mirpur Police Station allegedly raped a garment factory worker, according to media reports. At year's end he remained in jail awaiting trial.

There were no developments in the 2005 rape case against riot police officer Nurul Islam, whom police arrested and charged with raping a domestic worker. At year's end the officer's trial was still pending.

Prison and Detention Center Conditions.—Despite the fact that the Government took several major steps to improve prison conditions, such as cracking down on corruption and improving morale of prison employees, the prison system remained abysmal due to overcrowding and the lack of proper sanitation. Local human rights observers considered the poor prison conditions to be a contributing factor to custodial deaths. The inspector general of prisons sought to improve conditions. He introduced several training programs and literacy classes to help rehabilitate prisoners, cracked down on corruption in the system, and improved inmate food and other services. Since the declaration of a state of emergency, according to international and local human rights organizations and witness accounts, security forces, including the military, held detainees in sub-standard ad hoc Joint Forces and military camps of the military intelligence agency, the Directorate General-Forces Intelligence (DGFI).

According to Odhikar, 87 persons died in prison and 67 died while in the custody of police and other security forces, among them a 10-year-old boy who was found with his throat slit in the Juvenile Detention Center. Of the 87 persons who died, 77 died of natural causes; four died of unnatural causes; and six died of unknown or unspecified causes.

According to the Bangladeshi Society for the Enforcement of Human Rights (BSEHR), the existing prison population as of November 1 was 82,254, between 15 and 20 percent higher than at the same time in 2006. The prison system was more than 300 percent over its official capacity of 27,146. Of the entire prison population, approximately one-third of the detainees had been convicted, but the rest were either awaiting trial or detained for investigation. In most cases, prisoners slept in shifts because of the overcrowding.

The Government undertook reforms aimed at improving the situation. The inspector general of prisons took several steps to improve the prison system, including updating the jail code, reducing corruption and drug trafficking in prisons, limiting the use of full shackles on prisoners for reasons other than discipline, improving the quality of food service, creating more prisoner vocational training opportunities and literacy classes, and improving morale of prison staff. The Government also opened its first jail for women in Gazipur.

The law required juveniles to be detained separately from adults; however, in practice, many juveniles were incarcerated with adults.

Although the law prohibits women in safe custody from being housed with criminals, in practice, no separate facilities existed.

In general the Government did not permit prison visits by independent human rights monitors, including the International Committee of the Red Cross. Government-appointed committees of prominent private citizens in each prison locality monitored prisons monthly but did not release their findings. District judges occasionally visited prisons, but rarely disclosed their findings.

d. Arbitrary Arrest or Detention.—The Constitution prohibits arbitrary arrest and detention; however, the law permits authorities to arrest and detain persons suspected of criminal activity without an order from a magistrate or a warrant. Following the declaration of a state of emergency in January, the Government promulgated the EPR that gave authorities further authority to detain citizens without filing formal charges or specific complaints.

Role of the Police and Security Apparatus.—Police are organized nationally under the Ministry of Home Affairs (MOHA) and have a mandate to maintain internal security and law and order. Under recent governments police were generally ineffective and reluctant to investigate persons affiliated with the ruling party. After the January 11 declaration of a state of emergency, the Government formed the Joint Forces, composed of police, RAB, military, and other security agencies, and gave the special new teams responsibility for enforcing the state of emergency. The DGFI, a military intelligence agency, assumed the lead in enforcing the state of emergency by investigating corruption charges and interrogating suspects.

The RAB, a paramilitary unit drawing personnel from various police units and security agencies including the military, received human rights training through the United Nations Development Program. While the RAB continued to commit serious human rights violations, the total number of incidents involving the RAB dropped significantly from the previous year.

The Government took steps to address widespread police corruption and a severe lack of training and discipline. The Inspector General of Police began implementation of a new strategy, partially funded by international donors, for training police and addressing corruption.

Abuse of authority by law enforcement and the military was common. For example, on June 11, according to media reports and an investigation by Odhikar, eight army soldiers led by a Captain Shibli detained Dhaka businessman Mahbub Alam Liton at an army camp. Shibli and one other soldier beat Liton in the head, back, legs, and soles of his feet and later forced him to write a confession stating that he had been abusive towards Shibli. According to Liton's family, the local police refused to allow the filing of a case against the army, and an army major called to warn family members not to continue pressing the case. The army later formed a court of inquiry to investigate. The investigation was underway at year's end.

There were no developments in the October 2006 National Shooting Federation Complex incident, in which police entered the Dhaka club and beat 25 members, including Commonwealth Games gold medalist Asif Hossain Khan.

Law enforcement and security forces used unwarranted force to suppress demonstrations, although this occurred less frequently than in the previous year.

According to international and local human rights organizations, security personnel used unwarranted force after the Government declared a curfew in August in response to protests at university campuses in several major cities. While the Government issued instructions that security forces should accept media credentials and other professional identification, security personnel harassed dozens of journalists who were attempting to conduct legitimate business. The Government later apologized to journalists for the treatment.

There were no developments in the August 2006 incident in Phulbari, Dinajpur district, in which police and members of the BDR opened fire on a crowd, killing five persons and injuring 100 who were protesting the establishment of an open-pit coal mine. Authorities did not file charges against police or BDR for the deaths of the protesters.

Plaintiffs rarely accused police in criminal cases due to lengthy trial procedures and the fear of retribution. Such reluctance to confront police created a climate of impunity.

Arrest and Detention.—The law does not provide for the use of warrants in all cases. Section 54 of the Criminal Procedure Code and Section 86 of the Dhaka Metropolitan Police (DMP) Ordinance provide for detention of persons on suspicion of criminal activity without an order from a magistrate or a warrant, and the Government used such provisions regularly. Section 144 limits gatherings of more than four people. Preventative and arbitrary detentions increased after the declaration of a state of emergency, particularly after the caretaker government launched its anticorruption program.

The Government reported arresting more than 300,000 persons between January and August, an arrest rate approximately 15 percent higher than in 2006. The majority of those arrested were released within a day or two. Human rights organizations estimated that approximately 200 former politicians, government officials, and business leaders were held on suspicion of corruption, extortion, or other abuses of power after the caretaker government began its anticorruption drive in January.

According to Human Rights Watch (HRW), Joint Forces, led by the military, held suspects illegally at army camps, DGFI headquarters, and other unofficial places of detention where they interrogated, often abused, and in some cases forced suspects to sign confessions before releasing or presenting them to a magistrate. In some cases the authorities released detainees after they agreed to file cases against other high-profile suspects.

On January 31, a Joint Forces team detained Giasuddin Al-Mamun, a business associate of BNP Joint Secretary Tarique Rahman. While numerous witnesses were present in the area and saw Mamun taken away, the Government denied that Mamun had been detained. Authorities allegedly held Mamun for nearly 2 months for interrogation at the Dhaka military cantonment, but on March 26, military officers brought him to his residence in Dhaka, where he was officially arrested, first on charges of illegal arms possession and, subsequently, on corruption charges. The Government had no official response to the allegation that Mamun was already in custody when he was arrested.

Under the Special Powers Act, the Government or a district magistrate may order a person detained for 30 days to prevent the commission of an act that could threaten national security; however, authorities held detainees for longer periods. In these cases the magistrate must inform the detainee of the grounds of his detention, and an advisory board is required to examine the detainee's case after 4 months. Detainees had the right to appeal. Many detainees taken into custody during the anticorruption drive were held under this act, and the Government sought and received numerous detention extensions from advisory boards consisting of two judges and a government official.

There was a functioning bail system in the regular courts, although persons prosecuted under the EPR were ineligible for bail. Family members of persons arrested under the EPR were frequently detained without bail on suspicion of abetting corruption. In September after several controversial cases involving the detention of family members of the accused sparked an outcry in the NGO community, the Government announced that it would ease the denial of bail provision for family members. Human rights groups and some detainees' families alleged that, in cases in which the High Court ordered high-profile detainees released on bail, the military pressured trial judges to delay the release of the detainee in order to give the Government time to file new charges against the detainee, starting a new appeals process and preventing release.

Most criminal detainees charged with crimes were granted access to attorneys; however, detainees arrested under the Special Powers Act were not entitled to representation. The Government rarely provided political detainees with state-funded defense attorneys, and there were few legal aid programs to offer such detainees financial assistance. The Government generally permitted lawyers to meet with their clients only after formal charges were filed in the courts, which in some cases occurred several weeks after the initial arrest. Arbitrary arrests were common, and the Government held persons in detention without specific charges, often in order to collect information about other suspects.

It was difficult to estimate the total number of those detained for political reasons. Many high-level officials detained during the state of emergency were widely suspected of corruption and had credible charges of corruption pending against them at year's end. Several high profile figures, including some members of the leadership of the BNP and AL, however, were held for months without any charges filed against them. International and domestic human rights organizations accused the Government of selective prosecution. For example, several high-profile figures be-

lieved to be corrupt were omitted from the lists of corruption suspects, allegedly because they agreed to ally themselves with the caretaker government and the military.

In cases not affiliated with the state of emergency or anticorruption drive, arbitrary and lengthy pretrial detention remained a problem. The backlog of criminal cases was believed to be more than 50,000 in Dhaka alone. Many persons who were arrested served longer in pretrial detention than they would have if given the maximum sentence for their alleged crimes. According to Odhikar, approximately two-thirds of prison inmates remained in pretrial detention at year's end.

e. Denial of Fair Public Trial.—The law provides for an independent judiciary; however, in practice, a longstanding temporary provision of the Constitution placed the executive in charge of the lower courts, judicial appointments and compensation for judicial officials. The caretaker government implemented legislation developed by the previous government separating the judiciary from the executive.

The Appellate Division of the Supreme Court frequently overturned politically charged decisions by the High Court Division of the Supreme Court if those rulings went against the Government. For example, the Appellate Division overturned several decisions granting bail to high-level corruption suspects, including former prime ministers Sheikh Hasina and Khaleda Zia. On several occasions when the Appellate Division upheld the High Court ruling to release a high-profile detainee, such as in the case of senior AL adviser Kazi Zafarrullah, the person was re-arrested immediately upon release on a new set of charges. Corruption, judicial inefficiency, lack of resources, and a large case backlog remained serious problems.

The court system has two levels: The lower courts and the Supreme Court. Both hear civil and criminal cases. After the separation of the judiciary from the executive, the Government appointed judicial magistrates to replace the executive magistrates who used to preside over the lower courts. The Supreme Court is divided into two divisions, the High Court and the Appellate Division. The High Court Division hears original cases mostly dealing with constitutional issues and reviews cases from the lower courts. The Appellate Division hears appeals of judgments, decrees, orders, or sentences of the High Court. Rulings of the Appellate Division are binding on all other courts.

The EPR authorized the Government to create special, speedy, anticorruption courts to adjudicate cases prosecuted by the Anti-corruption Commission. Sentences from these tribunals could also be appealed to the High Court.

In 2005 a High Court panel rendered unconstitutional an amendment to the Constitution that legitimized martial law in the 1980s. The prime minister's office arranged for a stay, still in effect, of the ruling because of its ramifications for the legacy of former president Ziaur Rahman, the late husband of the then prime minister.

Trial Procedures.—The law provides accused persons with the right to be represented by counsel, to review accusatory material, to call witnesses, and to appeal verdicts. There is no jury trial, only judges. Trials are public, and defendants have the right to an attorney that is rarely provided. Defendants are presumed innocent, have the right to appeal, and have the right to see the Government's evidence.

Corruption and a substantial backlog of cases hinder the court system, and trials were typically marked by extended continuances, effectively preventing many from obtaining a fair trial due to witness tampering, victim intimidation, and missing evidence. A 2004 Transparency International survey revealed that magistrates, attorneys, and court officials demanded bribes from defendants in more than 67 percent of the cases filed under the Special Powers Act.

Alternative Dispute Resolution for civil cases, begun in 2004, allowed citizens to present their cases for mediation. According to government sources, wider use of mediation in civil cases quickened the administration of justice, but there was no assessment of its fairness or impartiality. The Muslim Family Ordinance codifies traditional Islamic law concerning inheritance, marriage, and divorce for registered marriages for members of the Muslim community. There were similar sets of laws in place for the Hindu and Christian communities.

Political Prisoners and Detainees.—The Government detained approximately 200 high-ranking politicians, businessmen, and officials as part of its anticorruption campaign. The Government held for several months many individuals under the Special Powers Act, without filing charges against them.

The Government imposed unofficial house arrests on former prime ministers Sheikh Hasina and Khaleda Zia and made repeated efforts in the first 6 months of the year to force them into exile. Eventually, the Government arrested both women on corruption charges, and at year's end they were awaiting trial.

By year's end the Anti-Corruption Commission and the public prosecutor had prosecuted several dozen cases against ranking political officials, ranging from extortion and money laundering to murder. While the Government said that these were legitimate charges, some cases, such as the filing of charges against former Law Minister Moudud Ahmed and former Communications Minister Anwar Hossain Manju, were seen to be politically motivated. The authorities charged Ahmed and Manju with alcohol possession, normally a minor offense for which bail is granted during trial.

The 2005 case against journalist Salah Uddin Shoaib Choudhury, detained for his attempted 2003 travel to Israel, did not come before a judge during the year. While the case remained postponed, the Government allowed Choudhury to travel abroad.

Civil Judicial Procedures and Remedies.—The Government did not interfere with civil judicial procedures.

Property Restitution.—During the year the Government did not take any measures to implement the 2001 Vested Property Return Act providing for property restitution to persons, mostly Hindus, who had their property seized by the Government after the 1965 India-Pakistan war.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The law allows intelligence and law enforcement agencies to monitor communications with the permission of the chief executive of the MOHA. The ordinance also gives the government, in the interest of national security, the authority to prevent telephone operators from delivering messages. The EPR strengthened the ability of the Government to monitor communications, including telephone, cell phone, text messages and e-mail. In case of national emergency, the Government can revoke any permit to provide communications services without providing compensation to the holder of the license, and during the August curfew the Government ordered cell phone providers to shut down service for extended periods.

Police, even in cases not affiliated with the Special Powers Act, rarely obtained warrants, and officers violating these procedures were not punished. Reporters without Borders claimed that police monitored journalists' e-mail. In addition, journalists and political figures detained by the Joint Forces reported that they were forced to hand over their e-mail log-ons and passwords. The Special Branch of the police, National Security Intelligence, and DGFI employed informers to report on and conduct surveillance on citizens perceived to be political opponents of the Government.

Shortly after assuming power, the caretaker government launched a country-wide drive to remove illegal shops and shelters from government-owned property. The campaign displaced tens of thousands of homeless people and caused the destruction of thousands of small shops and stalls. In September Chief Advisor Fakhruddin Ahmed apologized for excesses in the eviction drive.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech and press; however, the Government used the EPR to curtail these rights.

Individuals were not able to criticize the Government publicly without fear of reprisal. The EPR suspended indoor and outdoor political gatherings, allowed the Government to take legal action against critical editors and journalists, and allowed authorities to compel the broadcast or publication of stories supporting the Government. After banning radio and television talk shows in August, the Government rescinded the ban after developing strict rules to govern the format.

There were hundreds of daily and weekly independent publications. Newspapers that were critical of the government, particularly of the military, came under strong pressure throughout the year. In addition to one official government-owned news service, there are two private news services.

Newspaper ownership and content were often subject to direct restriction by the military's Inter-Service Public Relations office and DGFI. Journalists reported being cautioned frequently by DGFI against criticizing the Government or the military.

The Government owned one radio and one television station and significantly influenced the privately owned stations.

There were eight private satellite television stations and three private radio stations in operation. There were two foreign-based and licensed satellite television stations that maintained domestic news operations. Cable operators generally functioned without government interference; however, cable operators were forced to drop several international channels, allegedly for nonpayment of taxes. The Government required all private stations to broadcast, without charge, selected government news programs and speeches by the chief advisor and the president.

In September authorities closed one new 24-hour all-news television station, CSB, when the Bangladesh Telecom Regulatory Commission, which allocates licenses, ac-

cused the station of having forged licensing documents. Station officials admitted that one of its licensing documents had been falsified, but claimed that the timing of the action demonstrated that the station was being punished by the Government because it had produced footage of rioting during the Dhaka University protests in mid-August.

Overt attacks on journalists continued to be a problem, although they were less frequent than during the previous year and, unlike in 2006, none were killed. According to Odhikar, at least 35 journalists were injured, 13 were arrested, 35 were assaulted, 83 were threatened, and 13 had cases filed against them.

In August security forces assaulted and injured several journalists at Dhaka University. According to a statement by the Committee to Protect Journalists (CPJ), security forces injured several journalists, including correspondents and photographers from the Daily Star, Shamokol, Bhorer Kagoj, Amar Desh, Karotoa, the UNB wire service, and BDNews.com. Security forces also beat Anis Alamgir, the president of the Diplomatic Correspondents Association of Bangladesh. Despite the fact that he showed his press badge, security forces beat Alamgir on the legs with sticks and temporarily took him into custody along with 25 other journalists.

On January 27, a group of AL activists attacked and seriously injured Satkhira Chitra editor Professor Anisur Rahim. Local residents rescued Rahim and brought him to the hospital. Police arrested three suspects and charged them in the attack. The court acquitted two persons and convicted a third to 4 years in prison. However, that sentence subsequently was stayed by the High Court and at year's end the person had been released on bail.

There were no developments in the October 2006 arrest and torture of Focus Bangla journalist Shafiqul Islam by RAB officers. Islam claimed he was tortured with electric shocks for 8 hours by the RAB during his detention. Authorities accused Islam of being in contact with Islamic extremists.

There were no developments in the January 2006 shooting death of S. Changma Sattyajit, president of the Panchhari Press Club and correspondent of Shamakol.

According to journalists, editors, and other media personnel, intimidation and pressure on the media intensified considerably after the declaration of a state of emergency. DGFI officials monitored the various media outlets and cautioned them about airing material deemed offensive to the Government or military. Numerous editors and journalists in Dhaka reported being summoned to DGFI headquarters for questioning and encouragement to file positive stories about the Government and military.

In late January, according to media reports, army soldiers twice summoned Hafizur Rahman Neon, Prothom Alo's Habiganj correspondent, to the army camp to criticize his coverage of a fertilizer crisis; he was ordered to file a report denying there was a problem with fertilizer distribution. The Government stated afterwards that this incident occurred due to confusion in the first weeks of the state of emergency about the extent of limitations placed on the media by the EPR.

On March 21, Joint Forces arrested E.A.M. Asaduzzaman Tipu, the Daily Star's Nilphamari correspondent after he reported on fertilizer shortages. Police said a case had been filed against him by local BNP leader Biswajit Bhoumik Bapi; however, he denied filing such a case, and on April 26, the court acquitted Tipu of all charges.

On May 10, Joint Forces detained for 24 hours Tasneem Khalil, a journalist with the Daily Star and a researcher for HRW. During his detention, military and police interrogated him about a blog he wrote and beat him, threatening that he might be "disappeared." Because of significant international pressure, authorities returned Khalil's passport and allowed him to depart the country in early June. Khalil and his family received political asylum in Sweden.

The Government engaged in censorship. For example, authorities temporarily embargoed distribution of the January 18 edition of The Economist because of an article about the country's state of emergency. Officials removed pages with articles on the country from the August 23 and September 6 editions of The Economist and the September 29 edition of Time magazine before releasing the copies to distributors. The Government ceased the practice in October in response to official complaints.

The Government subjected foreign publications and films to review and censorship. A government-run film censor board reviewed local and foreign films and had the authority to censor or ban films on the grounds of state security, law and order, religious sentiment, obscenity, foreign relations, defamation, or plagiarism. Video rental libraries and DVD shops stocked a wide variety of films, and government efforts to enforce censorship on rentals were sporadic and ineffective.

The Government exercised censorship often in cases of immodest or obscene photographs, perceived misrepresentation or defamation of Islam, or objectionable comments regarding national leaders.

On September 17, Alpin, the satirical weekly magazine of the newspaper Prothom Alo, published a cartoon that many citizens viewed as Islamic blasphemy. After demonstrations in several cities, the Government banned the sale of the edition, ordered copies of it seized and destroyed, and detained the cartoonist, Arifur Rahman. The Government provided protection to the Prothom Alo offices to prevent demonstrations from approaching and urged imams to calm the public. The editor of Prothom Alo, Matiur Rahman, apologized for the cartoon's publication and fired the editor in charge of Alpin. Protests and demands for the firing and arrest of Rahman and Prothom Alo publisher Mahfuz Anam continued the following week, although the Government took no action against them.

Following the incident with Alpin, Shaptahik 2000 published an article by Daud Haider, an author who fled the country in 1974 after publishing a poem that many considered blasphemous. The Government confiscated all copies of Shaptahik 2000, and the editor apologized.

Novelist Taslima Nasreen remained abroad after being freed on bond in 2004 for criminal charges that she allegedly insulted Muslim beliefs.

The review of a 2004 ban on Ahmidiyya publications remained pending in the High Court at year's end.

The Government used defamation charges to curb freedom of speech, although the number of these cases decreased significantly over the course of the year. For example, immediately following the launch of the Government's anticorruption drive, several politicians filed defamation cases against the media. On February 1, the then BNP Mayor of Rajshahi City Corporation, Mizanur Rahman Minu, filed a case against the editor and publisher of Prothom Alo for referring to him as a "godfather of Islamic militants." The court dismissed the case after a special anticorruption court convicted Minu.

On February 4, Mah Selim, a former BNP Member of Parliament, filed a defamation suit against the editor, publisher, owner, and a reporter of the newspaper Juganthor for accusing Selim of corruption. The case was pending at year's end.

Internet Freedom.—Although individuals and groups could generally engage in the peaceful expression of views via the Internet, local human rights organizations reported continued government monitoring of Internet communications.

Academic Freedom and Cultural Events.—The Government did not limit academic freedom or cultural events; however, authorities discouraged research on sensitive religious and political topics.

b. Freedom of Peaceful Assembly and Association.—The EPR restricted freedom of assembly, freedom of association, and prohibited indoor and outdoor political activities. In September the Government eased bans on indoor political gatherings in Dhaka but limited the number of people who could attend and required parties to seek permission from the home ministry to hold meetings.

The Government implemented the ban unevenly. For example, in April and May Ferdous Ahmed Quareshi publicly had meetings in support of a new progovernment party, the Progressive Democratic Party (PDP). Despite considerable press coverage of these events and media editorials questioning their legality under the state of emergency, the Government did nothing to stop them. After the easing of the ban on indoor politics, police prevented the pro-Khaleda Zia (and antigovernment) faction of the BNP from reopening the BNP's main Dhaka office. The Government permitted other parties, including the AL, to open offices in the capital.

Freedom of Assembly.—During the year, the EPR banned public demonstrations and political gatherings.

Freedom of Association.—The law provides for the right of every citizen to form associations, subject to "reasonable restrictions" in the interest of morality or public order, and the Government generally respected this right. Individuals were free to join private groups.

c. Freedom of Religion.—The law establishes Islam as the state religion and also stipulates the right, subject to law, public order, and morality, to practice the religion of one's choice. The Government generally respected this right in practice. Although the Government was secular, religion shaped the platforms of certain political parties. Discrimination against members of religious minorities existed at both the governmental and societal level, and religious minorities were disadvantaged in practice in such areas as access to government jobs, political office, and justice.

Shari'a (Islamic law) was not implemented formally and was not imposed on non-Muslims, but it played an influential role in civil matters pertaining to the Muslim community. The Muslim Family Ordinance codifies issues such as inheritance, marriage, and divorce for registered marriages of members of the Muslim community.

Muslim men may marry up to four wives; however, a Muslim man must get his first wife's signed permission before taking an additional wife.

Family laws concerning marriage, divorce, and adoption differed slightly depending on the religion of the persons involved. Each religion had its set of family laws. Under Hindu law, unlimited polygamy is permitted, and while there is no provision for divorce and legal separation, Hindu widows may legally remarry. There were no legal restrictions on marriage between members of different faiths.

The Government required all NGOs, including religious organizations, to register with the Ministry of Social Welfare.

Government protection of Ahmadiyyas continued to improve although social discrimination continued. The Government ban on publishing of Ahmadiyya literature continued to be stayed by the High Court, effectively allowing Ahmadiyyas to publish.

As in previous years, the Government failed to prepare a list of property that was expropriated by the Government from Hindus following the 1965 India-Pakistan War.

The Government allowed foreign missionaries to work in the country, but their right to proselytize was not explicitly protected by the law. Some missionaries faced problems in obtaining visas or renewing visas, which must be done annually. Some foreign missionaries reported that internal security forces closely monitored their activities. The Government allowed various religions to establish places of worship, train clergy, travel for religious purposes, and maintain links with co-religionists abroad. The law permitted citizens to proselytize.

Societal Abuses and Discrimination.—Discrimination against Ahmadiyyas, Hindus, and Christians occurred during the year. However, there were no major demonstrations by anti-Ahmadiyya groups during the year.

In early March police removed an anti-Ahmadiyya signboard from an Ahmadiyya mosque in Khulna, the first such action by police on behalf of the Ahmadiyya community. The signboard read that the building was not a mosque and that the Ahmadiyyas were not Muslims.

On January 11, police recovered 11 unexploded bombs from an Ahmadiyya graveyard in Brahmanbaria. According to human rights organizations, officials forced the cancellation of a March regional Ahmadiyya conference in Panchagarh.

The military continued to attempt to evict 120 families, 85 percent of them Hindu, from land in the Mirpur area of Dhaka abutting the military cantonment. The eviction, based on a 1961 land purchase agreement by the military, was challenged legally and the case was pending at year's end.

On June 26, according to media reports, a group of Muslim villagers attacked recent converts to Christianity in the village of Durbachari, Nilphamari district, and gave them 24 hours to leave the village. Although police initially stationed a special protective team in the village, they were removed after the situation calmed.

In April leaders of the Catholic Khasia community in Moulvibazar complained to the local government about harassment from local Forestry Department officials, who oversee the Monchhara Forest where many Khasia live. They stated several forest officials filed false cases against their community, including the head of the local Catholic mission, in order to intimidate them. Local Forestry officials also harassed the Garo community in Madhupur. Police arrested several Forestry Department officials allegedly involved in corruption in the two areas.

There were no developments concerning the 2005 case of arson and bombings at Ahmadiyya mosques in Nator, Brahhmanbaria, and Bhadugarh.

Religious minorities were disadvantaged in seeking government jobs and political office. Selection boards for government services often lacked minority group representation.

For a more detailed discussion, see the 2007 International Religious Freedom Report.

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons.—The law provides for these rights, and the Government respected these rights in practice with specific exceptions. The EPR gave the Government authority to curb freedom of movement. The Government prevented persons suspected of corruption from leaving the country. Law enforcement personnel prevented numerous persons from departing the country via Dhaka's international airport because they had been placed on lists of corruption suspects.

The law does not provide for exile, and it was not used. The country's passports were invalid for travel to Israel.

Protection of Refugees.—The law does not provide for the granting of asylum or refugee status in accordance with the 1951 U.N. Convention relating to the Status of Refugees and its 1967 protocol, and the Government has not established a system

for providing protection to refugees. In practice, the Government provided some protection against refoulement, the return of persons to a country where they feared persecution.

The Government continued to deny asylum to Rohingyas newly arriving from Burma. The Government categorized these refugees as illegal economic migrants and turned back as many persons as possible at the border. According to the U.N. High Commissioner for Refugees (UNHCR), some refugees returned by the Government were likely entitled to refugee status. Some unregistered persons in UNHCR camps returned illegally after their official repatriation to Burma, sharing food and lodging with relatives who received rations as registered members of the camps. On a number of occasions, camp officials transferred some of the unregistered persons to police, who imprisoned them under the Foreigners Act. There were 93 Rohingya refugees in local prisons in the Cox's Bazar area at year's end. Of these persons, four had been sentenced and 87 remained detained. A total of 329 refugees remained on bail at the end of the year.

Working with UNHCR, the Government provided temporary protection to approximately 28,000 registered Rohingya refugees at two official refugee camps and to individual asylum seekers whom UNHCR interviewed and recognized as refugees on a case-by-case basis. According to international aid organizations active in the area, there were approximately 200,000 Rohingyas not officially recognized as refugees living in the surrounding area of Teknaf and Cox's Bazaar. There were no repatriations of Rohingyas.

Working with UNHCR, the Government continued to improve conditions in the refugee camps following findings in recent years that sanitation, nutrition, and shelter conditions had fallen below minimum international standards. The Government permitted the UNHCR to build replacements for shelters and latrines and permitted more NGOs to work in the camps on skills training, education, and health.

In April, Tapan Chowdhury, the caretaker adviser responsible for the Ministry of Food and Disaster Management, became the first minister-level official to visit the refugee camps.

According to UNHCR there were many reported cases of abuse against refugees, including rape, assault, domestic abuse, deprivation of food ration entitlements, arbitrary detention, and documentation problems.

As in previous years, the Government continued to ignore UNHCR requests to allow Rohingya refugees who were unable to return to Burma to work locally, benefit from local medical programs, or participate in the education system. The Government insisted that all Rohingya refugees remain in camps until their return to Burma. The Government claimed Rohingyans were not allowed to possess money and that money in their possession could be confiscated.

The Government repeatedly rejected a UNHCR proposal to grant refugees rights for temporary stay and freedom of movement under a self-reliance program.

Stateless Persons.—Approximately 300,000 non-Bengali Bihari Muslims who emigrated to the former East Pakistan during the 1947 partition and who supported Pakistan during the 1971 war continued to live in camps throughout the country. According to Refugees International, many of these persons lived in unsanitary conditions with little access to education and medical resources. Some Biharis declined citizenship in 1972 and were awaiting repatriation to Pakistan, where the Government was reluctant to accept them. Many of the stranded Biharis born after 1971 assimilated into the mainstream Bengali-speaking environment. For the first time, on September 5, the Election Commission announced that it would permit Biharis who meet citizenship requirements to register to vote in the scheduled December 2008 elections.

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

The Constitution provides citizens 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, albeit with significant instances of violence.

On January 11, the head of state and head of the caretaker government, President Iajuddin Ahmed, declared a state of emergency in response to political violence and allegations of flaws in the preparation for national elections scheduled for January 22. With military support, he appointed Fakhruddin Ahmed, a former central bank governor, to head a new caretaker government. The caretaker government postponed the elections, and in February, new Election Commissioners were appointed. Their mandate was to initiate electoral reform, and specifically prepare a new, unbiased voter registry. Registration for the new voter list progressed in the last half of the year, with the effort running ahead of schedule.

When sitting, the Parliament has 345 members, 300 of whom are directly elected. The remaining 45 seats are reserved for women nominated by the political parties, based on their proportional representation within the 300-member group of directly elected members of Parliament. Party leaders appoint candidates for elections, and there were allegations that wealthy candidates could purchase nominations from party leaders with campaign contributions or personal gifts.

Elections and Political Participation.—Khaleda Zia, leader of the BNP, stepped down as prime minister in October 2006. She had become prime minister following parliamentary elections in 2001, deemed to be free and fair by international and domestic observers. The 2001 elections, supervised by a nonparty caretaker government, took place in a climate of sporadic violence and isolated irregularities. The BNP formed a four-party coalition government with the Jamaat-e-Islami, Bangladesh Jatiya Party, and the Islami Oikko Jote; however, the BNP and the opposition AL dominated the political scene. At year's end Zia and former Prime Minister Sheikh Hasina Wazed of the AL were both in jail awaiting trial on corruption charges. In its anticorruption drive, the caretaker government also arrested over 30 former members of Parliament, numerous former government ministers, and several members of the leadership of both major parties.

In the last Parliament there were seven women directly elected to Parliament. Two women had the status of minister: Khaleda Zia and Sheikh Hasina. Sheikh Hasina, as the leader of the opposition party, enjoyed the status of a Cabinet minister. Three of the 76 judges of the Supreme Court were women.

There was no provision for providing parliamentary seats for minorities. Members of minority groups constituted approximately 12 percent of the population but held less than 3 percent of parliamentary seats in the Parliament.

Government Corruption and Transparency.—According to the World Bank's Worldwide Governance Indicators, corruption in the country was a severe problem. Following the declaration of a state of emergency, the caretaker government and military took several significant steps to address government corruption. It appointed a retired army chief as the new chairman of the Anti-Corruption Commission, formed a National Coordination Committee to help coordinate government and security forces' efforts regarding graft investigations, and set up several task forces to help the committee with its work.

Throughout the year, security forces detained approximately 200 high-profile graft suspects. Among those detained were former prime ministers Sheikh Hasina and Khaleda Zia, both of whom were charged in bribery cases dating to their government tenures. Using the Special Powers Act that allows preventive detention, the Government detained prominent business leaders. The majority of those persons were then tried under existing anticorruption legislation. Most high-profile cases were handled under the Emergency Power Rules and therefore denied suspects both the right to bail and the right to appeal their cases during the course of the trial.

Section 4. Governmental Attitudes Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A wide variety of domestic and international human rights groups generally operated independently and without government restriction, investigating and publishing their findings on human rights cases. While human rights groups were often sharply critical of the government, they also practiced self-censorship.

After the Government declared the state of emergency, NGOs came under heightened scrutiny by the caretaker government and the military. The Law Adviser and an Election Commissioner publicly accused NGOs of corruption. In October the Law Advisor attributed some of the corruption in the country to foreign aid channeled through NGOs. Transparency International Bangladesh also alleged that some local NGOs were guilty of corruption.

The Government and Joint Forces targeted some NGO leaders for prosecution; for example, authorities charged the head of Uttaran, Shahidul Islam, with murder. Police later dropped the charges due to lack of evidence. The Government also harassed groups advocating the rights of indigenous people. The Forestry Department, for example, continued to file hundreds of cases against these groups in the Madhupur and Srimongal areas.

Naval intelligence officers summoned the acting director of Odhikar to their headquarters and threatened him because Odhikar had investigated allegations that navy personnel had killed a man in Bhola.

The NGO Affairs Bureau, the office within the Prime Minister's (and now Chief Adviser's) Office that approves NGO projects, delayed approval of NGO proposals related to elections and human rights. Odhikar's registration was still pending with the NGO Affairs Bureau at year's end.

On July 17, an assistant director with the NGO Affairs Bureau circulated a memorandum to NGOs stating that, based on a letter from Army Headquarters, the Government would limit the amount of foreign funding to NGOs that could be used for awareness building, training, and other "invisible" projects to 50 percent. After protests from NGOs and international donors, the bureau eventually retracted the policy.

At year's end Asudullah Al-Galib was awaiting trial for the 2005 attack on several offices of leading NGOs, such as the Grameen Bank and the Bangladesh Rural Advancement Committee (BRAC). In 2005, authorities charged Al-Galib, the leader of Ahle Hadith, a local Islamic group, for bombing the Grameen and BRAC offices and for targeting a series of cultural events and organizations.

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

The law prohibits discrimination; however, the Government did not strongly enforce laws aimed at eliminating discrimination. Women, children, minority groups, and persons with disabilities often confronted social and economic disadvantages.

Women.—Laws specifically prohibit certain forms of discrimination against women, provide for special procedures for persons accused of violence against women and children, call for harsher penalties, provide compensation to victims, and require action against investigating officers for negligence or willful failure of duty; however, enforcement of these laws was weak. In 2003 Parliament passed an amendment to the current law, weakening provisions for dowry crimes and addressing the issue of suicide committed by female victims of acts of dishonor.

Domestic violence was widespread, although violence against women was difficult to quantify. Research showed that up to 50 percent of all women experienced domestic violence at least once. Some of the reported violence against women continued to be related to disputes over dowries. From January to December, BSEHR reported 145 dowry-related killings.

The law prohibits rape and physical spousal abuse but makes no specific provision for spousal rape. According to Odhikar, there were 459 reported incidents of rape throughout the year, including 213 against women and 246 against children. Human rights monitors insisted that the actual number of rapes was higher, as many rape victims did not report the incidents in order to avoid social disgrace. Prosecution of rapists was uneven. At a 2005 workshop organized by BSEHR, then attorney general A.F. Hassan Ariff said "judges consider the seriousness of rape to be the same as theft, robbery, and other crimes."

There were no developments in the case of Tajul Islam, a businessman accused in April 2006 of raping a 12-year-old girl who had been working in his home. Islam fled the village when neighbors filed a case against him.

Female prostitution was legal. Male prostitution was illegal, although local NGOs claimed it was common in the major cities. The minimum age of 18 for legal female prostitution generally was ignored by authorities and circumvented by false statements of age. The Government rarely prosecuted procurers of minors, and large numbers of underage girls in prostitution worked in brothels. Local NGOs estimated the total number of female prostitutes to be approximately 100,000. The U.N. Children's Fund (UNICEF) estimated in 2004 that there were 10,000 underage girls used in commercial sexual exploitation in the country, but other estimates placed the figure as high as 29,000. Trafficking of women internally and internationally remained a problem.

NGOs such as the Bangladesh National Women Lawyers' Association (BNWLA) ran facilities to provide shelter to destitute persons and distressed women and children. According to BSEHR, persons in safe custody were no longer housed in prisons. Courts sent most of them to shelter homes. In a few cases they were sent to the prison as a transit for short periods.

Islamic tradition dictated that only those muftis (religious scholars) who have expertise in Islamic law be authorized to declare a fatwa. However, village religious leaders sometimes made declarations in individual cases and called the declaration a fatwa. Such declarations could result in extrajudicial punishments, often against women, for their perceived moral transgressions.

Incidents of vigilantism against women—sometimes led by religious leaders (by means of fatwas)—occurred. Acid attacks remained a serious problem. Assailants threw acid in the faces of women and a growing number of men, leaving victims disfigured and often blind. From January to December, according to Odhikar, 161 persons were attacked with acid. Of these, 96 of the victims were women, 42 were men, and 23 were children.

The law provides for speedier prosecutions of acid-throwing cases in special tribunals and generally does not allow bail. The act also seeks to control the availability of acid and reduce acid violence directed towards women, but lack of awareness of

the law and poor enforcement limited its effect. While the special tribunals were not entirely effective, according to the Acid Survivors Foundation, tribunals convicted 218 persons for acid attacks since 2002, including 45 during the year.

Women remained in a subordinate position in society, and the Government did not act effectively to protect their basic rights. Employment opportunities increased at a greater rate for women than for men in the last decade, largely due to the growth of the export garment industry. Women made up approximately 80 percent of garment factory staff. Pay was generally comparable for men and women.

Children.—The Government was generally responsive to children's rights and welfare. Many of these efforts were supplemented by local and foreign NGOs, and these joint efforts allowed the country to make significant progress in improving health, nutrition, and education. However, according to UNICEF, slightly under half of all children were chronically malnourished.

Under the law children between 6 and 10 years of age must attend school through the fifth grade. The Government estimated that approximately 53 percent of students complete grades one through five.

Primary education was free and compulsory, but the implementation of compulsory education fell short, in part because parents kept children out of school, preferring that they work for money or help with household chores. Government incentives to families sending children to school contributed significantly to the rise in the enrollments in primary schools in recent years. Despite these efforts, public schools imposed a wide range of fees that were burdensome to poor families and created a disincentive to attend school.

There were a few government hospitals designated exclusively for children, but boys and girls had equal access to medical care in government hospitals.

While the legal age of marriage is 18 for girls and 21 for boys, underage marriage was a significant problem. Reliable statistics concerning underage marriage were difficult to find because marriage registrations were sporadic, and birth registrations to verify a person's age were not universal. One local human rights NGO, Mass Line Media, conducted a survey in 2004 that estimated 40 percent of all marriages could be considered child marriages. In an effort to prevent child marriage, the Government offered stipends for girls' school expenses if parents promised to delay their daughters' marriage until at least age 18.

According to the Bangladesh Child Rights Forum, 147 children were abducted, 225 were killed, 200 were injured in violence, 250 were raped, 23 were victims of acid attacks, and 169 others were missing.

According to human rights monitors, child abandonment, kidnapping, and trafficking continued to be serious and widespread problems. Despite certain advances, trafficking of children continued to be a problem.

Child labor remained a problem; it frequently resulted in the abuse of children, mainly through mistreatment by employers during domestic service and occasionally included servitude and trafficking for commercial sexual exploitation abroad. According to a 2006 study by the Bangladesh Institute of Labor Studies, attacks on children constituted over 50 percent of the deaths, injuries, and sexual assaults reported among domestic workers during the year.

Trafficking in Persons.—The law prohibits trafficking in persons; however, trafficking remained a serious problem affecting men, women, and children. Trafficking in children for "immoral or illegal purposes" carries the death penalty or life imprisonment, and the Government took measures for the expeditious prosecution of traffickers. During the year, 45 trafficking cases were adjudicated by the special courts dealing with incidents of repression against women and children. Courts convicted 21 persons and ordered life sentences in 18 cases.

Trafficked women and children went to India, Pakistan, Bahrain, the United Arab Emirates (UAE), Kuwait, and destinations within the country. Men seeking work abroad as expatriate labor in countries such as Malaysia and the Middle East found themselves in exploitative situations of forced labor, with conditions including restrictions on movement, threats, and physical assault. Women and children were trafficked internally for commercial sexual exploitation. Similarly, children faced forced labor in the garment and fishing industries, and entire families were victims of bonded labor throughout the country.

According to government sources, law enforcement personnel rescued 87 victims of trafficking from January to December. Since August 2005, a cooperative effort between NGOs, the government, and the UAE resulted in the repatriation of 199 camel jockeys, 198 of whom were reunited with their biological parents. One remained in a BNWLA shelter home. Some of the rescued victims remained in government homes or at NGO-run shelters and received social and vocational skills training while NGOs attempted to locate their families.

BNWLA rescued 59 trafficking victims from within the country and repatriated 65 others during the year. The actual number of persons arrested for trafficking was difficult to obtain, as charges against traffickers were sometimes for lesser crimes, such as crossing borders without proper documents. According to the Centre for Women and Child Services, most trafficked boys were under 10 years of age, while most trafficked girls were between 11 and 16 years of age.

The exact number of women and children trafficked was unknown. Most trafficked persons were lured by promises of good jobs or marriage, and some were forced into involuntary servitude outside and within the country. Parents sometimes willingly sent their children away to escape poverty. Unwed mothers, orphans, and others outside of the normal family support system were also vulnerable. Traffickers living abroad often arrived in a village to marry a woman, only to dispose of her upon arrival in the destination country, where women were sold into bonded labor, menial jobs, or commercial sexual exploitation. Criminal gangs conducted some of the trafficking. The border with India was loosely controlled, especially around Jessore and Benapole, continuing to make illegal border crossings easy.

Large numbers of children were used in brothels for commercial sexual exploitation, and procurers of minors were rarely prosecuted.

Government corruption greatly facilitated the process of trafficking. Police and local government officials often ignored trafficking in women and children for commercial sexual exploitation and were easily bribed by brothel owners and pimps.

Because the number of workers traveling to Southeast Asia and the Middle East increased, the expatriate labor market remained a lucrative business. Labor recruiters sometimes offered fraudulent jobs or conditions that left migrant workers stranded and open to forced labor in the receiving country. Recruiters also often charged exorbitant fees that made workers extremely vulnerable to forced labor and debt bondage. Some women were subjected to forced prostitution upon arriving in the receiving country. The Government raided and closed four of the largest expatriate labor recruitment agencies on suspicion of defrauding workers of their money; several of these were owned allegedly by former members of Parliament or other senior political figures. When negotiating a new deal to send expatriate workers to South Korea, the two governments agreed to eliminate the role of recruitment agencies and to have the Ministry of Expatriate Welfare recruit the workers directly. In October the Government of Malaysia announced it would suspend the import of expatriate laborers after persistent problems with recruitment agencies.

Although a lack of resources hindered investigations, the Government expanded antitrafficking police units to all 64 districts to encourage victims to testify against their traffickers and to compile data on trafficking. In response to inadequately trained police and prosecutors, the Government worked with legal experts to provide specialized training to prosecutors and with the International Organization on Migration (IOM) to develop a trafficking course for the national police Academy.

The Government continued its efforts to combat trafficking in persons through intensive case tracking by the trafficking monitoring cell at police headquarters and by holding monthly inter-ministerial committee meetings headed by the MOHA. The cell monitored the activities of the police and assisted in prosecuting relevant cases. The Government had district monitoring committees headed by the deputy commissioners in all 64 districts across the country. These committees transmitted to Dhaka monthly progress reports on arrests, convictions, acquittals, and repatriation of trafficked victims.

The ministries of Foreign Affairs, Expatriate Welfare, and Home Affairs worked closely with IOM and foreign donors to develop an action plan to combat labor trafficking and migration issues. The Foreign Ministry issued new instructions to all consular staff worldwide on how to handle trafficking cases abroad and introduced training courses for director-level Foreign Ministry officials in labor trafficking issues.

During the year, the MOHA reported 130 persons arrested on trafficking charges. This generated 45 trafficking cases. Of those cases, a total of 21 persons were convicted, of which 18 were sentenced to life imprisonment. Although the death sentence exists for trafficking, no death sentences were handed down during the year. The government's efforts remained focused on the trafficking of women and children exclusively. Government projects included conducting awareness campaigns, research, lobbying, and rescue and rehabilitation programs.

The MOHA secretary met monthly with NGOs working on antitrafficking issues to facilitate coordination and cooperation between the Government and civil society. The MOHA continued awareness and motivation campaigns to combat trafficking in persons. During the year, the MOHA, in consultation with NGOs and other TIP stakeholders, enhanced its information campaign policy by incorporating definitions of trafficking-in-persons that reference applicable national and international legal

provisions. MOHA also formed a committee to adopt a national plan of action on human trafficking in the country.

The Government inter-ministerial committees, with the cooperation of local and international NGOs, continued to monitor the repatriation, rehabilitation, and social integration of repatriated camel jockeys. Since 2005, a total of 199 camel jockeys were repatriated of which 198 were reunited with their families. Among those, 193 camel jockeys received 104,000 taka ($1,500) as compensation. The government, with assistance from UNICEF, adopted an action plan on the second phase of the camel jockey rehabilitation project to focus on ensuring the sustainability of community-care groups and livelihood options for survivors.

Many NGOs, community-based organizations, and local government leaders worked on trafficking through prevention, research, data collection, documentation, advocacy, awareness creation and networking, cross-border collaboration, legal enforcement, rescue, rehabilitation, and legislative reform. Despite constraints such as lack of birth and marriage records at the village level, trafficking cases were prosecuted. There was limited success in increasing shelter capacity and developing rehabilitation programs, including skills and vocational trainings, to facilitate sustainable social reintegration of the victims.

Persons with Disabilities.—The law provides for equal treatment and freedom from discrimination for persons with disabilities; however, in practice persons with disabilities faced social and economic discrimination. The law focuses on prevention of disability, treatment, education, rehabilitation and employment, transport accessibility, and advocacy.

The Ministry of Social Welfare, the Department of Social Services, and the National Foundation for the Development of the Disabled were the Government agencies responsible for protecting the rights of persons with disabilities. The Ministry of Social Welfare task force, composed of government officials and members of NGOs, adopted an action plan in 2004 to improve the overall welfare of the disabled. The plan awaits Cabinet approval.

Government facilities for treating persons with mental handicaps were inadequate. Several private initiatives existed in the areas of medical and vocational rehabilitation, as well as employment of persons with disabilities.

Indigenous People.—Tribal people had a marginal ability to influence decisions concerning the use of their lands. There was little progress in the implementation of the 1997 Chittagong Hill Tracks Peace Accord. The Government still refused to cede responsibility for key functions like land use and natural resources to local authorities, as called for in the Accord. Law-and-order problems and alleged human rights violations continued, as did dissatisfaction with the implementation of the Peace Accord.

The Government continued to deny mobile phone and Internet coverage to the three districts comprising the Hill Tracts. While the Government cited security concerns as its reason for curbing this coverage, human rights groups and local officials claimed that this was implemented in order to stunt development of the region. The Land Commission dealing with land disputes between tribal individuals and Bengali settlers did not function effectively in addressing critical land disputes. Tribal leaders remained disappointed with the lack of assistance provided to those who left the area during the insurgency. Local human rights organizations alleged that security forces took advantage of the state of emergency to increase human rights abuses, including arbitrary arrests, against indigenous people.

During the year according to a human rights organization, seven persons died and two were injured in violence in the Chittagong Hill Tracts. Moreover, seven persons were kidnapped and two persons were arrested.

In February the Government withdrew 16 temporary camps of security forces in the Rangamati area of the Hill Tracts. Since the signing of the 1997 Peace Agreement, the Government had withdrawn 196 camps, leaving approximately 280 camps.

The conflict between the Parbattya Chattagram Jono Sanghati Samity (PCJSS), which signed the 1997 Peace Agreement with the Government and the United Peoples' Democratic Front (UPDF), which is opposed to the Peace Agreement, continued. On January 16, UPDF activists shot and killed Vinku Kumar Chakma, a youth front activist of PCJSS, at Chongrachhari in Khagrachhari district.

Tribal organizations continued to allege that security forces abused the indigenous population of the Hill Tracts. On December 9, the 10th anniversary of the signing of the Peace Treaty, leaders of the indigenous village of Mahalchari in Khagrachari district, held a press conference in Dhaka to allege ethnic Bengali settlers had encroached on their farmland. They claimed Bengali settlers, with assistance of local authorities, seized 366 acres of their farmland during the year. Late in the year,

a UNDP-funded project to develop a nursery in the indigenous village of Maddya Lemuchari in Khagrachari fell through after Bengali settlers constructed homes on the location designated for the project. According to local villagers, despite the fact that they held title to the land, local authorities issued duplicate land titles to the settlers in violation of the law and the Peace Treaty.

On April 1, according to Hill Watch Human Rights Forum, army personnel raided the house of UPDF leader Sachib Chakma in the village Bogachhari in Rangamati district. As Sachib was not present, the soldiers allegedly took his father, wife, two minor children, and another person to the army camp in Naniarchar and abused the father before eventually releasing them.

The PCJSS and indigenous leaders alleged that Joint Forces personnel led by the army took advantage of the state of emergency to step up "suppressive actions" against indigenous people, including arrests and filing of false cases. According to their report, individuals could not protest due to the state of emergency.

On March 11, Joint Forces personnel arrested two UPDF members, Bimol Bikash Chakma and Milon Bihari Chakma, from Maischhari in Khagrachhari district, on suspicion of involvement in the killing of an army captain. When arrested, the two allegedly were found with illegal arms and ammunition.

Tribal people in other areas also reported loss of land to Bengali Muslims. The Government continued work on national park projects on land traditionally owned by indigenous communities in the Moulvibazar and Modhupur forest areas. Despite the fact that the Government filed corruption charges against several Forestry Department officials involved in these projects, development of these park projects continued. In addition, indigenous communities, local human rights organizations, and churches in the area claimed that the Government had yet to withdraw thousands of false charges filed against indigenous residents by the Forestry Department.

Other Societal Abuses and Discrimination.—Homosexual acts remained illegal; however, in practice the law is rarely invoked. The law states that "whoever voluntarily has carnal intercourse against the order of nature with any man, woman, or animal, shall be punished with imprisonment for life, or with imprisonment of either description for a term which may extend to 10 years, and shall be liable to fine."

There were some informal support networks for homosexual men, but organizations to assist lesbians were rare.

Incidents of attacks on homosexuals were difficult to track because victims' desired confidentiality, and local human rights groups did not monitor this area, but they were known to occur. Government safeguards were nonexistent. There were few studies on homosexuality in the country.

Section 6. Worker Rights

a. The Right of Association.—The law provides for the right to join unions and, with government approval, the right to form a union; Export Processing Zones (EPZs) have a separate set of labor laws. In practice, the Government did not respect consistently the right of association. After the Government enforced the EPR, the right of labor unions to meet lawfully or hold public demonstrations was prohibited. Additionally, during the year several labor leaders and organizations reported being subject to intimidation and scrutiny by security forces.

The total labor force was approximately 49.5 million, of whom approximately 1.9 million belonged to unions, many of which were affiliated with political parties. There were no reliable labor statistics for the large informal sector, in which the vast majority (nearly 80 percent) of citizens work.

Overall implementation of labor regulations in the EPZs was inconsistent. The EPZ-specific labor laws permitted unions, called "workers associations," which have collective bargaining rights. These laws allowed the formation of workers associations from November 2006. However, the actual formation of workers associations is in its infancy, and none had been fully constituted. According to labor groups, this lack of progress was due to a lack of procedural guidance from the EPZ authority and active discouragement by factory managers.

The Bangladesh Labor Act of 2006 (BLA) consolidated laws from 25 separate acts into one comprehensive law. Workers filed legal cases against EPZ factories that did not follow the BLA, and no decisions on this point had been made by the courts. According to the law a workplace cannot have more than three trade unions operating at the same time.

The BLA created a Director of Labor, responsible for the registration and cancellation of a union. During the year, some unions were deregistered, primarily for labor law violations. The law afforded unions the right of appeal in the case of cancellation or denial of registration.

Unions were highly politicized and were strongest in state-owned enterprises, including jute mills, textile mills, chemical industries, and the government-run port of Chittagong.

Civil service and security force employees were legally prohibited to form unions. Teachers in the public and private sector had previously been banned from forming trade unions. However, in common practice, many teachers and professors formed long-standing professional associations. Under the BLA, new categories of workers, including teachers and NGO workers, were permitted to form unions. Due to the broad limitations on union organizing during the state of emergency, these new regulations were not formally instituted. The BLA also has specific provisions allowing workers in specialized fields in civil aviation and on ocean-going vessels to form trade unions.

b. The Right to Organize and Bargain Collectively.—The BLA includes provisions protecting unions from employer interference in organizing activities. Implementation of these provisions was uneven, however, and many private sector employers discouraged union activity. Some employers fired workers suspected of organizing or sympathizing with unions, placed informants in work areas, and in some cases, intimidated workers with threats of violence.

The BLA recognized the right to strike. In practice few strikes followed legal requirements; often, strikes or walkouts occurred based on the spontaneous decisions of workers, sometimes prompted by a rumor.

The Director of Labor ruled on union-organizing discrimination complaints. Throughout the year, the labor court ordered reinstatement of workers fired for union activities, but a large backlog hampered the court's effectiveness. Increasingly, labor disputes were settled prior to the scheduled hearing dates in the labor court.

Under the BLA, legally registered unions are entitled to bargain collectively with employers. The BLA simplified and clarified the procedure for selecting a collective bargaining agent and specified time limits for steps in the process. Labor organizations reported that in some companies, workers feared reprisals and would not exercise their collective bargaining rights.

The BLA established mechanisms for conciliation, arbitration, and labor court dispute resolution. The new law enhanced and facilitated the process of dispute resolution. Workers have the right to strike in the event of a failure to reach settlement. If a strike lasts 30 days or longer (less in cases of public safety or national interest), the Government could curtail or prohibit the strike and refer the dispute to the labor court for adjudication. However, because the majority of strikes were conducted outside of the legal provisions for conducting a strike, the Government did not exercise its authority to curtail them. The Government did file cases against some striking labor leaders and workers for destruction of property, blocking roads, or violation of EPR provisions. In some cases, the appeals courts subsequently acquitted strikers.

A separate law, the EPZ Workers' Association and Industrial Relations Act (EWAIRA), specified association rights in EPZs, although EPZ authorities did not recognize the broader applicability of the BLA, which covered workers' rights beyond the freedom of association.

The EPZs' assumed exemption from the BLA was legally challenged by labor groups. While certain provisions of the BLA were implemented through EPZ regulations, EPZ officials interpreted their regulations and applicable laws narrowly. The EPZ did not permit Worker Representation and Welfare Committee (WRWC) members to meet with WRWC members in other factories. Factory managers strongly discouraged workers from meeting outside labor groups and terminated workers who disregarded these warnings.

Pursuant to the law, individual factory owners received prior authorization from the BEPZA Executive Chairman to terminate WRWC employees for no cause, or dismiss them for cause. In cases where the grounds for termination were believed to be the worker's labor organization activities, workers' groups protested the decision to the BEPZA Executive Chairman.

Under EWAIRA, from November 2006 workers were to be permitted to form workers' associations, which would have the legal right to strike. A special provision prohibited striking until 2008, however, and instead required mandatory arbitration. Other provisions of EWAIRA allowed collective bargaining but did not permit affiliation with other labor organizations outside the EPZ.

Federations of workers' associations within the EPZ were permitted. During the year the Government did not establish an EPZ labor tribunal, or an EPZ labor appellate tribunal, as required by EWAIRA. Workers in EPZs began filing complaints in the national labor courts to enforce broader legal rights granted by the BLA in the EPZs, in addition to provisions of the EWAIRA.

Throughout the year, sporadic labor unrest occurred within the Dhaka EPZ. Strikes and violence broke out in Khulna and Chittagong after the Government closed jute mills in those two cities. In the wake of the unrest, labor organizers reported acts of intimidation and abuse, arbitrarily locked-out employees, firing of workers, and increased scrutiny by security forces.

c. Prohibition of Forced or Compulsory Labor.—The BLA prohibits forced or bonded labor and labor by children under the age of 14, although in some professions children between 12 and 14 years of age may legally work. The Government has not enforced these prohibitions effectively. The BLA created inspection mechanisms to strengthen laws against forced labor, but these laws were not enforced due largely to insufficient resources.

The Government succeeded in eliminating some bonded and forced labor from its large-scale industries. However, in some industries, such as tanning, ship breaking, shrimp processing, restaurants, and domestic servitude, the regular incidence of child labor was reported by labor groups, NGOs and newspapers. In these industries, conditions often resemble servitude, and children suffered from physical abuse, sometimes resulting in death.

There continued to be numerous reports of violence against domestic workers. The Government continued to bring criminal charges against employers who abused domestic servants. Many impoverished families choose to settle for financial compensation. Trafficking of women and children remained a problem.

d. Prohibition of Child Labor and Minimum Age for Employment.—The BLA regulates child employment depending on the type of work and the child's age. Because of widespread poverty many children began to work at a very young age. In 2006 the ILO released a 2005 Baseline Survey for Determining Hazardous Child Labor Sectors, which estimated that of the 2.2 million workers in 45 targeted hazardous sectors, 532,000 child workers age 5 to 17 did hazardous labor. According to the survey, no children worked in ship breaking, manufacture of cigarettes, manufacture of pesticides, or fireworks manufacture during the survey period. According to the study, child labor prevailed in hazardous establishments such as saw milling, battery recharging, welding, metal works, and carpentry. In addition, the report concluded that children were verbally and physically abused.

Children routinely performed domestic work. The Government occasionally brought criminal charges against employers who abused domestic servants. Under the law every child must attend school through grade five or the age of 10 years. However, there is no effective legal mechanism to enforce this provision.

There was little enforcement of child labor legislation outside the export garment sector. The BLA specifies penalties for child labor violations, typically nominal fines of less than $80 (5,000 taka). Agriculture and other informal sectors where there was no government oversight employed most child labor.

e. Acceptable Conditions of Work.—The National Minimum Wage Board (NMWB) announced a new national minimum wage for all economic sectors not covered by industry-specific wages. The NMWB convenes every 5 years to set wages and benefits industry by industry, using a skill-level range. It convened most recently in 2006. In the garment industry, wages were sometimes higher than the minimum required wages, due to skilled labor shortages. However, it was also common practice for most garment factories to force workers to work overtime, delay their pay, and deny full leave benefits.

The wages in the EPZs were higher than general national wage levels. Given the low standard for minimum wages and high inflation, worker advocacy groups stated that none of the set minimum wages were sufficient for a decent standard of living.

The NMWB increased the minimum wage of the garment sector in 2006. During the year, the Bangladesh Garment Manufacturers and Exporters Association (BGMEA) reported implementation of the new minimum wage at nearly 99 percent compliance in the factories surveyed. The 32 non-compliant garment factories were identified by BGMEA as sub-contracting operations. Workers' groups contested BGMEA's sampling methods. The American Center for International Labor Solidarity cited random surveys that identified over 100 factories as noncompliant.

The BLA established occupational health and safety standards. Workers' groups stated that the legally established standards were sufficient, by they were rarely implemented. Workers may resort to legal action for enforcement of the law's provisions, but few cases were prosecuted. Enforcement by the Labor Ministry's industrial inspectors was weak, due to the low number of labor inspectors and endemic corruption and inefficiency among inspectors. Because of a high unemployment rate and inadequate enforcement of the laws, workers demanding correction of dan-

gerous working conditions or refusing to work under hazardous conditions risked losing their jobs.

BHUTAN

Bhutan is a hereditary monarchy with a population of approximately 700,000. In 2005 King Jigme Singye Wangchuck announced plans for a new Constitution and in 2006 transferred power to his son, Crown Prince Jigme Khesar Namgyel Wangchuck. The new king governed during the first part of the year with the support of the National Assembly (lower house of Parliament), a Cabinet, and a Council of Ministers (upper house of Parliament). In July a majority of the Council of Ministers resigned, the National Assembly dissolved itself, and a caretaker government oversaw government functioning until the new Constitution goes into effect. Political parties were legalized and a newly formed Election Commission was created in preparation for the upcoming elections and subsequent transition to a constitutional monarchy. On December 31, elections took place for the new upper house, the National Council, as laid out in the plan for political transformation.

As head of state the king is responsible for the country's security and sovereignty. The civilian authorities generally maintained effective control of the security forces.

Although the Government's human rights record improved during the year, some problems remained. There were limitations on freedom of assembly; regulation of freedom of religion; limited political expression; and some discrimination against the ethnic Nepalese minority.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life.—There were no reports that the Government or its agents committed arbitrary or unlawful killings.

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, and there were no reports that government officials employed them.

Prison and Detention Center Conditions.—Prison conditions reportedly were satisfactory, and buildings and installations remain in fairly good condition. In November the International Committee of the Red Cross (ICRC) visited the Lodrai subdistrict jail and Chamgang central jail. In both locations authorities kept prisoners incarcerated for politically motivated crimes in areas separate from common criminals. The ICRC stated that the Government was open and forthright during its prison visits.

The Government extended the ICRC prison visits program for an additional year, as it had done annually since the Government and the ICRC signed a 5-year Memorandum of Understanding in 1998. Authorities were cooperative and allowed the ICRC unhindered access to prisons.

As of 2006, the ICRC replaced its biannual checks with annual visits.

d. Arbitrary Arrest or Detention.—The law prohibits arbitrary arrest and detention, and the Government generally observed these prohibitions.

Role of the Police and Security Apparatus.—The Royal Bhutan Police, under the control of the Ministry of Home and Cultural Affairs, was responsible for internal security. The Royal Bhutan Army was responsible for external threats but also some internal security responsibilities, such as guarding forests, providing VIP protection, and conducting counterinsurgency operations. There were no reports of impunity involving the security forces during the year. The army and police both have internal investigative procedures, and a court of inquiry undertakes the investigation of any allegation of inappropriate conduct. If a case arises, the king or another senior official makes the final decision. In corruption cases, the Anti-Corruption Commission is authorized to investigate.

Arrest and Detention.—Under the law police may not arrest a person without a warrant, must immediately inform the accused of the charge, must make a reasonable effort to inform the person's family of the arrest, and must bring an arrested person before a court within 24 hours, exclusive of travel time from place of arrest. Bail is available depending on the severity of charges, the suspect's past criminal record, likelihood of flight, and potential threat to the public. The police generally respected the law in practice. As in the previous year, Indian border authorities sent an undetermined number of ethnic-Nepalese Bhutanese who attempted to return to

the country back to camps in Nepal. A few returned to the country and staged demonstrations in Phuntsholing, but on all occasions they were eventually sent back. ICRC and the Nepal Red Cross Society continued to reimburse partially the fare for the families of the detainees living in camps administered by the United Nations High Commissioner for Refugees (UNHCR) in Nepal wishing to visit their relatives detained in Chamgang. Families living in neighboring countries were offered assistance by ICRC to visit relatives held in the country. In addition, ICRC relayed Red Cross messages between detainees and their families. During the year and with the support of ICRC, relative visited six detainees.

e. Denial of Fair Public Trial.—In January the Government passed the Judiciary Services Act, establishing for the first time formal separation of the judiciary from the executive. The act established conduct standards for judges and other judicial service personnel. In practice the judiciary generally enforced the right to a fair trial. The judiciary is overseen by the National Judicial Commission (NJC).

The judicial system consists of sub-divisional courts, district courts, and a high court. The Judicial Services Act created a Supreme Court that was given the responsibility of overseeing the interpretation and application of the Constitution. Local headmen and magistrates hear cases at the sub-divisional and district levels. Appeals may be made to a six-member high court (also known as the Royal Court of Justice). From the high court, a final appeal may be made to the king. Only the king can pardon or commute a sentence. The king appointed judges to the high court and 20 district courts on the recommendation of the NJC. The judges may be removed, suspended, or censured by the king only at the request of the NJC. The chief justice of the high court, using recommendations of the Judicial Service Council, made judicial appointments to the sub-divisional courts.

The Office of Legal Affairs (OLA) is the judicial support department of the Government and conducts state prosecutions, drafts and reviews legislation, and renders legal counsel. The OLA consists of a legal services division with domestic, international, and human rights sections, and a prosecution division with both a criminal and civil section.

Trial Procedures.—The law stipulates that defendants receive a fair and speedy trial, as long as it does not limit the ability of the accused to prepare an adequate defense, and the Government generally respected these conditions. A preliminary hearing must be convened within 10 days of registration with the appropriate court. Before any guilty or no contest plea is registered, the court must determine that the accused is mentally sound and understands the consequences of such action. Defendants enjoy a presumption of innocence, and all cases must be proved beyond a reasonable doubt. Juries were not used. Punishments included imprisonment, probation, fines, or restitution. Defendants have the right to appeal to the high court and may make a final appeal to the king, who traditionally delegated the decision to the Royal Advisory Council. Trials were conducted publicly, except for family law and cases involving juveniles.

Citizens generally had the right to a fair trial. Courts adjudicated criminal cases and a variety of civil matters under both customary law and the legal code. State-appointed OLA prosecutors filed charges and prosecuted cases for offenses against the state. In other cases the relevant organizations and departments of government filed charges and conducted the prosecution. Defendants and their attorneys had access to government-held evidence.

Defendants may choose legal representation from a list of government-licensed advocates. The Government stressed the utility of judiciary Web sites for legal information as a means of self-help. The OLA stated that most defendants sought legal assistance only in serious criminal cases. The Jabmi (paralegal) Act of 2003 established the right to representation in criminal cases, including state provision of counsel pro bono when the defendant cannot afford to pay. Legal counsel is not free in most cases, and many citizens who were unable to afford representation did not receive professional legal assistance. There are 72 lawyers, most of whom are employed by the government, currently practicing in the country.

Village headmen, who have the power to arbitrate disputes, constituted the bottom rung of the judicial system. Magistrates with responsibility for a block of villages reviewed the decisions of village headmen. Magistrates' decisions could be appealed to district judges, of which there was one for each of the country's 20 districts.

Political Prisoners and Detainees.—Six detainees were released during the year after the completion of their sentences for violence associated with political dissidence from 1991 to 1992. The Government permitted ICRC regular access to the remaining 37 detainees, and the ICRC monitored 41 newly registered cases, visiting 78 detainees in total. A few days after its visit, the ICRC learned that the nine fe-

male detainees held in Chamgang had been released and transferred to their village of origin.

Several nongovernmental organizations (NGOs) asserted that while some of the detainees were sentenced to life in prison, other sentences varied and most ranged from 3 months to 3 years.

Civil Judicial Procedures and Remedies.—Criminal matters and most civil matters are resolved by application of the 17th century legal code as revised in 1957 and 2001. Precedence is not used in the delivery of justice. Questions of family law are governed by traditional Buddhist or Hindu law. Minor offenses are adjudicated by village headmen.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The law prohibits such actions, and the Government generally respected these prohibitions.

Human rights groups claimed that the Government interfered with individual rights by requiring all citizens, including minorities, to wear the traditional dress of the ethnic majority in public places. The Government strictly enforced the law only for Buddhist religious buildings, government offices, schools, official functions, and public ceremonies; otherwise, the Government enforced this law sporadically, and people commonly wore nontraditional dress throughout the country.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—In July 2006 the National Assembly adopted the Information, Communications and Media Act that contains provisions to ensure the freedom of speech and press. Individuals were able to criticize the Government publicly; however, the Government did at times attempt to impede criticism and monitor political meetings.

Several independent newspapers operated freely and published stories critical of the Government. Foreign newspapers and magazines were available. In May the Government proposed controls on advertising; after many unfavorable newspaper editorials, the Government withdrew the proposal.

In April a private radio station, Radio Valley FM, began operations in English and Dzongkha.

The Government allowed foreign broadcasts. Private radio and television stations were active and expressed a variety of views, although the Government may have limited the number of television channels available. International organizations maintain that the cable costs were often more prohibitive than government restrictions. The Government did not censor content.

Internet Freedom.—Individuals and groups could generally engage in peaceful expression of views via the Internet, although there were some reports of government restrictions. The Government blocked access to two news sites, bhutantimes.com and bhutannews.com. Government officials said forum discussions on bhutantimes.com were too critical of Minister Sangey Nidup, maternal uncle of the king. In August, bhutantimes.com reported that the Government lifted its block on service within the country. The Government continued to monitor material on the Internet and blocked what it deemed pornographic.

Academic Freedom and Cultural Events.—There were no government restrictions on academic freedom or cultural events.

b. Freedom of Peaceful Assembly and Association.

Freedom of Assembly.—The law does not provide for freedom of assembly, and the Government restricted this right in practice. On January 2, according to the South Asia Human Rights Documentation Centre, a group of ethnic Nepalese staged a protest in Phuntsholing as part of their continuing efforts to pressure the Government to resolve the Bhutanese refugee problem in Nepal. Police arrested the demonstrators and handed them to the Jaigaon police of West Bengal. Nongovernmental groups that work on overtly political issues are not allowed to operate inside the country. On December 8, the Samtse District Court in the southwest sentenced 30 members of the Communist Party of Bhutan (Marxist-Leninist-Maoist), based in Nepal, for alleged acts of sedition. In recent years security forces arrested citizens for taking part in peaceful prodemocracy demonstrations. They also arrested and deported Southern Bhutanese refugees living in Nepal who entered and demonstrated inside the country for the right to return home.

Freedom of Association.—The law provided for freedom of association, and the Government permitted the registration of some political parties and organizations. However, the Government did not permit political parties organized by ethnic Nepalese citizens. According to international NGOs, local civil society organizations attempted to balance criticism of the Government to foster a mutually comfortable working relationship.

c. Freedom of Religion.—Mahayana Buddhism is the state religion; however, the law provides for freedom of religion. There were allegations that the Government restricted this right in practice.

The Government favored the Drukpa Kagyupa and Ningmapa Buddhist groups through subsidization of monasteries and shrines, as well as aid for monks. The Government stated its actions were in accordance with a 1956 agreement following its seizure of Buddhist land for redistribution to landless citizens. Societal pressure to practice Buddhism was not apparent. Major Buddhist holy days are state holidays. The king declared one major Hindu festival a national holiday, with royal family participation.

NGOs reported that the Government required permission to build religious temples but rarely granted it for non-Buddhist buildings. Followers of religions other than Buddhism and Hinduism were free to worship in private homes but could not erect religious buildings or congregate in public. International Christian relief organizations and Jesuit priests were active in education and humanitarian activities. Under the National Security Act (NSA), proselytism and forced conversion are barred. The law further prohibits speech that promotes "enmity or hatred" between religious groups. Violation of the NSA is punishable with up to 3 years' imprisonment, although government enforcement of this provision was unclear.

Societal Abuses and Discrimination.—According to dissidents living outside the country, the Government permitted only Drukpa Kagyupa and Ningmapa Buddhist religious teaching in schools. Some dissidents claimed that Buddhist prayer was compulsory in all government-run schools; however, the Government contended that Buddhist teaching was permitted only in monastic schools and that religious teaching was forbidden in other schools. Local NGOs confirmed that although students took part in a prayer session each morning, it was nondenominational and not compulsory. Government authorities occasionally asked applicants to state their religion before rendering public services. The Government required all civil servants to take an oath of allegiance that did not have religious content but was administered by a Buddhist Lama. There were no reports of Hindus and Christians in government service being denied promotions.

The country does not have a Jewish population, and there were no reports of anti-Semitic acts.

The formal practice of Hinduism is permitted.

For a more detailed discussion, see the 2007 International Religious Freedom Report.

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons.—The law provides for these rights, but the Government limited them in practice. In districts along the Chinese and Indian borders, the Government administered highway checkpoints where persons were required to show their citizenship identity cards.

The law does not address forced exile. Although the Government officially does not use formal exile, there were over 100,000 ethnic Nepalese Bhutanese living in refugee camps in Nepal and India after a government campaign in the 1980s forced them out of the country. While the GOB has agreed, in principle, to accept many into the country, they have declined requests to visit the refugee camps and begin active screening programs. In previous years many political dissidents freed under government amnesties stated they were released on the condition that they depart the country. The Government denied this. Many of those released subsequently registered at refugee camps in Nepal, while some relocated to India.

The Government restricted emigration and prohibited the return of citizens who left the country. The country's citizenship laws state that persons who have left the country of their own accord, without the knowledge or permission of the government, or whose names are not recorded in the citizenship register maintained in the Ministry of Home Affairs (MHA), would not be considered citizens of the country. Some dissidents and human rights groups claimed that the law was created specifically to deny citizenship to ethnic-Nepalese Bhutanese. Human rights groups also allege that some ethnic Nepalese with relatives in the camps faced insurmountable bureaucratic challenges and were denied IDs for procedural reasons. As a result, these individuals were unable to participate in the election process.

Protection of Refugees.—The law does not provide for granting asylum in accordance with the 1951 U.N. Convention relating to the Status of Refugees and its 1967 protocol, and the Government has not established a system for providing protection to refugees. In practice, the Government generally provided protection against refoulement, the return of persons to a country where there is reason to believe they feared persecution.

From 1990 to 1993, more than 80,000 ethnic-Nepalese Bhutanese entered Nepal. Approximately 15,000 additional refugees fled Nepal to India, but UNHCR did not accord them refugee status. Human Rights Watch reported that there were between 25,000 and 45,000 unregistered ethnic-Nepalese Bhutanese refugees living outside refugee camps in India and Nepal who also do not have Bhutanese citizenship, rendering these persons stateless. The Government has stated its commitment to receiving "genuine" refugees wishing to return voluntarily from the camps but maintains that only a small number of people in the Nepali camps are genuine Bhutanese.

The law permits re-application for citizenship after a 2-year probationary period. The Government re-issues citizenship upon successful completion of the probation period and a finding that the person in question is not responsible for any act against the Government.

Stateless Persons.—Implementation of a government-conducted nationwide census in 1985 resulted in the denaturalization of many ethnic-Nepalese Bhutanese. The census was redone in 1988–1989 in the southern districts. At that time, persons were required to present land ownership documents from 1958. Those who then lost citizenship under the 1985 law were permitted to re-apply for citizenship provided that certain conditions were met. The Government considered as illegal immigrants those who could not meet the harsher citizenship requirements. Beginning in 1988 the Government expelled large numbers of ethnic-Nepalese Bhutanese under the 1985 citizenship law.

The law provides for the revocation of the citizenship of any naturalized citizen who "has shown by act or speech to be disloyal in any manner whatsoever to the king, country, and people of Bhutan." The MHA later declared that any nationals leaving the country to assist "antinationals," and the families of such persons, would forfeit their citizenship.

There were allegations that the Government sponsored discrimination targeted at the remaining ethnic-Nepalese Bhutanese living in the country through restrictive citizenship laws. Ethnic-Nepalese Bhutanese must meet very strict criteria to be considered "genuine" Bhutanese and obtain citizenship and security clearances in the form of No Objection Certificates (NOCs); without citizenship they are stateless and face discrimination with regard to education, employment, and land ownership.

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

The law provides citizens the right to change their government peacefully. The country is a monarchy with sovereign power vested in the king. However, in 2005 the Government released a draft Constitution stipulating a parliamentary monarchy with limited right to change the government, a separation of powers, and protection of human rights. The Government stated it would enact the Constitution in 2008 and continued to establish institutions required by the draft Constitution.

Elections and Political Participation.—In March the Government began allowing political parties to register for the first time under terms of the draft Constitution. Three parties registered with the Election Commission of Bhutan (ECB). In November the ECB disqualified the Bhutan People's United Party (BPUP), for "failing to prove its credibility" as a national political party because its candidates did not meet the education requirements. The BPUP is appealing the action. Activists reportedly were arrested in mid-year for putting up posters and other campaign materials for unregistered political parties. The Government regarded political parties organized by ethnic-Nepalese Bhutanese living in Nepalese refugee camps as illegal, terrorist, and antinational. These parties, which sought the repatriation of refugees and democratic reforms, were unable to conduct activities inside the country.

In April and May the country held a two-phase mock poll to familiarize voters, politicians, and officials with the electoral process. The mock elections were supervised by international observers from India, Australia, and the U.N.

The new Constitution calls for a bicameral Parliament. Elections for the National Council, or upper house, took place on December 31. Three women, two Nepali-speakers, one Hindu and one Christian, were elected. International monitors, including from the United States and Australia, observed the elections. They were judged free and fair. Average voter turnout was 55 percent. Lower house elections are scheduled to follow on March 24, 2008. There are 47 parliamentary constituencies in the country. The Election Act specifies that a candidate must have at least a bachelor's degree to contest the parliamentary election.

Women constituted 26 percent of civil service employees, and women held more than 30 percent of positions at the Ministry of Foreign Affairs. There are no women on the high court, although there is one female judge in a district court. There was

no provision for allocating a set number or percentage of parliamentary seats for women or members of minority groups.

Government Corruption and Transparency.—According to the World Bank's Worldwide Governance Indicators, government corruption was not a serious problem. The Government took an active role in addressing the issue through the public accounts committee in the National Assembly and the Royal Audit Authority, which monitored the use of government funds. The anticorruption fraud alert system allowed citizens to post information on its Web site regarding corrupt practices. In 2005 the king created an Anti-Corruption Commission (ACC) by royal decree. In July 2006 the Government passed the Anti-Corruption Bill creating a framework for investigating and prosecuting corruption. The bill allows the Government to freeze assets of suspects, blacklist companies from participating in government tenders, revoke licenses, and manage anticorruption policies. During the year the ACC received 283 complaints, mostly by civil servants, with 18 investigations underway at year's end.

There is no law providing for public access to government information; however, NGOs reported that the Government regularly provided unclassified information upon request.

Section 4. Governmental Attitudes Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

There were no legal human rights organizations in the country. The Government regarded human rights groups established by ethnic-Nepalese Bhutanese as political organizations and did not permit them to operate in the country. The ICRC is the only human rights monitoring group officially operating in the country. However, various civil society organizations function locally and informally. A small number of large international NGOs recently started operations in the country.

ICRC representatives conducted an annual prison visit, and the Government provided them unhindered access to detention facilities, including those in southern Lhotsampa districts.

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

The law does not prohibit discrimination on the basis of race, sex, disability, language, or social status.

Women.—The law does not specifically prohibit domestic violence against women; however, the provisions of criminal law generally cover such crimes. Women have the same legal rights as men, and NGOs reported that women faced no overt discrimination and had equal access to health care, education, or public services. There was no evidence that rape or spousal abuse were extensive problems. However, NGOs reported that many women did not report rape because of cultural taboos or because they were unaware of their legal options.

The law contains a clear definition of criminal sexual assault and specifies penalties. In cases of rape involving minors, sentences range from 5 to 17 years in prison. In extreme cases a rapist may be imprisoned for life. Spousal rape is illegal. There were few reported instances of sexual harassment.

Women were accorded respect in the traditions of most ethnic groups and participated freely in the social and economic life of the country. Inheritance law provides for equal inheritance among all sons and daughters, but traditional inheritance practices, which vary among ethnic groups, may be observed if the heirs choose to forego legal challenges. For example, traditional inheritance laws for the majority of Buddhists stipulate that daughters inherit family land. As a result, 60 percent of rural women hold land registration titles. These inheritance practices favoring daughters accounted for the large number of women who owned shops and businesses. Tradition dictates that the most capable member of the family runs the household, which often resulted in the mother or eldest daughter holding this position. Within the household men and women were relatively equal. Employers generally paid women in unskilled jobs slightly less than men in the same positions. In 2004 women constituted approximately 30 percent of the formal work force. Dowries were not customary, even among ethnic Nepalese Hindus.

The law covers questions related to family issues, including divorce, child custody, and inheritance. The minimum age of marriage for women is 18 years. The law provides for equal treatment for men and women. Polygamy is allowed provided the first wife gives her permission. Polyandry is permitted but rare. Marriages may be arranged by the marriage partners themselves as well as by their parents. The law requires that all marriages be registered.

The National Women's Association of Bhutan tried to encourage women to improve their living standards and socio-economic status. A National Commission for Women and Children (NCWC) actively defended the rights of women and children

during the year. RENEW (Respect, Educate, Nurture and Empower Women), a new organization operating with funding and direction from the queen, focuses on HIV/AIDS and other health issues to improve the lives of underprivileged and marginalized women. In April the Government established the Women and Child Protection Unit, run by female police officers in collaboration with the NCWC. The unit provides a setting for women to voice problems freely and works to ensure that victims receive appropriate care.

Prostitution takes place on a limited scale, mostly in border towns.

Children.—The law provides for children's rights, and the Government's policies generally supported these provisions. Child abuse was rare. Terrain and settlement patterns prevent all births from being registered. NGOs assert that children of non-registered ethnic-Nepalese Bhutanese also may not have their births registered. The failure of timely birth registration has negative consequences, as children may find it more difficult to obtain citizenship cards.

The Government provides 11 years of universal, free, and compulsory primary school education, and primary school enrollment has increased approximately 4.2 percent per year since 1995. The Ministry of Education reported that enrollment of girls at every level of general education (except government schools) is approximately 48 percent. In 2006, 79 percent of girls were enrolled in primary school. The participation rate for all children between the ages of 6 and 12 in primary schools was approximately 80 percent. Completion rates for girls continued to surpass those of boys.

There is no law barring ethnic-Nepalese Bhutanese children from attending school; however, the Government denied NOCs to children of ethnic-Nepalese Bhutanese whom the Government claimed were antinationals, thus denying them higher education. Exile groups claimed that the Government discriminated against ethnic-Nepalese Bhutanese secondary-level students in distribution of educational advantages and benefits, particularly if they were related to prominent dissidents or refugees. The Government refuted this claim, stating that all scholarships were merit based.

Trafficking in Persons.—The law prohibits trafficking in persons under Article 154 and 155 of the 2004 Bhutan Penal code. Reliable source indicated that low numbers of individuals were trafficked both to and from the country but exact numbers were difficult to ascertain due to a lack of NGOs and government officials working on this issue.

Persons with Disabilities.—The law does not specifically protect the rights of citizens with disabilities; however, there was no evidence of official discrimination against persons with disabilities in matters of employment, education, access to health care, or in the provision of other state services. The law stipulates that new buildings must be constructed to allow access for persons with disabilities; however, the Government did not enforce the law consistently. Under the Disability Prevention and Rehabilitation Program, the Government seeks to provide medical and vocational rehabilitation for persons with all types of disabilities, promote integration of children with disabilities into normal schools, and foster community awareness and social integration.

There are special educational institutes for students with disabilities. The National Institute for the Disabled in Khaling educates visually impaired children, and there is a deaf education resource unit in Paro. There are special education facilities in Thimphu to meet the needs of physically and mentally challenged children. While there were no government-sponsored social welfare services available for persons with disabilities, the National Pension and Provident Fund grants benefits to persons with disabilities.

National/Racial/Ethnic Minorities.—In the late 1980s and early 1990s, the Government committed numerous abuses against the ethnic-Nepalese Bhutanese minority. This led to the departure or involuntary expulsion of an estimated 100,000 ethnic-Nepalese Bhutanese, although the Government asserted that a substantially smaller number left. The Government claimed it was concerned about the rapid influx and associated political agitation of the ethnic-Nepalese Bhutanese. Ethnic-Nepalese Bhutanese claimed they were subject to discrimination and prejudice in employment, while the Government insisted they were proportionally represented in civil service and government jobs. Human rights groups outside the country contend that the Government's claims are based on intentionally inaccurate numbers.

The law requires that the national dress be worn for official occasions and as a school uniform and that the Dzongkha language be taught as a second language in all schools. No instruction in Nepali as a second language was required or offered. After the expulsion of many ethnic-Nepalese Bhutanese in the early 1990s, discriminatory measures with regard to ethnic minority communities continued.

The Government resettled Drukpa Bhutanese in the southern part of the country on land vacated by the ethnic-Nepalese Bhutanese. Human rights groups maintained that this prejudiced any eventual outcome of negotiations over the return of the refugees to the country. The Government maintained that it occasionally resettled Lhotsampa from the south on more fertile land in other parts of the country. In the same fashion, the Government's one-time-only policy on the forced retirement of refugee family members in government service and the resettlement of Drukpa on land vacated by expelled ethnic-Nepalese Bhutanese in the south reinforced prejudice against the ethnic-Nepalese Bhutanese. The Government argued that the resettlement scheme was part of a nationwide program to discourage migration to urban centers and reduce the dependence of landless persons of migrant farming.

Other Societal Abuses and Discrimination.—Homosexuality is illegal in Bhutan and is punishable as a petty misdemeanor with a prison sentence ranging from 1 month to 1 year. There were no reported cases of anyone charged under the statutes.

Section 6. Worker Rights

a. The Right of Association.—The law allows workers to form or join unions; however, there were no labor unions operating in the country during the year.

b. The Right to Organize and Bargain Collectively.—The law does not authorize collective bargaining. The Labor and Employment Act of 2007 grants workers the right to litigate. Workers do not have the right to strike.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor.—The Government prohibits forced or compulsory labor, including by children; however, there were reports that such practices occurred. The Government required community service to build local roads, schools, and hospitals. NGOs reported that in southern areas of the country where Drukpas were resettled following the move of ethnic-Nepalese Bhutanese, remaining ethnic-Nepalese Bhutanese were required to perform a disproportionate amount of compulsory labor. The Government and NGOs stated that rural workers often volunteered to work on national projects and were paid slightly above the minimum wage.

d. Prohibition of Child Labor and Minimum Age for Employment.—The law prohibits the employment of children; however, child labor was prevalent. There is no minimum age for employment. The Labor and Employment Act of 2007 allows employment of children between the ages of 13 and 17 in environments that would not damage their health. Children under 18 often performed agricultural work and chores on family farms and shops after school and during holidays. The number of children working in restaurants, automobile shops, and homes has increased. Girls are occasionally employed as domestic workers, where they are vulnerable to abuse and exploitation. NGOs estimated that there were approximately 45,000 persons under 18 who were working. Labor inspectors operating under the Ministry of Labor and Human Resources enforced child labor laws sporadically.

e. Acceptable Conditions of Work.—The Labor and Employment Act of 2007 addresses issues such as minimum wage, sexual harassment, worker's associations, acceptable forms of child labor and labor inspection regulations. The national minimum wage of roughly $2.50 (99.44 ngultrums) per day plus various allowances paid in cash or kind provided a decent standard of living for a worker and family. The workday is defined as 8 hours with a 1-hour lunch break, and employers must grant regular days of leisure. Work in excess of this must be paid at one and one-half times normal rates.

All citizens are entitled to free medical care. The Government transported persons who could not receive adequate care within the country to other countries (usually India) for treatment. Workers are eligible for compensation in the case of partial or total disability, and in the event of death, their families are entitled to compensation. Existing labor regulations do not grant workers the right to remove themselves from work situations that endanger health and safety without jeopardizing their continued employment.

INDIA

India is a multiparty, federal, parliamentary democracy with a bicameral Parliament and a population of approximately 1.1 billion. Manmohan Singh became prime minister following his Congress Party-led coalition's victory in the 2004 general elections, which were considered free and fair, despite scattered instances of vi-

olence. Serious internal conflicts affected the state of Jammu and Kashmir, as well as several states in the north and east. While the civilian authorities generally maintained effective control of the security forces, there were several instances in which some elements of the security forces acted independently of government authority.

The Government generally respected the rights of its citizens; however, numerous serious problems remained. Major problems included extrajudicial killings of persons in custody, disappearances, and torture and rape by police and other security forces. A lack of accountability permeated the Government and security forces throughout the country, creating an atmosphere of impunity. The Chhattisgarh state government supported the formation of the "Salwa Judum" village militia to fight the Maoist insurgency. In West Bengal, violence in the Nandigram district led to accusations of state government failure to control ruling Communist party cadres, which were accused by human rights groups of killing more than 30 rural villagers and intimidating them through violence and rape. Although the country has numerous laws protecting human rights, enforcement was inadequate and convictions rare. Poor prison conditions, lengthy pretrial detention without charge, and prolonged detention while undergoing trial remained significant problems. Government officials used special antiterrorism legislation to justify the excessive use of force while combating terrorism and several regional insurgencies. While security officials who committed human rights abuses generally enjoyed impunity, there were investigations into individual abuse cases as well as legal punishment of some perpetrators. Endemic corruption existed at all levels within the Government and police, and attempts to combat the problem were unsuccessful. The Government continued to apply restrictions to the travel and activities of visiting experts and scholars. Significant restrictions on the funding and activities of NGOs also continued. Attacks against religious minorities and the promulgation of antireligious conversion laws were concerns. Social acceptance of caste-based discrimination often validated human rights violations against persons belonging to lower castes. Domestic violence, dowry-related deaths, honor crimes, female infanticide, and feticide were serious problems. Trafficking in persons and exploitation of indentured, bonded, and child labor were ongoing problems.

Separatist guerrillas and terrorists in Kashmir, the northeast, and the Naxalite belt committed numerous serious abuses, including killing armed forces personnel, police, government officials, judges, and civilians. Insurgents also engaged in widespread torture, rape, beheadings, kidnapping, and extortion.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life.—There were numerous reports that the Government and its agents committed arbitrary or unlawful killings, including extrajudicial killings of suspected criminals and insurgents, or staged encounter deaths.

According to human rights groups, security forces in Jammu and Kashmir targeted suspected terrorists, insurgents, and their supporters, but there was no widely accepted data on the magnitude of extrajudicial killings, which included encounter killings and custodial deaths. For example, according to the Jammu and Kashmir Coalition of Civil Society, 18 cases of custodial killings and extrajudicial killings took place during the year. Of those, six cases were under investigation by the local government at year's end. In March, Jammu and Kashmir Chief Minister Ghulam Nabi Azad claimed that only five custodial deaths occurred during his 18-month tenure and that the overall situation improved considerably with a 95 percent reduction in custodial deaths over the last 2 years. Between January 1994 and December 2006, according to the Home Ministry's 2006–2007 Report, citizens registered 1,222 complaints of human rights abuses against the Army and Central Police Force. Of those, 1,084 cases were investigated; 1,052 cases were found false; 32 cases were considered "genuine;" 61 persons were penalized; and compensation was awarded in six cases. The Justice Makhan Lal Kaul Commission of Inquiry tasked with the investigation of alleged custodial killings and falsified encounters in Jammu and Kashmir, received only five complaints during the year.

There were developments regarding the December 2006 encounter killing of Abdur Rahman Padder, a Kashmiri carpenter. On February 4, police unearthed five unmarked graves, one of them Padder's, in an ongoing investigation of custodial killings. According to press reports, authorities arrested a number of officers directly implicated in the case. In February a civil court in Srinagar charged seven policemen, including Ganderbal Hans Raj, Senior Superintendent of Police, for the murder of Padder.

On October 20, the army arrested Mohammed Tariq, a soldier, for the torture and encounter killing of schoolteacher Abdur Rashid Mir in Jammu. At year's end the case was under investigation.

An update of the 2005 alleged false encounter death in Ahmedabad (Gujarat) of Sohrabuddin Shaikh, a suspected Lashkar-e-Tayyiba (LET) operative, his wife Kausarbi, and key witness Prajapti, indicated that in August, the Gujarat Criminal Investigations Department (CID) filed charges against 13 police officers from Gujarat and Rajasthan. At year's end the case was in trial in the Ahmedabad court. On December 6, the Election Commission sent Gujarat Chief Minister Narendra Modi a notice for allegedly justifying the encounter killing at an election rally in the state's Jamnagar district. Modi denied those allegations. On December 19, the Gujarat High Court transferred the judge hearing the case.

There was a consistently high rate of encounter killings by law enforcement and security forces in the northeast, particularly in the states of Assam and Manipur, as law enforcement attempted to combat insurgent groups, many of whom financed their operations through criminal activities such as extortion, kidnapping, and trafficking in narcotics.

On March 14, thousands of local villagers in the Nandigram district of West Bengal attacked police and Communist Party of India-Marxist (CPM) supporters who tried to enter an agricultural area earmarked for conversion to an industrial zone. Acting on orders from the CPM-led state government, police fired on the crowd, killing 14 individuals and injuring 45. The Kolkata High Court ordered an inquiry by the Central Bureau of Investigation (CBI), but the court later revoked the CBI's investigative authority and asked the CBI to preserve evidence.

On July 10, members of the Anti-Naxal Special Police Force killed five persons including an alleged leader of the CPI-Maoist cadre at Ammadlu village in Chikmagalur district. According to Karnataka police, all five were members of the local Naxalite unit, while human rights groups alleged that four of those killed were residents of a house caught in the crossfire. At year's end a magisterial inquiry into the encounter was underway.

From November 6 to 11, CPM members, whom human rights groups claim had state government support and direction, conducted a violent campaign of intimidation to regain control over the Nandigram area from the Bhumi Uchhed Protirodh Committee (BUPC). The BUPC included those opposed to the CPM's plan to acquire local land for industry, some former CPM supporters, and opposition party workers and was backed by the Trinamul Congress, part of the West Bengal opposition. News reports and eyewitness accounts noted that CPM cadres fired on BUPC supporters and local villagers, killing at least three and injuring others, burned many houses, and engaged in numerous rapes. On November 27, journalists reported the discovery of mass graves in the area. Following a government order on December 7, the CID initiated an inquiry into the identity of the bodies.

On April 1, according to the Asian Human Rights Commission (AHRC), Border Security Forces (BSF) shot and killed Asif Iqbal and Sahin Sk, age 13 and 15 respectively, on the Indo-Bangladesh border in Murshidabad district. Police allegedly shot the two boys as they tried to take two cows across the border. At year's end the Government had not taken action t investigate this case.

On May 10, Chhattisgarh police registered a First Information Report against "unknown uniformed people" for the March 31 killing of seven villagers near Santoshpur village in Dantewara district. Media reports alleged that police personnel and "Salwa Judum" militia members apprehended villagers from Santoshpur, took them to a nearby forest, and shot them because they were Naxalite sympathizers. Media reports further claimed that the police buried the bodies to hide the deaths. Because of media pressure, the police exhumed the bodies and performed autopsies, which confirmed death by gunshot.

On December 28, police fired on a crowd and killed at least three individuals in Orissa after a village police station was set afire. The actions were part of a period of communal violence that began 4 days earlier.

In November a key witness in a 1984 anti-Sikh riots case involving senior Congress leader Jagdish Tytler resurfaced 2 months after the CBI declared that he was unreachable. In December a Delhi court ordered the CBI to reinvestigate the 1984 riots case and file a fresh report. Tytler was accused of orchestrating the riots by encouraging Congress party workers, police, and mobs in Delhi to kill Sikhs and destroy their houses and businesses in retribution for the assassination of Indira Gandhi.

There were no developments regarding the January 2006 case in which security forces allegedly abducted and killed a boy in the Barramulla District, the January 2006 killing of Fayaz Ahmad Bhat, or the March 2006 encounter killing of two suspected LET terrorists in Delhi.

There were no developments in the August 2006 staged encounter killing of Abu Osama, an alleged Pakistani national. Several journalists had claimed that the police arranged the encounter and that the person killed was associated with the July 2006 perpetrators of the terror attack on Mumbai trains.

At year's end the November 2006 encounter killing case of Ram Narayan Gupta was ongoing in the Mumbai High Court. Navi Mumbai police allegedly had apprehended Ram Narayan Gupta and a friend from a shop, and later police claimed they had killed Gupta in an encounter that night. The friend had disappeared.

At year's end the 2005 CBI investigation of four army officers, including Senior Superintendent of Police Farooq Khan, for the killing of five civilians in a staged encounter death in 2000 was still pending.

Custodial deaths, often made to appear as encounter deaths, remained a serious problem, and authorities often delayed prosecutions.

During 2005 the Home Ministry reported 139 deaths in police custody. However, the National Human Rights Commission (NHRC) confirmed 1,730 deaths in police and judicial custody during the same time period. During 2006 the National Crimes Record Bureau reported 38 unnatural deaths in police custody. According to the Home Ministry's 2006–2007 Report, the NHRC reported 1,159 total deaths in police custody between April and December 2006.

Although Andhra Pradesh police recorded an 11 percent decrease in custodial deaths in 2005 compared with the previous year, they also had the largest number of deaths in judicial and police custody with a total of 145. Andhra Pradesh police recorded five custodial deaths throughout the year. In 2004, according to media reports, Maharashtra police transferred officers linked to encounter killings from the Mumbai crime branch; as a result, staged encounter killings in Maharashtra reportedly decreased from 94 in 2001 to 13 in 2004. Figures for encounter killings in Maharashtra for 2005 and 2006 were not available. In June, according to a media report, the Government of Maharashtra retracted its May 21 order requiring a CID probe into each encounter death. The Government conducted only internal police department inquiries. The change reportedly was implemented to avoid "demoralizing the police force."

The Kerala State Human Rights Commission (KSHRC) registered 25 cases of custodial deaths from January to June, compared with 39 cases in 2005. According to KSHRC, 46 persons died in state custody throughout the year. The commission-led investigation of these deaths was ongoing at year's end.

During the year in Manipur, there were several killings by police. For example, on January 31, Assam Rifles (AR) personnel entered a church campus in Khoken village and opened fire without warning on suspicion that the villagers were insurgents. AR officers shot and killed Henpu Singsit and injured several others. On February 8, police commandos shot and killed Ashangbam Shyamchand while he was shopping at Lamlai Bazaar.

On February 9, according to AHRC, authorities from the Pathor Pratima Police arrested Krishnapada Das, a resident of Purba Dwarikapur village in West Bengal. The next day, Das's body was found hanged at the police station. By year's end authorities had not taken action to resolve the case.

On March 17, according to AHRC, authorities from the Beldanga police station arrested Hayat Seikh at his residence, allegedly because his relative had been involved in a murder the previous week. Authorities took Seikh to Beldanga police station where they detained him until March 23. Although he was released, Seikh died March 25 allegedly from beatings while incarcerated. At year's end the Government had not taken action to investigate the case.

There were developments concerning the 2005 death in custody of Udayakumar, a citizen from Kerala. According to the Confederation of Human Rights Organizations, police had arrested Udayakumar for "suspicious movements" in a nearby park, questioned, beat, and killed him. After preliminary investigations, authorities arrested three police constables and charged two with murder. In July a key prosecution witness turned hostile in court, denying his previous statement that he had witnessed his co-prisoner being beaten by policemen. Udayakumar's mother petitioned the Kerala High Court for a reinvestigation by the CBI. On September 20, a Division Bench of the Kerala High Court directed the CBI to conduct an investigation into the case.

Human rights activists argued that the police response to custodial deaths varied according to the socioeconomic status of the victims. Media reported that Mumbai police routinely conducted internal inquiries into all custodial deaths, but authorities did not convict any officer of a crime in connection with the 15 cases reported since 2001.

Police did not launch any inquiries into the 2005–6 custodial deaths of Shivkumar Jaiswala and Prem Yadav in Mumbai.

There were no developments in the January 2006 death in custody of Gurmail Singh, the April 2006 investigation of police officials for the 2004 custodial death of Uday Bhandge, or the June 2006 death in custody of Madan Lal. At year's end the April 2006 custodial death of Premnath Janardan Rao remained under investigation.

Developments in the cases of the 14 Mumbai police and constables held for the 2003 custodial killing of Khwaja Yunus included that, in July, the Maharashtra CID sought permission from the Government of Maharashtra (GOM) to prosecute 10 of the 14 and the GOM determined that there was enough evidence to prosecute four out of the 14 officers. By the year's end hearings had not commenced. One of the accused resigned from the police service, while the other three remained suspended.

At year's end the trial of two railway police constables for the May 2005 custodial killing of porter Vijay Singh was still pending.

There were no developments in the April 2006 death of Captain Sumit Kohli in Kupwara, Jammu and Kashmir. Kohli's family alleged that he was killed because he was scheduled to testify as a witness against another officer in a 2004 case of an encounter killing. The army stated that suicide was the cause of death.

From May to August 2006, newspapers and opposition parties in Kerala reported seven deaths in police custody of persons arrested for misdemeanor offenses. During the same period, another seven individuals drowned in separate incidents, allegedly while being pursued by the Kerala police. In August 2006 following a media outcry, the Government of Kerala announced a judicial inquiry into the deaths.

In July the judicial inquiry commission led by Justice Rajendra Babu presented its report to the Kerala state government regarding the investigation of 15 custodial deaths that took place in 2006. The commission refrained from directly accusing any police officer but recommended reinvestigation of four deaths (Prasannan, Mavelikkara; Rajan, Kozhikode; Anandaraj, Thiruvananthapuram; and Milton, Kodungallur). A prominent Kerala human rights organization charged that the judicial inquiry failed to expose effectively the law-breaking officers. The Kerala Home Minister declared that the state government would pay monetary compensation to the families of nine persons who died in custody.

On July 11, the Imphal bench of the Guwahati High Court ordered the AR to pay approximately $8,900 (350,000 rupees) to Athokpam Bandana of Imphal, whose husband, Athokpam Purnima Singh, died in AR custody in 2001. The AR claimed he was shot in an encounter.

During the year the killing of civilians continued in the course of counterinsurgency and counterterrorism operations, including those that took place in Jammu and Kashmir. Human rights activists stated that accurate numbers were not available due to limited access to the region, but the Asian Centre for Human Rights (ACHR) alleged that 355 civilians were killed and 373 injured in police shootings in 2005. The security forces often claimed that those killed were insurgents or civilians who died in crossfire. According to the NHRC, state governments had not investigated at least 3,575 previous deaths in custody cases.

Government agencies funded, exchanged intelligence with, and directed the operations of counterinsurgents, former separatist guerillas who surrendered to the Jammu and Kashmir government and participated in the counterinsurgency effort with their own weapons as part of police auxiliary units. During 2006 killings and abductions of suspected progovernment counterinsurgents continued to be a significant problem in Jammu and Kashmir, although the number of such instances declined substantially from the 1990s.

Countrywide, there were allegations that military and paramilitary forces engaged in abduction, torture, rape, arbitrary detention, and the extrajudicial killing of insurgents and noncombatant civilians, particularly in areas of insurgency. According to human rights activists and journalists, during the year a few Naxalites (Maoist guerillas) in eastern and central parts of the country who surrendered were allowed to retain their weapons and worked for the police as "anti-People's War Group (PWG) officers." Human rights groups alleged that police used former Naxalites to kill current Naxalites and human rights activists with Maoist links. Police denied the charges, attributing such killings to internal feuds within the PWG.

Unlawful killings due to societal violence, including vigilante action, continued. For example, in September, villagers in Bihar beat to death a group of 10 suspected robbers.

There were no further developments concerning the March 2006 public beheading, by 200 villagers in Sonitpur district of Assam, of five members of a family for allegedly practicing witchcraft, or the July 2006 killing of eight civilians during protests of the custodial death of Ajit Mahanta.

In 2005 the National Crime Record Bureau (NCRB) reported that there were 26,127 cases of crimes against persons belonging to the Scheduled Castes (SCs) and

5,713 cases of crimes against those belonging to the Scheduled Tribes (STs). The average conviction rate for the crimes against SCs was 29.8 percent and, for crimes against STs, 24.5 percent. In 2006 the NCRB reported that there were 27,070 cases of crimes against SCs and 5,791 cases of crimes against STs, with the average conviction rate for SCs of 27.6 percent and for STs 28 percent. Approximately 55 percent of the population displaced by development projects were tribals, although they constituted only 8.2 percent of the total population of the country according to the 2001 census.

b. Disappearance.—Although government complicity was not always confirmed and numbers of those disappeared varied widely, numerous persons disappeared in insurgency-torn areas during the year. Additionally, insurgents in Jammu and Kashmir and the northeastern states continued to use kidnappings to terrorize the population, obtain the release of detained comrades, and extort funds.

There were credible reports that police throughout the country often failed to file legally required arrest reports, resulting in hundreds of unresolved disappearances in which relatives claimed that an individual was taken into police custody and never heard from again. Police usually denied these claims, pointing to the lack of an arrest record.

The Government maintained that screening committees administered by the state governments provided information about the unacknowledged detainees to their families. Other sources indicated that families could only confirm the detention of their relatives by bribing prison guards. During 2006 the screening committees released 140 persons detained under the (Jammu and Kashmir) Public Safety Act (PSA). During the year, the Government did not release any additional detainees.

Chief Minister Ghulam Nabi Azad announced that no custodial disappearances occurred in Kashmir during the year. The Government made little progress, however, in holding hundreds of police and security officials accountable for many disappearances committed during the Punjab counterinsurgency and the Delhi anti-Sikh riots of 1984–94, despite the presence of a special investigatory commission.

The NHRC also continued to investigate 2,097 cases of murder and cremation that occurred between 1984 and the early 1990s. In May 2006 it ordered monetary compensation to the next of kin of 45 persons whom the Punjab government admitted were in police custody immediately before they were killed and illegally cremated. The NGO Ensaaf estimated that security forces killed and caused to disappear more than 10,000 Punjabi Sikhs and cremated 6,017 Sikhs in Amritsar in counter insurgency operations during the militancy.

There were no developments in the 2006 case filed by Paramjit Kaur Khalra, the widow of human rights activist Jaswant Singh Khalra, seeking prosecution of former police chief K.P.S. Gill in the abduction, illegal detention, torture, and murder of her husband. At year's end Khalra's case had not been tried in court. According to Ensaaf and other human rights organizations, in 1995 members of the Punjab police operating under Gill's command abducted and killed Khalra for investigating and exposing the disappearances and secret cremations of thousands of Sikhs in Punjab by security forces.

There were no developments in the May 2006 case of Ghulam Nabi Mir, who disappeared in Pulwama (Jammu and Kashmir) after Rashtriya Rifle (RR) officers allegedly raided his home.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The law prohibits torture and generally did not allow for confessions extracted by force to be admissible in court; however, authorities often used torture during interrogations to extort money and as summary punishment. There were allegations of confessions derived under torture. In some instances, these confessions subsequently were used as evidentiary support for an execution sentence. The Code of Criminal Procedure (Amendment) Act of 2005 mandated a judicial inquiry into any death or rape of a woman in police custody; however, human rights groups asserted that the new law had not decreased the prevalence of custodial abuse or killings.

The ACHR alleged that custodial deaths were a severe problem and that police regularly used torture. Because many alleged torture victims died in custody, and other victims were afraid to speak out, there were few firsthand accounts. Marks of torture, however, were often found on the bodies of deceased detainees. The prevalence of torture in detention facilities by police throughout the country was reflected in the number of deaths in police custody. Police and jailers typically assaulted new prisoners or threatened violence in exchange for money, favors, and personal articles. In addition, police commonly tortured detainees during custodial interrogation. Although police were subject to prosecution for such offenses, the Government often failed to hold them accountable. According to Amnesty International

(AI), torture is "endemic" to the justice system and often used against individuals "on the basis of their caste, religion, socioeconomic, and sexual identity."

NGOs asserted that custodial torture was common in Tamil Nadu, and one human rights lawyer claimed that all police stations in Punjab, Andhra Pradesh, Haryana, and Chandigarh have torture cells to "soften up" the accused prior to court appearance. However, increased reporting of custodial torture may be the result of greater awareness. The AHRC claimed that local police in Kerala continued to use torture and assault as a means of criminal investigation. According to the AHRC, though not verified by other sources, Gujarat interrogation centers function in public view. The suspects allegedly are brought in, kept in illegal detention and tortured as part of questioning.

Between February 12 and 16, according to AHRC, officers at the Bally police station in the Howrah district of West Bengal tortured Ajay Yadav Kumar, whom they arrested after finding a skeleton in a well near his home. Authorities suspected the skeleton to be that of Kumar's wife, who been missing since December 2006. At year's end, Ajay Yadav remained in jail, and the Government had not investigated the case.

On August 2, according to AHRC, Julfikaqr Ali Mollah, the Inspector in Charge of the Deganga Police (West Bengal), allegedly burned with acid Giasuddin Mando, an iron scrap dealer. On August 13, the local magistrate ordered Mando released and sent to the hospital. By year's end the Government had not investigated the case.

On December 11, Chennai police arrested 50-year-old Syed Ali, a tea shop worker in Vadapalani, Chennai, for the alleged unlawful sale of lottery tickets. Syed died in custody. The Tamil Nadu government ordered an inquiry into the incident after Chennai shopkeepers alleged that the death was due to police torture. At year's end, the investigation was ongoing.

According to media reports, the police in Rajkot, Gujarat, employed public humiliation as a tool to shame and punish certain accused persons. For instance, in September police forced 12 youths accused of vandalism to perform situps in public. In October the police forced a 61-year-old accused of raping his daughter-in-law to crawl on hands and knees through a crowded market place. Media reports indicate that the police, although aware that such treatment was a breach of the rights of the accused, viewed public humiliation as an effective crime deterrent.

There were no developments in the September 2006 torture case of Saju, a private bus driver. According to the AHRC, police demanded a bribe from Saju of $68 (3,000 rupees) and abused him when he refused. Saju later died while in police custody. An official inquiry was ordered into the incident, and authorities suspended three police officers. The investigation was ongoing at year's end.

In Jammu and Kashmir, torture victims or their relatives reportedly had difficulty filing complaints, as local police allegedly were instructed not to open a case without permission from higher authorities. In addition, under the (Jammu and Kashmir) Armed Forces Special Powers Act (AFSPA) of 1990, no "prosecution, suit, or other legal proceeding shall be instituted against any person in respect of anything done or purported to be done in exercise of the powers of the act," without the approval of the central government. The act gives security forces the authority to shoot suspected lawbreakers and those disturbing the peace and to destroy structures suspected of harboring violent separatists or containing weapons. Human rights organizations alleged that this provision allowed security forces to act with virtual impunity.

The rape of persons in custody was part of a broader pattern of custodial abuse. NGOs asserted that rape by police, including custodial rape, was more common than NHRC figures indicated. A higher incidence of abuse appeared credible, given other evidence of abusive behavior by police, and the likelihood that many rapes went unreported due to the victims' shame and fear of retribution. However, legal limits placed on the arrest, search, and police custody of women appeared to reduce the frequency of rape in custody. There were no recent NHRC data on the extent of custodial rape.

There was a pattern of rape by paramilitary personnel in Jammu and Kashmir and the northeast as a means of instilling fear among noncombatants in insurgency-affected areas, but these incidents were not included in NHRC statistics, as the NHRC does not have direct investigative authority over the military.

Prison and Detention Center Conditions.—Prison conditions were life threatening and did not meet international standards. Prisons were severely overcrowded and food and medical care inadequate.

In March 2006 an NHRC report indicated that the country's prisons were overcrowded on average by 38.5 percent. According to the NHRC report, the country's prisons had a population of 324,852 persons, with an authorized capacity of 234,462.

The NHRC reported that it requested the Chief Justices of High Courts to determine how to resolve the problem of overcrowded prisons. In 2006 the Government introduced a plea bargain option for prisoners to reduce the pending time of cases in trial courts and overcrowded prisons. For disposal of long pending sessions and other cases, the Government set up 1,562 Fast Track Courts during the year.

According to the 2006 NHRC report, a large proportion of the deaths in judicial custody were from natural causes, in some cases aggravated by poor prison conditions. Tuberculosis caused many deaths, as did HIV/AIDS. The NHRC assigned its special rapporteur and chief coordinator of custodial justice to ensure that state prison authorities performed medical checkups on all inmates. By the end of 2006, only a few examinations had been performed.

While local authorities often attempted to hide custodial killings, the NHRC and the courts investigated cases brought to their attention and prosecuted some perpetrators. In most cases, the courts awarded monetary compensation of $400–$2,200 (17,600–97,000 rupees) to the next of kin. NGO sources stated that relatives often had to pay bribes to receive the compensation awarded, and in many cases never received it at all.

There were no developments in the Maharashtra State Human Rights Commission investigation into the June 2006 allegations, made by a former inmate of Arthur Road Jail in Mumbai, that the prison's medical doctor ignored a prisoner who died after suffering from chest pains.

By law, juveniles must be detained in rehabilitative facilities, although at times they were detained in prison, especially in rural areas. Pretrial detainees were not separated from convicted prisoners.

The Government allowed selected NGOs to work in prisons, within specific guidelines, but NGO findings remained largely confidential as a result of agreements made with the Government. Increased press reporting and parliamentary questioning provided evidence of growing public awareness of custodial abuse. The NHRC identified torture and deaths in detention as one of its priority concerns.

According to the Home Ministry, the International Committee of the Red Cross (ICRC) conducted visits to 21 detention centers and 1,174 detainees during the year, including all 25 acknowledged detention centers in Jammu and Kashmir, and all facilities where Kashmiris were held elsewhere in the country. The ICRC visited and individually monitored 10 females, 26 minors, and 462 newly registered detainees during 41 visits to detention facilities throughout the country. The ICRC was not authorized to visit interrogation or transit centers, nor did it have access to regular detention centers in the northeastern states. August 2006 amendments to the 1993 Protection of Human Rights Act (PHRA) eliminated the requirement that the NHRC had to notify state governments before visiting prisons, thus enabling surprise visits.

d. Arbitrary Arrest or Detention.—The law prohibits arbitrary arrest and detention, but both occurred during the year.

On May 22, authorities arrested Manipur human rights activist Irom Sharmila on charges that she had attempted suicide. Sharmila had returned to Manipur on March 6 following her 6-year hunger strike at a government hospital in Imphal, Manipur, against the AFSPA. AFSPA gives security forces the right to "shoot to kill" suspects. At year's end Irom Sharmila remained in government custody, and the AFSPA had not been repealed.

On August 2, authorities acquitted Abdul Nasser Madhani, Chairman of Kerala-based People's Democratic Party, after he had spent 9 years in detention while awaiting trial for the 1998 terrorist bombings in Coimbatore. Madhani had been denied bail during his stay in prison despite appeals by the Kerala Legislative Assembly and several human rights organizations who had pointed out his poor health. Madhani's wife filed a habeas corpus case, which authorities rejected. Madhani's eventual acquittal and release focused popular attention on the condition of prisoners who are awaiting completion of long-drawn out trials.

There were no updates concerning the February 2006 report that authorities had incarcerated Shanka Dayal without trial in the Unnao District Jail for 44 years for "wrongfully restraining a person and causing hurt"—an offense that warrants a 1-year sentence.

The NHRC requested Assamese authorities to submit reports on five other pretrial prisoners detained at the LGB Regional Institute of Mental Health in Tezpur, Assam.

Role of the Police and Security Apparatus.—Although the governments of 28 states and seven union territories have primary responsibility for maintaining law and order, the central government provides guidance and support. The Ministry for Home Affairs controls most paramilitary forces, the internal intelligence bureaus,

and the nationwide police service, and provides training for senior police officers of the state-organized police forces.

Corruption in the police force was pervasive and acknowledged by many government officials. Officers at all levels acted with considerable impunity and were rarely held accountable for illegal actions. Should authorities find an officer guilty of a crime, transfer to a different post or position was the common response. Human rights activists and NGOs reported that bribery was often necessary to receive police services.

According the Ministry of Home Affairs, the NHRC recorded 6,923 cases against the police; 35 against armed forces, and 39 against the paramilitary forces for violation of human rights during 2006.

In 2005 the Government worked with a foreign government and the U.N. Office on Drugs and Crime (UNODC) on a 2-year program to train and sensitize law enforcement officials and prosecutors in the country about victims of human trafficking and to bring abusers to justice. Training material developed through this project was used to conduct courses for law enforcement officials in target states and worked on developing standard operating procedures and protocols to be used nationally and in police training academies.

Arrest and Detention.—The law requires that detainees be informed of the grounds for their arrest, be represented by legal counsel, and, unless held under a preventive detention law, arraigned within 24 hours of arrest, at which time the accused must either be remanded for further investigation or released. However, thousands of criminal suspects remained in detention without charge during the year, adding to already overcrowded prisons.

The law provides arrested persons the right to be released on bail and prompt access to a lawyer; however, those arrested under special security legislation received neither in most cases. Court approval of a bail application is mandatory if police do not file charges within 60 to 90 days of arrest. In most cases, bail was set between $11 (485 rupees) and $4,500 (198,000 rupees).

By law, detainees should be provided an attorney and allowed access to family members. However, this was rarely implemented.

In 2004 the Government repealed the Prevention of Terrorism Act (POTA) and replaced it with the Unlawful Activities Prevention Act (UAPA). Human rights groups reported that the revised UAPA contained important improvements over the POTA. For example, it does not allow coerced confessions to be admitted as evidence in court.

The South Asia Human Rights Documentation Centre (SAHRDC) reported that more than 1,000 persons remained in detention awaiting prosecution under lapsed special terrorism legislation, and that cases opened under POTA continued through the judicial system. In June 2005 the POTA review committee reported that there were 11,384 persons wrongfully charged under POTA who should have been charged under regular law. According to the Ministry of Home Affairs, following the repeal of POTA in 2004, three review committees reviewed 263 cases involving 1,529 accused persons and determined that there was no prima-facie evidence under POTA against 1,006 of them.

The Terrorist And Disrupted Activities (TADA) courts curtailed many legal protections provided by other courts. For example, defense counsel was not permitted to see prosecution witnesses, who were kept behind screens while testifying in court, and confessions extracted under duress were admissible as evidence. Despite the fact that the TADA Act was terminated in 1995, cases initiated under the original act are still considered legally valid.

UAPA is used to hold people without bail in jail for extended periods prior to the filing of formal charges. For instance, on May 9, Mumbai police arrested and held under UAPA alleged urban sympathizers of Naxalites Arun Ferreira and Vernon Gonsalves, alias Vikram. On August 22, police arrested Sridhar Srinivasan alias Vishnu. At year's end no charges had been filed in either of these cases.

The National Security Act (NSA) permits police to detain persons considered security risks anywhere in the country, except Jammu and Kashmir, without charge or trial for as long as 1 year on loosely defined security charges. State governments must confirm the detention order, which is then reviewed by an advisory board of three high court judges within 7 weeks of the arrest. NSA detainees were permitted visits by family members and lawyers, and must be informed of the grounds of their detention within 5 days (10 to 15 days in exceptional circumstances).

Human rights groups expressed concerns that the NSA would allow authorities to order preventive detention at their own behest after only a cursory review by an advisory board and that no court would overturn such a decision. In January 2006 Lucknow authorities arrested a doctor from the King George Medical University in Uttar Pradesh and charged him with arson and violence. After the state's chief min-

ister, Mulayam Singh Yadav, warned that "trouble-makers" at the university would be punished, authorities charged the doctor on January 19 under the NSA.

The PSA, which applies only in Jammu and Kashmir, permits state authorities to detain persons without charge and judicial review for up to 2 years. During this time detainees do not have access to family members or legal counsel. According to the Office of Director General of Jammu and Kashmir Police, authorities arrested 473 persons in 2005 and 420 in 2006 under PSA. According to the ACHR, there were 140 foreign nationals in prisons in Jammu and Kashmir under the PSA.

Police continued to ignore the 2005 guidelines announced by the NHRC regarding arrest, which included establishing reasonable belief of guilt; avoiding detention if bail is an option; protecting the dignity of those arrested; refusing public display or parading, and allowing access to a lawyer during interrogation.

Police routinely employed arbitrary and incommunicado detention, denied detainees access to lawyers and medical attention, and used torture or ill treatment to extract confessions. Human rights experts claimed that discrimination and custodial torture of those too poor to afford legal assistance was common. During 2006 the media reported that lower-caste individuals were more likely to be illegally detained than others. Human rights activists maintained that the Government increasingly avoided prosecuting security officers involved in illegal conduct by providing financial compensation to victims' families in lieu of punishment. In some instances victims or their families who distrusted the military judicial system petitioned to have their cases transferred to a civil court. The NHRC has no jurisdiction over any courts, including military courts.

On June 25, a Gujarat court convicted 12 persons under POTA for the 2003 killing of former Gujarat Home Minister Haren Pandya. The judge sentenced nine people to life and gave lesser terms to three other persons.

At year's end, according to the Islamic Relief Committee of Gujarat, 130 persons remained in custody in Gujarat under POTA awaiting trial. Since 2003 the Supreme Court has stayed trials in nine high-profile cases, including the Godhra train arson case. The Supreme Court had not determined how these cases would proceed.

In March 2006 the Chhattisgarh State Government enacted the Special Public Protection Act, which Human Rights Watch (HRW) deemed "a vague and overly broad law that allows detention of up to 3 years for unlawful activities." HRW asserted that the law loosely defined what "unlawful activities" entails and threatens the fundamental freedoms and protections set forth in the Constitution. The Public Union for Civil Liberties in India filed suit, alleging that the ordinance is "amenable to gross abuse and misuse, arbitrariness and partiality" and "can result in harsh and drastic punishment to innocent persons without hearing or remedy." HRW noted particular concern that the law also criminalizes any support given to Naxalites, regardless of evidence of duress. On May 14, Chhattisgarh police arrested Dr. Binayak Sen under the provisions of this act, alleging that Dr. Sen provided material support to Naxalites. At year's end Dr. Sen remained in judicial custody and had been denied bail.

The AFSPA remained in effect in Nagaland, Manipur, Assam, and parts of Tripura, and a version of the law was in effect in Jammu and Kashmir. Under AFSPA the Government can declare any state or union territory a "disturbed area." This allows the security forces to fire on any person in order to "maintain law and order" and to arrest any person "against whom reasonable suspicion exists" without informing the detainee of the grounds for arrest. Security forces are also granted immunity from prosecution for acts committed under AFSPA.

In 2005 a Home Ministry committee, chaired by Justice B.P. Jeevan Reddy, reviewed AFSPA and submitted its report and recommendations. In October 2006 the ministry released the report, which recommended the repeal of the act and gave the central government power to send forces where required to enforce the repeal. In April a working group on Jammu and Kashmir appointed by the prime minister also recommended that the act be revoked. The Government had not acted on these recommendations by year's end.

The Manipur government extended AFSPA for another 6 months from June 1 after declaring the state a "disturbed area," as defined under the AFSPA. The AFSPA does not apply to seven assembly constituencies in the Imphal Municipal area that had not been declared a disturbed area. The law provides a person in detention the right to a prompt trial; however, due to a severe backlog, this was not the case in practice. Human rights organizations reported that 60 to 75 percent of all detainees were in jail awaiting trial, drastically contributing to overcrowding. Human rights organizations asserted that approximately 65 percent of those detained were found innocent. Due to persistent inefficiencies in the judicial system, there were numerous instances in which detainees spent more time in jail under

pretrial detention than they would have if found guilty and sentenced to the longest possible term.

e. Denial of Fair Public Trial.—The law provides for an independent judiciary, and the Government generally respected this provision in practice; however, serious problems remained. In Jammu and Kashmir, members of the judiciary were subject to threats and intimidation by insurgents and terrorists.

The judicial system is headed by a Supreme Court, which has jurisdiction over constitutional issues, and includes state high courts, state lower courts, and special tribunals. Lower courts hear criminal and civil cases and send appeals to state high courts. The president appoints judges, who may serve until the age of 62 on state high courts and 65 on the Supreme Court.

Trial Procedures.—The Criminal Procedure Code provides that trials be conducted publicly, except in proceedings involving official secrets, trials in which statements prejudicial to the safety of the state might be made, or under provisions of special security legislation. Defendants enjoy a presumption of innocence and have the right to choose their counsel. Sentences must be announced publicly, and there are effective channels for appeal at most levels of the judicial system. The state provides free legal counsel to indigent defendants. The law allows defendants access to relevant government-held evidence in most civil and criminal cases; however, the Government had the right to withhold information and did so in cases it considered sensitive.

There was continued concern about the failure of the Gujarat government to arrest and convict those responsible for the 2002 violence following the train burning in Godhra in which 59 men, women, and children died. For example, Muslims continued to voice anger over police unwillingness to register or properly investigate complaints against perpetrators of the violence. In June, after agreeing to reexamine the closure of 1,600 complaints per instruction of the Supreme Court, Gujarat police concluded that a majority of cases could not be reinvestigated due to lack of witnesses. Convictions of Hindu perpetrators of the violence were minimal, while acquittals were common. According to an October 2006 report submitted by the Federal Government to a U.N. agency, six cases resulted in convictions, whereas 182 cases were acquittals.

According to Government of Gujarat figures, 223 persons remained "missing" after the 2002 violence, a majority of whom were Muslims. Family members and NGOs maintained that many of these persons were killed and their bones interred in mass graves. In December 2005 and August 2006, two such mass graves came to light in Kidiad town and in the Panam river bed near Lunawada town. The victims' kin and an NGO filed a case in the Gujarat High Court that the remains should be identified and returned to the kin. During 2006, on the directives of the Gujarat High Court, the Government of Gujarat sent the remains for DNA analysis. Although the report was submitted to the Gujarat High Court in May 2006, the victims' kin were not able to access it. At year's end the Gujarat High Court had not ruled whether the remains should be returned.

The other high-profile trial from the 2002 Gujarat violence, the Bilkis Bano gang rape case, was ongoing in a Mumbai court at year's end.

The Gujarat Government claimed that police initially arrested 5,384 persons in the city of Ahmedabad and 24,683 persons in the state as a whole. However, a 2006 analysis by the Islamic Relief Committee of Gujarat revealed that a very few number of these investigations actually led to convictions. The Gujarat Government's legal department advised against appealing most of the acquittals in the remaining cases. As a result, only a handful of cases were appealed to higher courts. From April 2002 through year's end, the Justice Nanavati-Shah Commission had also conducted public hearings in the Godhra train arson and subsequent Gujarat violence incidents. At year's end the commission's inquiry was ongoing.

HRW reported in 2006 that Hindu extremists threatened and intimidated victims, witnesses, and human rights activists attempting to investigate those who committed crimes during the 2002 Gujarat riots. HRW asserted that instead of pursuing the perpetrators of violence, the Gujarat Government nurtured a climate of fear by launching selective tax probes against some Islamic organizations to pressure Muslim witnesses to withdraw murder and arson charges against Hindu nationalists. According to AI's 2007 annual human rights report, "justice continued to evade" victims and survivors of the riots." Muslims faced difficulty obtaining housing and access to public resources, and few successful prosecutions took place. However, 41 police were being tried for their alleged roles in the violence.

Fast Track Courts concentrated on a specific type of case, allowing judges to develop expertise in a given area of law. These courts gave preference to cases pending

for extended periods and often focused on civil issues. Court fees were generally lower for these courts, since trials were shorter.

As in previous years, courts were regularly in session and the judicial system began to normalize in Jammu and Kashmir. Nevertheless, the judicial system was hindered because of judicial tolerance of abuses committed as part of the Government's anti-insurgent campaign and because of the frequent refusal by security forces to obey court orders.

Due in part to intimidation by insurgents and terrorists, courts in Jammu and Kashmir often were reluctant to hear cases involving insurgent and terrorist crimes and failed to act expeditiously, if at all, on habeas corpus cases. According to the Ministry of Home Affairs, in addition to Kashmiris, there were currently 377 persons of unidentified ethnicity and 136 foreigners in jails in 2006.

Political Prisoners and Detainees.—While the Government maintained that there were no political prisoners, the All Parties Hurriyat Conference (APHC) claimed there were approximately 500 political prisoners in Jammu and Kashmir, and human rights activists based in the state placed the number at 150, although among these were persons whom the Government claimed had engaged in violent acts.

The Government permitted international humanitarian organizations, such as the ICRC, access to such persons on a regular basis.

In March the trial of 34 Burmese nationals, suspected members of the National United Party of Arakan and Karen National Union who had spent 9 years in detention, began in West Bengal. Authorities arrested the Burmese nationals in February 1998. Due in large part to a campaign by local human rights organizations, the West Bengal Government withdrew a decision to hold the trial in secret in prison. The trial began in the Kolkata High Court but was closed to the public and media; the Central Bureau of Investigation (CBI) prosecuted the men on charges of illegal possession of weapons. In December the Government transferred the judge presiding over the case, and the proceedings were placed on hold.

There were no reports of political detainees during the year, although the Government temporarily detained hundreds of suspected terrorists, insurgents, and separatists.

Civil Judicial Procedures and Remedies.—There are different personal status laws for the various minority religious communities, and the legal system accommodates religion-specific laws in matters of marriage, divorce, adoption, and inheritance. Muslim personal status law governs many noncriminal matters, including family law and inheritance.

The Government of Karnataka formally established the Karnataka Human Rights Commission on July 25 with the appointment of a former Chief Justice of the Chhattisgarh High Court to head the body, along with two other members. It took 4 months for the Karnataka government to allot the necessary infrastructure for the commission to start operations. According to human rights groups, the commission held approximately 10 hearings during the year.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The law prohibits such actions, and the Government generally respected these prohibitions in practice; however, at times the authorities infringed upon them. Police must obtain warrants to conduct searches and seizures, except in cases where such actions would cause undue delay. Police must justify such warrantless searches in writing to the nearest magistrate with jurisdiction over the offense. The authorities in Jammu and Kashmir, Punjab, and Manipur have special powers to search and arrest without a warrant.

The Information Technology Act grants police power under certain circumstances to search premises and arrest individuals without a warrant. The act specifies a 1-year sentence for persons who fail to provide information to the Government on request and a 5-year sentence for transmitting "lascivious" material.

The Indian Telegraph Act authorizes the surveillance of communications, including monitoring telephone conversations and intercepting personal mail in cases of public emergency or "in the interest of the public safety or tranquility." The central government and state governments used these surveillance techniques during the year.

Although the Telegraph Act gives police the power to tap phones to aid an investigation, they were not allowed to use such evidence in court. The UAPA allows such evidence to be used in terrorist cases, and some human rights activists noted that UAPA confers additional powers on police to use intercepted communications as evidence in terrorism cases. While there were elaborate legal safeguards to prevent police from encroaching on personal privacy, there were no such protections in terrorist cases.

Laws limiting families to two children remained in place in seven states. The laws, lightly enforced, provide government jobs and subsidies to those who have no more than two children and sanctions against those who do. National health officials in New Delhi noted that the central government was unable to regulate state decisions on population issues.

g. Use of Excessive Force and Other Abuses in Internal Conflicts.—Terrorist and insurgent groups killed members of rival factions, government security forces, government officials, and civilians in Jammu and Kashmir, several northeastern states, and in the Naxalite belt in the eastern part of the country.

Killings.—Security forces often staged encounter killings to cover up the deaths of captured non-Kashmiri insurgents and terrorists from Pakistan or other countries. Human rights groups noted that police officials often refused to turn over bodies in cases of suspected staged encounters. The bodies were often cremated before their families could view them. Most police stations failed to comply with a 2002 Supreme Court order requiring the central government and local authorities to conduct regular checks on police stations to monitor custodial violence.

According to the Jammu and Kashmir Human Rights Commission, insurgent groups killed 678 persons from April 2005 through March.

Human rights groups maintained that, in Jammu and Kashmir and in the northeastern states, numerous persons continued to be held by military and paramilitary forces. Human rights activists feared that many of these unacknowledged prisoners were subjected to torture and that some may have been killed.

The AFSPA and the Disturbed Areas Act (DAA) remained in effect in the Jammu and Kashmir districts of Kathua, Udhampur, Poonch, Rajouri, Doda, Srinagar, Budgam, Anantnag, Pulwama, Baramulla, and Kupwara, where active and violent secessionist movements existed. The DAA gives police extraordinary powers of arrest and detention, and the AFSPA provides search and arrest powers without warrant. Human rights groups alleged that security forces operated with virtual impunity in areas under the act. The Government did not repeal the act despite the January 2006 Supreme Court recommendation that the UAPA provides sufficient authority to combat the insurgency.

Accountability by the Jammu and Kashmir government remained a serious problem. Human rights groups estimated that 30,000 to 35,000 persons died during two decades of conflict in Jammu and Kashmir. The Jammu and Kashmir governor, Lt. General S.K. Sinha, reported 39,000 deaths during the conflict. Security forces committed thousands of serious human rights violations over the course of the insurgency, including extrajudicial killings, disappearances, and torture.

Killings of security force members by insurgents and terrorists in Jammu and Kashmir declined to 330 during 2005, according to home ministry statistics. As of August 2005, the Jammu and Kashmir police claimed fighting in Kashmir had resulted in the deaths of 167 security forces, 359 civilians, and 622 insurgents. According to the Jammu and Kashmir police, militants killed 385 civilians, security forces killed 554 terrorists, and insurgents killed 177 members of the security forces. According to South Asia Terrorism Portal (SATP), at year's end, 164 civilians, 121 security force personnel, and 492 terrorists had been killed as a result of terrorist violence.

There were continuing reports of civilians killed in crossfire in Jammu and Kashmir during the year.

Terrorists and insurgents operating in Rajouri, Poonch, Udhampur, and Doda areas of Jammu and Kashmir repeatedly targeted the minority Pandit (Hindu Brahmin) community, killing entire families in several incidents throughout the year.

There were no further developments regarding the RR killing in 2006 of a 62-year-old village headman, Sanaullah Magray. The army had said the killing was a case of mistaken identity and that the villager had entered an ambushed area and ignored warnings to stop. While the Government conducted an investigation and the army ordered a separate inquiry into the incident, authorities did not take corrective action to resolve this case during the year.

As in previous years, tension along the Line of Control (LOC) in Kashmir was minimal. The Home Ministry reported no cases of artillery shelling, mortar, or small arms fire across the LOC or on the Siachen glacier.

The Government did not take action to resolve the February 2006 army killing of four youths in Kupwara district. While the NHRC had asked the Jammu and Kashmir government to provide a detailed report of the killing, the Government had not done so by year's end.

In the northeast, human rights groups observed that violence persisted despite ongoing talks between separatist groups and state government officials and a 1997 government ceasefire. In August the Government and the National Socialist Council

of Nagaland Isak-Muivah (NSCN–IM) extended the ceasefire indefinitely. Factional violence between the NSCN–IM and the National Socialist Council of Nagaland Khaplang (NSCN–K) continued, resulting in numerous deaths. The Institute for Conflict Management's provisional data for 2007 indicates that of the 108 people killed by insurgency violence, 88 were killed due to intrafactional insurgent fighting. On December 17, the NSCN–K, NSCN–IM, and the Naga National council agreed to a 6-month cease-fire agreement.

On February 2, Border Security Force members operating near Mayai Leikai, Heirok Part II, in Manipur, beat and arrested Wairokpam Ibosana after blaming him for sheltering members of the People's Liberation Army.

On April 6, police commandos stopped three persons riding a moped through Imphal West. According to Human Rights Alert, the persons attempted to flee but police caught them and shot them. Witnesses reported that police then fired blanks at the crowd seeking to aid the victims. Police stated that they acted in self-defense after the young men threw hand grenades at the officers.

On August 11, according to Human Rights Alert, members of the AR killed Md. Ramesh and Md. Isir. AR claimed they killed three members of the People's United Liberation Front, but the victims' families denied that the victims had any connection with armed groups. The families filed formal complaints at Heingang police station.

According to the Home Affairs Annual Report, 76 districts in the nine states of Andhra Pradesh, Bihar, Chhattisgarh, Jharkhand, Orissa, Maharashtra, Madhya Pradesh, Uttar Pradesh and West Bengal were affected by Naxalite violence. Chhattisgarh was a center of Naxalite activity, with over 350 insurgent-related casualties from January to December. In Chhattisgarh, the Government touted the Salwa Judum Movement, a village level self-defense militia created in June 2005, as a successful counterweight to the Naxalite threat. Naxalite retaliations against the movement resulted in violent civil conflict in Dantewara district and a large number of civilian deaths.

Throughout the year, according to data compiled from news reports by SATP, 619 deaths related to Naxalite violence occurred throughout the country. These deaths occurred during Naxalite attacks on Internally Displaced Persons (IDP) camps, government installations, police patrols, and remote villages, and in police-Naxalite skirmishes. Of the 336 individuals killed in Chhattisgarh, 93 were civilians, 170 police personnel (regular forces, as well as Special Police Officers) and 73 were alleged Naxalites. According to Andhra Pradesh police, Maoists killed 44 civilians throughout the year. The police were responsible for 47 encounter killings of Maoists during the year, compared with 110 in 2006.

During the year SATP reported 426 deaths related to insurgency in Assam, where the United Liberation Front of Assam (ULFA) continued its violent campaign against Hindi-speakers from mainland India. From January through December, ULFA militants killed more than 110 persons in bomb attacks in the Dibrugarh, Tinsukia and Sivsagar districts of Assam.

From January through December 18, SATP reported the following deaths as a result of insurgency-related violence in the seven northeast states: 445 civilians, 65 security forces, and 470 militants.

Abductions.—Human rights groups maintained that, in Jammu and Kashmir and in the northeastern states, numerous persons continued to be held by military and paramilitary forces. Human rights activists feared that many of these unacknowledged prisoners were subjected to torture and that some may have been killed.

There were no reliable figures for disappearances in Jammu and Kashmir during the year. According to Association of Parents of Disappeared Persons (APDP) and other NGOs such as ACHR and SAHRDC, the number of newly reported disappearances decreased compared with the early years of the conflict. Reports varied widely on the number of disappearances that occurred in that area. For example, the Jammu and Kashmir Government stated in 2003 that 3,931 persons had disappeared in the state since the insurgency began in 1990, compared with an APDP estimate of approximately 8,000 to 10,000. ACHR reported in September 2005 that more than 6,000 cases of disappearances remain unresolved in the state. There was virtually no information about the fate of individuals who disappeared since the beginning of the Jammu and Kashmir insurgency.

On December 31, the United Liberation Front of Barak Valley insurgents along the Assam-Mizoram border kidnapped three persons, including the son of a Congress party leader and demanded a ransom of approximately $25,000 (1,000,000 rupees).

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech and expression; however, freedom of the press is not explicitly mentioned. The Government generally respected these rights in practice. An independent press, a somewhat effective judiciary, and a functioning democratic political system combined to ensure freedom of speech and of the press. Under the 1923 Official Secrets Act, the Government may prosecute any person who publishes or communicates information that could be harmful to the state. However, no cases were reported during the year.

Designed to be a self-regulating mechanism for the press, the Press Council is a statutory body of journalists, publishers, academics, and politicians, with a government-appointed chairman, that investigates complaints of irresponsible journalism and sets a code of conduct for publishers nationwide. This code includes a commitment not to publish stories that might incite caste or communal violence. The council publicly criticized newspapers or journalists it believed had broken the code of conduct, especially regarding communal violence or vandalism.

Independent newspapers and magazines regularly published and television channels regularly broadcast investigative reports, including allegations of government wrongdoing, and the press generally promoted human rights and criticized perceived government lapses. Most print media and 80 percent of television channels were privately owned. However, by law only government-controlled radio stations were allowed to report news over the radio.

With the exception of radio, foreign media generally was allowed to operate freely, and private satellite television was distributed widely by cable or satellite dish, providing competition for Doordarshan, the government-owned television network. While the public frequently accused the Government network of manipulating the news in the Government's favor, some privately owned satellite channels often promoted the platforms of political parties their owners supported.

The Government often held foreign satellite broadcasters, rather than domestic cable operators, liable under civil law for what it deemed objectionable content on satellite channels—notably, tobacco and alcohol advertisements and adult content.

AM radio broadcasting remained a government monopoly. Private FM radio station ownership was legal, but licenses only authorized entertainment and educational content. Local editions of foreign press were prohibited; however, the Government allowed country-specific editions published by a local company, with no more than a 26 percent foreign partnership.

The authorities generally allowed foreign journalists to travel freely, including in Jammu and Kashmir, where they regularly met with separatist leaders and filed reports on a range of issues, including government abuses.

The Newspapers Incitements to Offenses Act remained in effect in Jammu and Kashmir, which allows a district magistrate to prohibit publication of material likely to incite violence; however, newspapers in Srinagar reported in detail on alleged human rights abuses by the Government and regularly published separatist Kashmiri groups' press releases.

There were some attacks on the media that were apparently intended to harass or inhibit the free expression of opinions.

On May 9, a faction of Tamil Nadu's ruling DMK party set fire to the Dinakaran newspaper offices in Madurai, killing two employees of the newspaper and a security guard. According to the newspaper's staff, the police were present but did nothing to prevent the mob from entering the compound. The mob reportedly was enraged by a published survey in the newspaper that showed their leader, a son of the Tamil Nadu Chief Minister, trailing in the race to succeed the Chief Minister.

In August members of the Shiv Sena party damaged the office of Outlook, a weekly in Mumbai, to protest the weekly's description of Shiv Sena founder Bal Thackeray as one of the "villains" of India. No one was injured.

In August the Manipur government imposed restrictions on the publication of insurgent group statements they deemed subversive or threatening to the state, following an August 1 incident in which insurgent groups planted a bomb at the office of the daily newspaper Sangai Express.

In August suspected Communist Party of India (Marxist) (CPI(M)) workers assaulted three journalists of the Malayala Manorama Group during a demonstration at Kannur. The attackers also shouted slogans against the alleged political bias of the newspaper and its television channel.

Violent intimidation of the press by terrorist groups in Jammu and Kashmir caused significant self-censorship, according to journalists based in the state. During the year the threat of losing government revenue contributed to self-censorship by smaller media outlets that relied heavily on state government advertising for their survival.

Despite the fact that local police filed a case, there were no developments in the June 2006 death of Arun Narayan Dekate, a rural correspondent with the Marathi daily Tarun Bharat, killed by unknown assailants. According to press reports, Dekate had exposed and informed police about an illegal gambling racket headed by alleged gambling boss Dhampal Bhagat. In June the Indian Federation of Working Journalists protested police and government inaction over Dekate's murder. By year's end no suspects had been identified and the police investigation was still pending.

The Government maintained a list of banned books that may not be imported or sold in the country. Censors claimed that some books, such as Salman Rushdie's Satanic Verses, aggravated communal tensions.

On August 9, three legislators of the All India Majlis-e-Ittehadul Muslimeen in Hyderabad attacked Taslima Nasreen for alleged anti-Muslim remarks. The Bangladesh-born writer was there for the release of the Telugu version of her book Sokhe. In November Nasreen self-censored her autobiography, Dwik-handita, after a series of protests in West Bengal led the state government to ask the author to leave the state. The National Government granted Nasreen asylum in New Delhi but noted that those living in asylum should behave a "certain way: And not disturb public harmony." At year's end charges had not been filed.

In Uttar Pradesh the AHRC reported that the executive magistrate in the Varanasi district assaulted several journalists who attempted to lodge a complaint against treatment of journalists in the area.

In March and April 2006 the Government of Rajasthan banned Haqeeqat (Reality), a Hindi translation of a controversial anti-Hindu book by Kerala-based evangelist M.G. Mathew, claiming it would incite communal violence, and held Samuel Thomas, president of Emmanuel Ministries International (EMI), a Christian charitable institution, in judicial custody from March 17 to May 2 for distributing the publication. The book Wo Sharm Se Hindu Kahate Hain Kyon? (Why Do They Say With Shame They Are Hindus?) was banned at the same time as Haqeeqat.

A government censorship board reviewed films before licensing them for distribution, censoring material it deemed offensive to public morals or communal sentiment.

Internet Freedom.—The Informational Technology Act provides for censoring the Internet on public morality grounds, and defines "unauthorized access to certain types of electronic information" as a crime. According to Reporters Without Borders, the law theoretically allows police to search the homes or offices of Internet users at any time without a warrant, but that claim had not been tested in court. The Government retained the right to limit access to the Internet, specifically information deemed detrimental to national security. The act requires Internet cafes to monitor Internet use and inform the authorities of offenses.

Academic Freedom and Cultural Events.—The Government continued to apply restrictions to the travel and activities of visiting experts and scholars. In 2003 the Ministry of Human Resources Development (HRD) passed academic guidelines requiring all central universities to obtain HRD permission before organizing "all forms of foreign collaborations and other international academic exchange activities," including seminars, conferences, workshops, guest lectures, and research. While the restrictions remained in force, in most cases, the HRD ultimately permitted the international academic exchanges to take place after bureaucratic delays. During 2006 the Ministry of Home Affairs denied visa to 21 scholars. During the year the Ministry of Home Affairs denied visa to three scholars.

In February cinema owners and distributors in Gujarat refused to screen the film Parzania, arguing that its depiction of a Parsi family suffering during the 2002 violence would rekindle communal tension. Hindutva groups threatened to attack theaters that showed the film. The Indian Censor Board had approved the film for countrywide distribution, and the film was shown elsewhere in India.

In April the Supreme Court directed the Government of Maharashtra to drop criminal proceedings against a foreign scholar. The Government of Maharashtra had banned his book on the 17th century Maratha warrior Shivaji and had charged him with defaming the king and disrupting communal harmony. At year's end, despite the Supreme Court judgment, the Government of Maharashtra had not lifted the ban on the book.

In May Vishwa Hindu Parishad (VHP)-Bajrang Dal activists vandalized the work of art student Chandramohan Srimantula at M.S. University, Vadodara. Initially, the Gujarat police arrested the student for "hurting religious sentiments." Police released him after 5 days, with assurances that he would not leave the country, after one of his teachers posted bail for him. University Vice Chancellor Manoj Soni sus-

pended Arts Faculty Dean Shivaji Pannikar, allegedly for his support of his student's right to exhibit the works.

In December Shiv Sena activists attacked an art exhibition by self-exiled artist M.F. Hussain at Delhi's India International Center because they found his portraits of Hindu goddesses to be obscene.

b. Freedom of Peaceful Assembly and Association.—The law provides for freedom of assembly and association, and the Government generally respected this right in practice.

Freedom of Assembly.—The authorities normally required permits and notification prior to holding parades or demonstrations, and local governments ordinarily respected the right to protest peacefully, except in Jammu and Kashmir, where the local government sometimes denied permits to separatist parties for public gatherings and detained separatists engaged in peaceful protest. During periods of civil tension, the authorities may ban public assemblies or impose a curfew under the Criminal Procedure Code.

There were some instances of demonstrations where security forces either claimed harsh tactics were warranted or failed to protect demonstrators from violence.

On May 18, in Hyderabad, police fired on a crowd protesting a bombing earlier that day at the city's historic Mecca Masjid mosque, killing five persons. After an inquiry, the Government awarded each victim's family $12,500 (491,000 rupees) and one government job.

On July 28, Andhra Pradesh police shot and killed six villagers in Mudigonda in the Khammam district after a 2-month political protest demanding free land for the poor. The Government announced compensation of $12,500 (491,000 rupees) and a government job for one family member of each person killed, as well as two acres of agricultural land and education for victims' children.

Freedom of Association.—The law provides for the freedom of association, and the Government generally respected this right in practice.

NGOs must secure approval from the Ministry of Home Affairs before organizing international conferences. Human rights groups contended that this provided the Government with substantial political control over the work of NGOs and restricted their freedom of assembly and association. NGOs alleged that some members from abroad were denied visas arbitrarily.

c. Freedom of Religion.—The law provides for secular government and the protection of religious freedom, and the central government generally respected these provisions in practice; however, occasionally the Government did not act effectively to counter societal attacks against religious minorities and attempts by state and local governments to limit religious freedom. This failure resulted in part from legal constraints inherent in the country's Federal structure and in part from shortcomings in the law enforcement and judicial systems. There is no state religion, although the fact that the majority of citizens are Hindus adversely affected on occasion the religious freedom of others. Some Hindu hardliners interpreted ineffective investigation and prosecution of their attacks on religious minorities as evidence that they could commit such violence with impunity.

Legally mandated benefits were assigned to certain groups, including some defined by their religion. For example, the Government allowed educational institutions administered by minority religions to reserve seats for their coreligionists even when they received government funding. Benefits accorded Dalits (formerly known as "untouchables") were revoked once they converted to Christianity or Islam, but not to Buddhism or Sikhism, ostensibly because once a Dalit converted to Christianity or Islam, he or she would no longer technically be a Dalit.

The Religious Institutions (Prevention of Misuse) Act of 1988 criminalizes the use of any religious site for political purposes or the use of temples to harbor persons accused or convicted of crimes. While specifically designed to deal with Sikh places of worship in Punjab, the law applies to all religious sites. The Religious Buildings and Places Act requires a state government-endorsed permit before construction of any religious building. The act's supporters claimed that its aim is to curb the use of Muslim institutions by Islamic extremist groups, but the measure became a controversial political issue among Muslims.

The states of Arunachal Pradesh, Chhattisgarh, Madhya Pradesh, and Orissa have laws against forcible conversions.

On May 25, the Gujarat High Court ordered police to drop a case filed under Gujarat's anticonversion law on the grounds the law was not fully operational, as the Governor of Gujarat had refused to sign it. The Court instructed the Director General of Police to notify all state police about the decision.

In March 2006 the Rajasthan government introduced and the state assembly passed legislation banning conversions by "force, allurement, or fraudulent means."

The Governor of Rajasthan refused to sign her state's anticonversion law, effectively nullifying it.

In May 2006 the Tamil Nadu Assembly repealed the Tamil Nadu Prohibition of Forcible Conversion of Religion Act, 2002.

In May the Andhra Pradesh Government enacted the "propagation of other religion in places of worship or prayer (Prohibition)" Law. The Andhra Pradesh Government passed an ordinance forbidding the distribution of literature or other propagation of one religion within the vicinity of designated places of worship of a different religion. The Andhra Pradesh assembly passed an act modeled on this ordinance on July 23. At year's end only Hindu sites had been notified, and authorities had not prosecuted anyone under this act.

While there were some reported arrests throughout the country, there were no convictions under anticonversion laws during the year.

Reports from faith-based NGOs and the media indicated that there were four arrests under the anticonversion laws in Andhra Pradesh, 14 in Chhattisgarh, 28 in Madhya Pradesh, two in Orissa, and one in Uttar Pradesh between July 2005 and June 2006. In most cases police released on bail those arrested, often after a night in jail. Faith-based NGOs alleged that this was a systematic strategy to discourage Christian prayer meetings.

There is no national law barring a citizen or foreigner from professing or propagating his or her religious beliefs; however, the law prohibits visitors in the country on tourist visas from engaging in religious proselytizing without prior permission from the Ministry of Home Affairs. During the year, state officials continued to refuse permits to foreign missionaries to enter some northeastern states on the grounds of political instability in the region. Missionaries and religious organizations must comply with the Foreign Contribution (Regulation) Act (FCRA) of 1976, which restricts funding from abroad. The Government can ban a religious organization that violates the FCRA, provokes intercommunity friction, or has been involved in terrorism or sedition.

The legal system accommodates minority religions' personal status laws, and there were different personal laws for different religious communities. Religion-specific laws are paramount in matters of marriage, divorce, adoption, and inheritance. The personal status laws of the religious communities sometimes discriminated against women.

The law limits inheritance, alimony payments, and property ownership of persons from interfaith marriages and prohibits the use of churches to celebrate marriage ceremonies in which one party is a non-Christian. Clergymen who contravene its provisions could face up to 10 years' imprisonment. However, the act does not bar interfaith marriages in other places of worship.

In response to EMI headquarters' distribution of Haqeeqat, deemed disrespectful of Hindu beliefs, a prominent Hindu leader offered a bounty of $26,000 (1.15 million rupees) for the mission archbishop's "head on a plate." According to the media, Hindu activists attacked a school run by EMI and burned an effigy of its founder. In February 2006 the Government of Rajasthan suspended the registration of EMI property and froze its assets. By the end of 2006, EMI's bank account had been reopened and its registration had been restored.

In May a bomb explosion killed nine persons and injured more than 50 others in the Mecca Masjid in Hyderabad. At year's end, Harkat-ul-Jehad-i-Islami activist Mohammed Abdul Sahed alias Bilal remained the key suspect in the attack.

On July 28, according to the All India Christian Council, authorities in Mayurbhanj, Orissa, arrested two Catholic nuns reportedly on false charges of forcible conversion and torturing students in their school; on February 22, Hindu extremists reportedly demolished a church building under construction at Chandrasekharpur, Bhubaneswar, and on February 28, Hindu radicals entered the campus of Believers Church Bible College at Brajarajnagar, Jharsuguda, Orissa.

There were no updates concerning the April 2006 communal clashes between Hindu and Muslim residents in Aligarh, the March 2006 Hindu attack on Muslim shops in Goa, or the May 2006 police killing of two Muslim protesters in Gujarat. The Government did not take action on the investigation of the September 2006 attacks against Muslim worshipers in Maharashtra.

Societal Abuses and Discrimination.—Several human rights and religious freedom NGOs, including the All-India Christian Council and the All-India Catholic Union (AICU), expressed concern over continued anti-Christian violence in several states governed by the Bharatiya Janata Party (BJP) and claimed that some of the attackers had affiliations with the Hindu extremist group Rashtriya Swayamsevak Sangh (RSS). The AICU reported there were approximately 190 cases of persecution against Christians throughout the country and noted that the intensity of attacks on Christians increased.

Unlike previous years, NGO contacts reported that attacks against Christians occurred in more urban areas. On September 10, a group of approximately 35 people from the Hindu extremist group RSS beat the principal of a Bible college in Geddalhalli village on Hennur Road in Bangalore. On December 5, a group destroyed machinery at a Church construction site in north Delhi.

On December 24, a Hindu group led allegedly by a leader of the RSS shot at two Christian children in the Kandhamal district of Orissa. A VHP leader leading an anticonversion drive in the area was also injured. The events started a series of communal clashes in the tribal-dominated Kandhamal and Phulbani districts of eastern Orissa, provoking the Prime Minister to call for calm and a return to peace, and ask the state government to ensure security for Christians. A group of NGOs submitted a memorandum to the chairperson of the NHRC alleging that 5,000 persons had been affected by these attacks and about 600 houses had been damaged. They also alleged that the police had sided with the perpetrators of violence and dissuaded the victims from lodging complaints.

The Bangalore-based Global Council for Indian Christians (GCIC) reported a series of attacks against Christian groups in Karnataka following the founding of the short-lived BJP coalition with the Janata Dal. According to GCIC, on September 30, a group of alleged Bajrang Dal activists attacked a church at Kodlipet in Kodagu district, injuring several people. Similarly, on October 7 in Mayasandra village of Tumkur district, Hindu extremists attacked and seriously injured a Christian missionary while he was conducting a service.

Muslims in some Hindu-dominated areas continued to experience intimidation and reported a lack of government protection, resulting in their inability to work, reside, or send their children to school. In some areas, primarily in Gujarat, Hindutva groups displayed signs stating "Hindus only" and "Muslim-free area." Hindutva is the ideology that espouses politicized inculcation of Hindu religious and cultural norms above other religious norms. There were also allegations of prohibitions on the Muslim call to prayer.

Hindu organizations frequently alleged that Christian missionaries forced or lured Hindus, particularly those of lower castes, to convert to Christianity. In Christian majority areas, there were occasional reports that Christians harassed members of other communities.

On September 21, the body of Rizwanur Rehman, a Muslim who had married the daughter of a Hindu businessman, was found by the railway tracks in Kolkata. Rehman reportedly had been intimidated and threatened by the police, whom the businessman had approached for help in breaking up the interreligious relationship. Amid public protests, the police commissioner stepped down after being held responsible for undue interference in personal issues. The high court ordered a CBI inquiry into Rehman's death. A CBI report indicated "suicide prompted by circumstances" was the cause of Rehman's death.

There were no reports during the year of anti-Semitic acts.

Most of the Jews from India emigrated to Israel in 1948. There are believed to be only 13 Indian-born Jews from seven families still living in Kochi and approximately 40 Jews living in Delhi. Small but active communities remain in Mumbai. Most of the Jews from Mumbai are known as Baghdadi Jews who come from Iraq, Iran, Syria and Afghanistan and are thought to have arrived 250 years ago. In Northeastern India, an estimated 9,000 Indians started practicing Judaism in the 1970s, saying they were a lost tribe and descendants of the tribe of Manasseh. In recent years, over 1,400 members of the community emigrated to Israel.

For a more detailed discussion, see the 2007 International Religious Freedom Report.

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons.—The law provides for freedom of movement, and the Government generally respected this in practice; however, in certain border areas the Government required special permits.

Security forces often searched and questioned occupants at vehicle checkpoints, mostly in troubled areas in the Kashmir Valley or after major terrorist attacks. The Government also completed construction (except in areas of difficult terrain) of a 330-mile security fence along the LOC in Jammu and Kashmir, causing occasional difficulties for local residents, as it cut through some villages and agricultural lands. The Government erected the security fence to stop arms smuggling and infiltration by Pakistani-based terrorists or insurgents. The Government attributed a decline in insurgent crossings during the year in part to the fence.

Under the Passports Act of 1967, the Government may deny a passport to any applicant who "may or is likely to engage outside India in activities prejudicial to the sovereignty and integrity of India." In the past, the Government used this provision to prohibit foreign travel by some government critics, especially those advo-

cating Sikh independence, and members of the separatist movement in Jammu and Kashmir.

Unlike in previous years, there were no reports of the Government using the issuance of passports or travel documents to restrict travel of separatist leaders in Jammu and Kashmir. However, citizens from Jammu and Kashmir continued to face extended delays, often up to 2 years, before the Ministry of External Affairs would issue or renew their passports. Government officials also regularly demanded bribes before issuing passports from Jammu and Kashmir that required special clearances. Applicants born in Jammu and Kashmir—even the children of serving military officers born during their parents' deployment in the state—were subjected to additional scrutiny, requests for bribes, and police clearances prior to passport issuance.

There was no law banning forced exile and no reports of its use during the year.

Internally Displaced Persons (IDPs).—According to the Norwegian Refugee Council, regional conflicts in Jammu and Kashmir, Gujarat, and the northeast displaced at least 650,000 persons. Approximately 300,000 Kashmiri Pandits forced to flee the Kashmir Valley in the early 1990s after the outbreak of separatist violence remained in IDP camps in Jammu and New Delhi. They were unable to return to their homes in Jammu and Kashmir because of safety concerns, including the ongoing killings of Hindus in the state.

According to the Ministry of Home Affairs' Annual Report for 2006–2007, there were 55,950 Kashmiri Pandit migrant families, of which 34,562 resided in Jammu, 19,338 in Delhi, and 2,050 in other states. There were 230 migrant families living in 14 camps in Delhi and 5,778 families in 16 camps in Jammu.

In October 2006 according to the National Commission for Minorities (NCM), 5,307 Muslim families still lived in "precarious conditions" in 46 makeshift camps across Gujarat following the violence in 2002. On August 11, Gujarat Chief Secretary Sudhir Mankad reportedly conceded in a meeting with the NCM that 3,600 families in 46 makeshift camps had not been able to return to their original residences. Mankad also acknowledged that many of the poorest families in the camps had not received "Antyodaya" cards, which allow them access to subsidized food grains.

More than 87,000 persons lived under poor conditions in IDP camps in Assam as a result of ongoing violence in the northeast. According to press reports, nearly 2,000 families who were riot victims from the Kokrajhar, Bongaigaon, and Dhubri districts in Assam awaited rehabilitation grants sanctioned by the state government following the 1993–99 riots in these areas.

An NGO reported that the Assam state government released part of the grants during the year. The Government also provided assistance to IDPs and allowed them access to NGO and human rights organizations during the year. As in previous years, there were no reports that the Government attacked or forcibly resettled IDPs. There were no reports of government programs specifically designed to facilitate resettlement.

During 2006 the Chhattisgarh government opened IDP camps in Dantewara district for tribals caught in fighting between Naxalites and activists of a counterinsurgent movement called "Salwa Judum." An estimated 60,000 tribal villagers were encamped in 27 locations. By most accounts the camps lacked adequate shelter, food, and security. There were allegations of trafficking in persons in the camps. Civil society and media alleged there was trafficking in child soldiers by Naxalites and "Salwa Judum" activists. NGOs in Chhattisgarh also criticized the practice of hiring teenage children of police personnel slain in Naxalite attacks as "Bal-police (child police.)" The children were not given actual policing duty but ran errands in police stations. Several such "Bal-police" continued to be employed in police stations in Madhya Pradesh and Chhattisgarh.

Protection of Refugees.—The law does not provide for the granting of asylum in accordance with the 1951 U.N. Convention relating to the Status of Refugees and its 1967 protocol, and the Government has not established a system for providing protection to refugees or asylum seekers. In practice, the Government provided some protection against refoulement, the return of persons to a country where there is reason to believe they feared persecution, to Tibetans and Sri Lankans. The Government provided temporary protection to certain individuals who may not qualify as refugees under the 1951 Convention and the 1967 protocol. According to the Office of the U.N. High Commissioner for Refugees (UNHCR), by December 31, there were 11,406 refugees under UNHCR mandate in the country. Since 1960, the Government has hosted approximately 110,000 de facto refugees from Tibet. During the year Tibetan leaders in India stated that the Government treated them extremely well.

The Government generally denied NGOs, international humanitarian organizations, and the office of the UNHCR direct access to refugee and IDP camps, particularly in Mizoram. However, UNHCR was given limited access and maintained a local office in Tamil Nadu. The UNHCR had no formal status, but the Government permitted its staff access to refugees living in urban centers. The Government did not formally recognize UNHCR grants of refugee status, although it provided "residential permits" to many Afghans and Burmese. The Government considered Tibetans and Sri Lankans in settlements and refugee camps to be refugees, and provided assistance to them, but since it regarded most other groups, especially Bangladeshis, as economic migrants, it did not provide them with aid. However, in recent years, a number of court rulings extended protection to refugees whom the Government had formerly considered economic migrants.

The Government permitted recognized refugees to work, and the state and central governments paid for the education of refugee children and provided limited welfare benefits.

According to NGOs, conditions in the Sri Lankan refugee camps were generally acceptable, although much of the housing, as well as water and sanitation facilities, were of poor quality. The UNHCR continued to meet outside the camps with Tamil refugees considering voluntary repatriation. The NGO Organization for Eelam Refugee Rehabilitation had regular access to the camps during the year. The Government provided refugees with subsidized rice and other essential goods. As of December 28, a total of 73,300 Sri Lankan refugees resided in 117 refugee camps in Tamil Nadu. The central government and that of Tamil Nadu jointly provided monthly cash payments (up to $10 per person) and food subsidies to the refugees. The refugees were free to move in and out of the camps, but they must return for periodic roll calls. The refugees were subject to surveillance by police, and housing and sanitation were very poor. Refugee children were generally enrolled in local schools.

Those living in the country not formally recognized as refugees included approximately 80,000 Chakmas and approximately 200,000 Santhals, both from Bangladesh, who remained in Arunachal Pradesh, Mizoram, and Assam. In addition, there were Afghans, Iraqis, and Iranians without valid national passports living in the country. The Government chose not to deport them, issued them renewable residence permits, or ignored their presence. Due to financial and other reasons, many refugees were unable or unwilling to obtain or renew their national passports and could not regularize their status.

UNHCR provided refugee status and assistance to approximately 1,800 Chins from Burma living in New Delhi. However, UNHCR did not have access to the larger population of ethnic Chin living in the northeastern states. An estimated 80,000 Chins lived and worked illegally in Mizoram. NGOs estimated that, in 2005, 10,000 Chins with alleged ties to Burmese insurgent groups were expelled to Burma, where the military government reportedly jailed them. Mizoram human rights groups estimated that approximately 31,000 Reangs, a tribal group from Mizoram displaced by sectarian conflict, remained in six camps in North Tripura. Conditions in these camps were poor, and the Tripura government asked the central government to allot funds for their care.

More than 1,000 Hmar refugees, one of the numerous tribes that belonged to the Chin-Kuku-Mizo tribe, were reportedly displaced in and around Mizoram, some of them from Manipur.

In 2005 the Supreme Court ordered the Ministry of Home Affairs, the election commission, and the governments of Mizoram and Tripura to resettle approximately 40,000 displaced Reangs and add them to the electoral rolls. To date, approximately 1,000 Reangs have been resettled in Mizoram.

The Bru National Liberation Front (BNLF) and Mizoram government agreed on a $6.3 million (277.9 million rupees) financial package and paved the way for the return of Reang IDPs in North Tripura.

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

The Constitution provides citizens with the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections based on universal suffrage.

Elections and Political Participation.—The country has a democratic, parliamentary system of government, with representatives elected in multiparty elections. The Government changed hands following free and fair national parliamentary elections in April and May 2004. Parliament sits for 5 years unless dissolved earlier for new elections, except under constitutionally defined emergency situations.

Citizens elected state governments at regular intervals, except in states under the president's rule. On May 11, elections in Uttar Pradesh resulted in Dalits winning a majority of seats in the State Assembly.

Political parties could operate without restriction or outside interference.

In July Pratibha Patil became the country's first female President. There were 73 women in the 784-seat national legislature, two in the 32-member Cabinet of ministers, and eight among the 47 Ministers of State. Numerous women were represented in all major parties in the national and state legislatures. The Constitution reserves 33 percent of seats for women in elected village councils.

The Constitution reserves seats in Parliament and state legislatures for scheduled tribes and scheduled castes in proportion to their population. Indigenous peoples actively participated in national and local politics.

Government Corruption and Transparency.—The law provides criminal penalties for official corruption; however, the Government did not implement the law effectively, and officials frequently engaged in corrupt practices with impunity. The World Bank's worldwide governance indicators reflect that corruption was a severe problem.

Both the Election Commission and Supreme Court upheld mandatory disclosures of criminal and financial records for election candidates. However, election campaigns for Parliament and state legislatures often were funded with unreported money, and the Government failed to combat the problem. In 2005 the media highlighted a videotape showing 11 members of Parliament accepting bribes. No one faced legal action related to that bribery.

In July 2006 the Government launched a national antibribery campaign to raise public awareness of the right to information. The 2005 Right to Information Act (RTI) mandates stringent penalties for failure to provide information or affecting its flow and requires agencies to self-reveal sensitive information. While the Government took extended periods of time to reply to information requests, local community members as well as noncitizens could access the RTI online portal to get information on personal documentation, city plans, and other public records. Nine state governments have right to information laws.

Section 4. Governmental Attitudes Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A wide variety of domestic and international human rights groups generally operated without government restriction, investigating abuses and publishing their findings on human rights cases; however, in a few circumstances, groups faced restrictions. Government officials were somewhat cooperative and responsive to their views.

In February 2006 the Ministry of Home Affairs barred 8,673 organizations from seeking foreign funds under the Foreign Contribution and Regulation Act (FCRA), reportedly for failing to provide the proper paperwork. NGOs called the FCRA restrictive and claimed that the Government failed to notify organizations when the requisite paperwork was needed.

Some domestic NGOs and human rights organizations faced intimidation and harassment by local authorities, such as in May 2006 when the Maharashtra Home Ministry placed 57 NGOs under investigation for allegedly assisting Maoist groups. Human rights monitors in Jammu and Kashmir were able to move around the state to document human rights violations, but they were at times restrained or harassed by security forces, counterinsurgents, and police. HRW visited Kashmir in 2006 and was able to meet a broad range of civilian and official contacts.

The main domestic human rights organization was the government-appointed NHRC, which acted independently and often voiced strong criticism of government institutions and actions. Some human rights groups claimed the NHRC was nevertheless hampered by institutional and legal weaknesses. The NHRC received 82,233 complaints of human rights abuses during the year. The NHRC did not have the statutory power to investigate allegations and could only request that a state government submit a report, which state governments often ignored. Human rights groups such as ACHR claimed that the NHRC did not register all complaints, dismissed cases on frivolous grounds, did not adequately protect complainants, and did not investigate cases thoroughly.

The NHRC could investigate cases against the military and recommend—but not mandate—compensation to victims of abuse. On January 15, the NHRC announced interim relief of about $700,000 (28,000,000 rupees) to 89 victims of violence committed during the Tamil Nadu and Karnataka joint search operation for a criminal named Veerapan. Many states had their own human rights commissions, and human rights groups alleged that state human rights commissions were more likely

than the NHRC to be influenced by local politics and less likely to offer fair judgments.

During the year the NHRC developed guidelines for handling child rape cases and issued a report and recommendations on missing children.

International human rights organizations faced difficulties obtaining visas to visit the country for investigative purposes, and in-country, there was occasional harassment. In March the AHRC reported that the District Magistrate of Leh ordered the arbitrary closure of some NGOs and banned the public use of the materials produced by these organizations. International humanitarian organizations, such as ICRC, had access to most regions, with the exception of the northeast and Naxalite-controlled areas. UNHCR did not have access to the Northeast; Burmese Chin and others refugees had to travel to New Delhi to seek refugee status.

In 1996 the Supreme Court ordered the NHRC to investigate and address all issues that arose from the mass cremations following the Punjab disappearances from the 1980s to mid 1990s. The NHRC recommended that the Government should provide compensation of $6,250 (249,600 rupees) to the next of kin for each of the 195 identified deceased persons as well as $4,375 (175,000 rupees) to the next of kin for the remaining 1,103 identified deceased person whose remains were cremated by the Punjab police.

As of October, only 17 of the 28 states had state human rights commissions, as recommended by the 1993 Protection of Human Rights Act (PHRA). The Jammu and Kashmir state legislature established its state human rights commission in 1997. The commission does not have the authority to investigate alleged human rights violations committed by members of the security forces.

In August 2006 the Government amended the PHRA to strengthen the NHRC by removing the requirement of prior notification and approval for visits to state-managed prisons. However, NGOs stated the Government did not address the NHRC's inability to inquire independently into human rights violations by the armed forces, initiate proceedings for prosecution, and grant interim compensation. Further, NGOs argued that the amendment did not guarantee the NHRC's financial independence or the extension of its mandate to investigate abuses more than 1 year old.

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

The law prohibits discrimination on the basis of race, sex, religion, place of birth, or social status, and the Government worked to enforce these provisions with varying degrees of success.

Women.—The law sets criminal penalties for rape, including spousal rape, but the Government did not enforce the law effectively. Although the Government prosecuted rape cases during the year, only 10 percent were adjudicated fully by the courts, and police typically failed to arrest rapists, perpetuating a climate of impunity. Rape and other violent attacks against women continued to be a serious problem. While official statistics confirmed a dramatic increase in reported crimes against women, this may have reflected a growing sense of security in reporting such crimes. The 2005–2006 National Family Health Survey (NFHS) reported that only one in four abused women had ever sought help to end the violence they experienced and only 2 percent of abused women had ever sought help from the police. According to the NCRB, two rapes took place every hour nationwide, and 19 of 20 victims knew their attackers. NGOs asserted that rape by police, including custodial rape, was common. The 2005–2006 NFHS reported that one-third of women ages 15 to 49 had experienced physical violence and approximately 1 in 10 had been a victim of sexual violence.

In May 2005 Parliament amended the Code of Criminal Procedure to stipulate mandatory DNA tests in all rape cases. In an effort to protect women from sexual assault by police, the bill also prohibits the arrest of women after sunset and before sunrise except in "exceptional circumstances."

Upper caste gangs used mass rape to intimidate lower castes, and there were reports of gang rape as punishment for alleged adultery or as a means of coercion or revenge in rural property disputes.

In response to an NHRC recommendation to investigate a January 2006 incident in which 18 armed insurgents belonging to the United National Liberation Front and Kanglaipak Communist Party raped 25 women in Manipur, the Government of Manipur established a Justice Commission to investigate the case. At year's end, the investigation was underway.

Dalit women were often singled out for harassment. For example, they were occasionally stripped by mobs and paraded in public for offending persons belonging to higher castes. In November, an Adivasi (tribal) woman was stripped in public and assaulted during an Adivasi rally in Guwahati, Assam, by local shopowners in retal-

iation after the Adivasis ransacked shops. The CBI reported numerous rape and looting incidents that occurred during the Nandigram massacres.

There was no response to an NHRC request of state officials to investigate an August 2006 case in which upper caste men raped seven Dalit women in Lakshimpursarai district.

At year's end a district court in Bhandara was hearing the case regarding the September 2006 incident in which Kunbi caste villagers allegedly killed four members of a Dalit family in Khairlanji village of Bhandara district of Maharashtra.

The Protection of Women from Domestic Violence Act, passed in October 2006, recognizes all forms of abuse against women in the home, including physical, sexual, verbal, emotional, and/or economic abuse. Domestic violence includes actual abuse or the threat of abuse. The law recognizes the right of women to reside in a shared household with her spouse or partner even while the dispute continues, although women can be provided with alternative accommodations, to be paid for by the spouse or partner. The law also provides women with the right to police assistance, legal aid, shelter, and access to medical care. The new law bans harassment by way of dowry demands and empowers magistrates to issue protection orders where needed. Under the new Act, spousal rape is also criminalized. Punishment ranges from jail terms of up to 1 year and/or a fine of approximately $450 (19,800 rupees). As of November the Act had been ratified by four of 28 state governments: Andhra Pradesh, Tamil Nadu, Uttar Pradesh, and Orissa. Citizens registered 8,000 nationwide criminal cases under the Act since it was brought into force.

The law forbids the provision or acceptance of a dowry, but dowries continued to be offered and accepted, and dowry disputes remained a serious problem. The law also provides extensive powers to magistrates to issue protection orders to deal with dowry-related harassment and murder. Andhra Pradesh police reported 541 dowry deaths; Tamil Nadu recorded 208; and the Karnataka State Commission for Women recorded 68 dowry deaths during the year. NCRB reported 11,300 incidents of dowry deaths that occurred from 2004–6 in the country.

Under the law courts must presume that a husband and/or his family are responsible if his wife dies an unnatural death during the first 7 years of marriage and if harassment is proven. NGOs claimed that accused in-laws often avoided legal consequences by bribing police officials. According to press reports, the rate of acquittal in dowry death cases was high, and due to court backlogs, cases took an average of 6 to 7 years to conclude.

Madhya Pradesh, Kerala, Bihar, and several other states had a chief dowry prevention officer, although it was unclear how effective these officers were. Madhya Pradesh also required that all government servants seeking to marry produce a sworn affidavit by the bride, the groom, and his father that no dowry exchanged hands.

The Government banned sati, the practice of burning a widow on the funeral pyre of her husband, and there were few instances of sati in recent years.

Honor killings continued to be a problem, especially in the northern states of Punjab and Haryana. Human rights organizations estimated that up to 10 percent of all killings in those two states were honor killings. In July 2006 the Supreme Court condemned honor killings and directed police to take action against anyone harassing couples that married despite objections by their caste and religious communities.

On July 15, police in Punjab arrested three suspects wanted in connection with the killing of a Jat woman, Baljeet Kaur, and her Valmiki husband. Kaur's father and brothers had kidnapped her and her husband and killed them for marrying without familial consent.

In August 2006 Delhi police arrested Deep Chand and his three sons for the alleged honor killing of Chand's daughter, Kamlesh, because she refused to marry the man her parents selected. When interrogated, all four assailants confessed to killing the woman and leaving her body by a railway track. At year's end the case was pending in court.

In 2006 there were 20 cases reported in Assam in which informal courts passed death sentences on women labeled witches. Assam Police, in coordination with organizations like the All Bodo Students Union, launched project Prahari in 2000 to create public awareness of the problem.

While the act of prostitution is not illegal, most activities surrounding prostitution are illegal. The law criminalizes the selling, procuring, and exploiting of any person for commercial sex as well as profiting from the prostitution of another individual. Unlike in previous years, Section 8 of the Immoral Trafficking Prevention Act (ITPA), which criminalizes the act of solicitation for prostitution, was infrequently used to arrest and punish women and girls who were victims of trafficking. The country is a significant source, transit point, and destination for trafficked women.

In October the Jammu and Kashmir High Court criticized the CBI's "lax and deficient" handling of the Sabeena case and directed the CBI to redo the investigation. In April 2006 authorities arrested the former state minister for Tourism in Jammu and Kashmir and his wife Sabeena for allegedly trafficking and blackmailing approximately 40 local girls into prostitution.

Sexual harassment of women in the workforce included physical and verbal abuse from male supervisors, restricted use of toilets, and the denial of lunch breaks. In January 2006 the Supreme Court instructed all state chief secretaries to comply with its mandate that all state departments and institutions with over 50 employees establish committees to deal with matters of sexual harassment.

The law prohibits discrimination in the workplace; however, enforcement was inadequate. Employers paid women less than men for the same job, discriminated against them in employment and credit applications, and promoted women less frequently than men. State government and NGO-supported microcredit programs for women began to have an impact in many rural districts. In March 2006 the Government amended the law to provide flexibility for women to work in factories on the night shift.

In 2005 the All-India Muslim Personal Law Board adopted new talaq ("divorce" in Urdu) guidelines, which called for the husband to pay compensation to the wife's family in case of divorce, equality in property rights, protection against physical and emotional abuse by husbands, and assurances that remarried women will be able to maintain contact with their families. In November 2006 the All India Shi'a Personal Law Board unanimously approved a model nikahnama (marriage contract) that provided women the same divorce rights as men.

In 2005 Parliament removed discriminatory clauses from the Hindu Succession Act by giving equal inheritance rights to Hindu, Buddhist, Jain, and Sikh women, including giving married daughters the same inheritance rights as male heirs. In November 2006 the Supreme Court ruled that if a woman remarries after divorce, her custody rights over the child born in wedlock would not be affected.

Many tribal land systems, notably in Bihar, denied tribal women the right to own land. Shari'a (Muslim traditional law) determines land inheritance for Muslim women rather than state statutes. Other laws relating to the ownership of assets and land accorded women little control over land use, retention, or sale. However, several exceptions existed, such as in Ladakh and Meghalaya, where women traditionally controlled family property and enjoyed full inheritance rights.

Children.—The Registration of Birth and Death Act, 1969, provides for state governments to frame rules establishing the registration machinery and procedures in their state. According to the National Commission on Population, approximately 55 percent of national births are covered by the registration machinery at present, and the level of registration varies substantially across states. During the year, as part of a pilot program in cooperation with the UNICEF, the Government of Kolkata provided birth certificates to 50,000 street and working children belonging to some of the most disadvantaged castes/classes.

The Constitution provides free, compulsory education for children between the ages of 6 and 14 years of age; however, the Government did not enforce this provision. In practice, children in poor and rural areas often did not attend school. UNICEF and the National Institute of Educational Planning Administration reported that approximately 60 percent of the 203 million children between the ages of 6 and 14 were in schools, and net attendance in the primary level was 66 percent of enrollment.

The 2005–6 NFHS indicated that girls are almost as likely to attend primary school as boys. Nationwide, 85 percent of boys and 81 percent of girls ages 6 to 10 attend primary school. By ages 15 to 17, 49 percent of boys and only 34 percent of girls attend school. The Government launched programs to increase literacy among girls from marginalized social groups through the National Program for Education of Girls at Elementary Level and the Kasturba Gandhi Balika Vidyalaya.

A January 2006 report commissioned by the Human Resource Development Ministry showed that lower caste and Muslim student attendance rates were much lower than those of children in high caste families. The report noted that nationwide 7 percent of children were out of school, although the rate varied widely from one region or social or religious group to another.

While both boys and girls had legal access to state-provided medical care, society and families tended to seek out care more regularly for boys.

Abuse of children in both public and private educational institutions was a problem. Although corporal punishment is banned, schoolteachers often used it on their students. On August 4, Brijesh Prajapati, a sixth grade student at Kakraiya Primary School in Farukhabad, Uttar Pradesh, died after succumbing to injuries sustained by a beating from his teacher, Kishan Singh. Authorities suspended Singh

and the school principal for failing to provide the student emergency medical care. Singh was arrested on a murder charge and at year's end, the case was pending.

In August 2006 Parliament passed the Juvenile Justice (Care and Protection of Children) Amendment Bill, which is the primary law for not only the care and protection of children but also for the adjudication and disposition of matters relating to children in conflict with law. In 2005 the juvenile justice court ruled that any failure by school management or teachers to protect students from sexual abuse or provide them with a safe school environment is punishable with a prison term of up to 6 months. Despite these legal protections, there were societal patterns of neglect and physical, sexual, and emotional abuse of children, and child labor was a problem.

In April the Ministry of Women and Child Development released its first study of child abuse; according to the comprehensive 2-year survey, two out of three children were physically abused with a higher percentage reported among children aged 5 to 12. The states of Andhra Pradesh, Assam, Bihar, and Delhi consistently reported the highest rates of abuse in all forms. Sixty-five percent of school-going children reported facing corporal punishment. Fifty-three percent of children reported experiencing one or more forms of sexual abuse; and 22 percent experienced severe sexual abuse.

Sponsored by the Childline India Foundation, UNICEF, NGOs, the Government and private individuals, a toll-free 24-hour help line for children in distress was available in 72 cities. The "Childline" number could be accessed by either a child or an adult to request immediate assistance, including medical care, shelter, restoration, rescue, sponsorship, and counseling.

The 1939 child marriage restraint act prohibits child marriage, a traditional practice that occurred throughout the country, and sets the legal marriage age for girls at 18 and boys at 21. In December 2006 the Government tightened its legislation against child marriage and passed the Prohibition of Child Marriage Bill declaring that existing child marriages were null and void.

Despite legal constraints, according to a 2005 Health Ministry report on population and development, half of all women were married by the age of 15. The 2005 NFHS reported that 45 percent of women (18–24) and 32 percent of men (18–29) marry before the legal age of 18 years and 21 years, respectively. According to another 2005 report from the Office of the Registrar General of India, 240 girls die every day due to pregnancy-related complications in early child marriages. The International Center for Research on Women (ICRW) concluded that those married under the age of 18 were twice as likely to be abused by their husbands compared with women married later; they were also three times more likely to report marital rape. ICRW reported that child brides often showed signs of child sexual abuse and post-traumatic stress. Child marriages also limited girls' access to education and increased their health risks, since they had higher mortality rates and exposure to HIV/AIDS than girls married after 18.

Trafficking and commercial sexual exploitation of children was a serious problem. According to UNICEF, in 2004 the country supplied half of the 1 million children worldwide who entered the sex trade.

Female feticide was an acute problem in Punjab, Haryana, and Rajasthan. The states of Punjab, Haryana, Gujarat, Uttar Pradesh, Himachal Pradesh, Delhi, parts of Tamil Nadu, Maharashtra, and Karnataka reported particularly low female/male ratios. Nationally, there were only 933 girls per 1,000 boys. In 14 districts of Haryana and Punjab there were fewer than 800 girls per 1,000 boys. The low male/female ratio resulting from female feticide encouraged families in Punjab and Haryana to import brides from Bihar and other northeastern states.

Baby girls were either aborted or, after birth, left in the cold to contract pneumonia and perish. NGOs alleged that medical practitioners and government workers often were complicit in pushing or persuading women to abort their girl children. Sex determination tests are illegal under the 1994 Pre-Natal Diagnostic Techniques Act. However, NGOs reported that some family planning centers continued to reveal the sex of fetuses. According to the NGO IFES, feticide is a $116 million industry. Officials claim that the practice is prominent among educated and urban sections of society.

On June 15, the Hindustan Times reported a Haryana Health Department raid on a maternity clinic run by an unlicensed doctor, A.K. Singh. Officials arrested Singh and seized a portable ultrasound machine and equipment used to terminate pregnancies, in addition to a large quantity of fetal remains. Haryana has registered 35 cases against doctors illegally conducting sex determination tests in the past 2 years.

The Health and Family Welfare Ministry set up a "National Support and Monitoring Cell" to curb the practice of female feticide by targeting and apprehending

those who carry out or abet female feticide. The Government also encouraged education campaigns to change the social preference for male children and launched a "Save the Girl Child" campaign designed to highlight the achievements of young girls.

During the year the New Dehli municipal government sponsored a program that provided every girl born in a government hospital with a gift deposit of $114 (5,000 rupees) that accumulated interest and could be cashed once the girl reached the age of 18. Authorities from the village of Lakhanpal in central Punjab ran a program to end female feticide, and as a result, the latest figures showed 1,400 female and 1,000 male births. Historically, Punjab had the lowest girl-to-boy ratio in the country, at 776 to 1,000.

Trafficking in Persons.—The ITPA prohibits trafficking in human beings; however, trafficking in persons remained a significant problem. The law provides for imprisonment for 7 years to life for offenses committed against a child (under 16), or 7 to 14 years for offenses against minors between 16 and 18. The minimum term of imprisonment for brothel keeping was 1 year for the brothel offense and 7 years' to life imprisonment for detaining a person, with or without consent, for prostitution.

The country was a significant source, transit point, and destination for trafficking victims, primarily for the purposes of prostitution and forced labor. Many girls were internally trafficked for the purpose of forced marriages, while other persons, including children, were trafficked for bonded labor. Women and girls were lured into commercial sexual exploitation through deception and expectations of opportunities in other parts of the country. Tribal women and those from economically depressed areas were particularly vulnerable to sexual exploitation. Extreme poverty, combined with the low social status of women, often resulted in parents handing over their daughters to strangers for what they believed was employment or marriage. In some instances, parents received payments or the promise that their children would send wages home.

To a lesser extent, the country was a point of origin for women and children trafficked to other countries in Asia, the Middle East, and the West for forced domestic servitude or commercial sexual exploitation. Men were also trafficked to the Arabian Gulf for involuntary servitude in the construction sector. Women from Kerala reportedly were trafficked into commercial sexual exploitation and abusive domestic employment in the Gulf.

Women and girls as young as 7 years of age were trafficked from economically depressed neighborhoods in Nepal, Bangladesh, and rural areas of the country to the major prostitution centers of Mumbai, Kolkata, and New Delhi. In West Bengal, organized traffic in illegal Bangladeshi immigrants was a principal source of bonded labor. Kolkata was a transit point for traffickers sending Bangladeshis to New Delhi, Mumbai, Uttar Pradesh, and the Middle East. The Government cooperated with groups in Nepal and Bangladesh to deal with the problem and began to negotiate bilateral antitrafficking agreements, particularly through the South Asian Association for Regional Cooperation.

Trafficking of children into domestic servitude and sweatshops remained a problem. States in the northeast region (Assam, Meghalaya, Nagaland, Manipur, Mizoram, Tripura, Arunachal Pradesh, Sikkim), and Bihar served as main source areas for domestic servants in Kolkata, Delhi, Hyderabad, Mumbai, and, to a certain extent, Bangalore. The increasing number of domestic servant recruitment agents suggested that large trafficking networks operated in the region. In many cases women and girls were first brought by agents to Siliguri, West Bengal; they then traveled to different destinations with the traffickers. Often traffickers used truck drivers to carry women and girls from the northeast through National Highway 31, which connects the region to the central part of the country.

A survey by the Indian National Trade Union Congress noted that trends in trafficking could be determined by monitoring the reports of "missing girls" filed by parents in northeast states. The report stated that 40 percent of the police officials interviewed were unaware of the growing trade in women and children.

Traffickers usually targeted minors and Dalit women. A study prepared by Bhoomika Vihar, an NGO from Bihar, said that out of the 173 identified cases of women who had become victims of the sex trade, 85 percent were minors and half were Dalits. The report claimed that trafficking, although not often reported, occurred almost everywhere. Conflicts in the northeastern states made women and children highly vulnerable.

The National Commission for Women reported that trafficked women and children were frequently subjected to extortion, beatings, and rape. Although a few women were abducted forcibly or drugged, most were trafficked through false offers of marriage, employment, or shelter. Victims of trafficking often did not speak the local

language and were subject to threats, including emotional blackmail, violence, and confinement, as well as the threat of apprehension by authorities, detention, prosecution, and deportation. Women involved in prostitution in Mumbai and Kolkata claimed that harassment, extortion, and occasional arrests on soliciting charges usually characterized police intervention. NGOs alleged that corruption at the enforcement level helped perpetuate trafficking.

NGOs knowledgeable about the trafficking situation frequently identified traffickers and the locations of girls being held captive by brothel owners. However, other NGOs were reluctant to trust police with this information, due to their past conduct in brothel raids and the likelihood that many trafficking victims would be arrested and revictimized rather than assisted by such raids. Several NGOs had significant successes, however, in working with police to target brothels with children.

During the year charges were brought against more than 1,400 traffickers in Andhra Pradesh, Bihar, Goa, Tamil Nadu, Uttar Pradesh and West Bengal, and 27 individuals were convicted on trafficking charges in Andhra Pradesh, Delhi, Maharashtra and Tamil Nadu. Eight joint operations between the Andhra Pradesh and Maharashtra police resulted in an additional 107 victims rescued and 77 traffickers arrested. A total of eight police Anti-Human Trafficking Units (AHTU) were created (three in Andhra Pradesh, three in Bihar, one in Goa, and one in West Bengal).

Although arrests and prosecutions under the ITPA increased, the rate of trafficking convictions remained low, and collection of law enforcement data was difficult because there was no national system for collecting arrest information. ITPA's requirement of an inspector-level officer to investigate cases made charges unlikely. Many police officials preferred to use India Penal Code (IPC) provisions to arrest traffickers, both because they claimed to have more success in getting convictions and because many IPC provisions were not bailable.

The ITPA required police to use only female police officers to question girls rescued from brothels. The ITPA also required the Government to provide protection and rehabilitation for victims. In the past, the vast majority of arrests made under ITPA were for solicitation rather than for trafficking or trafficking-related crimes, but this is no longer the norm. Most police no longer arrested trafficked women and children for soliciting, and such arrests diminished significantly.

The Government significantly increased police training and modestly improved interstate coordination of antitrafficking efforts, cooperated with NGOs, supported awareness campaigns, and increased the number of shelter facilities available to rescued trafficking victims. However, NGOs claimed that the conditions of shelters were not always suitable. They also stated that persons claiming to be parents would remove girls and reinsert them into the industry.

The Ministry of Women and Child Development improved coordination with its state counterparts and NGOs to deliver counseling, legal aid, medical care, repatriation and restoration services, as well as awareness generation programs such as peer education, rallies, posters, booklets, and street plays.

The Home Ministry, through its Bureau of Police, Research and Development, continued a law enforcement training program, considered a significant achievement by NGOs, to sensitize police and improve trafficking arrests and convictions. In July the West Bengal government allotted $254,712 (10,000,000 rupees) to form a network coordinated by the women and child development and social welfare departments to fight human trafficking. The Government of Andhra Pradesh offered $255 (10,000 rupees) in compensation to trafficking victims, similar to that available to victims under the Bonded Labor Act. In September 2006 the Ministry of Home Affairs created a "nodal cell" to coordinate national law enforcement efforts against human trafficking. That office convened quarterly meetings of state representatives and ensured that information on trafficking in persons was shared across the country.

Persons with Disabilities.—The Constitution does not explicitly mention disability as a prohibited ground for discrimination. The Persons with Disabilities Act (PDA) provides equal rights to all persons with disabilities; however, advocacy organizations acknowledged that its practical effects were minimal, in part due to a clause that makes the implementation of programs dependent on the "economic capacity" of the Government. Widespread discrimination occurred against persons with physical and mental disabilities in employment, education, and access to health care. Neither law nor regulation required accessibility for persons with disabilities. Government buildings, educational establishments, public transportation and public spaces throughout the country had almost no provisions for wheelchair access. According to the 2001 census, there were 22 million persons with disabilities in the country, but NGOs estimated the actual number to be much higher.

A World Bank report noted that 8 percent of the population is disabled. The employment rate of disabled individuals decreased from 42.7 percent in the 1990s to 37.6 per cent in the 2000s. Despite the PDA's requirement that 3 percent of public sector jobs be reserved for people with physical, hearing, and visual disabilities and the Government's development of a list of jobs for people with these disabilities, only 0.44 percent of public sector employees are disabled. The Government increased funds to NGO partners to implement the national policy. The PDA provides benefits to private companies at which persons with disabilities constitute more than 5 percent of the workforce. The Government recently began implementing these benefits. Private sector employment of persons with disabilities remained low.

According to the Central Coordination Committee established under the PDA, approximately 100,000 children with special needs attended approximately 2,500 schools that provided integrated and inclusive education or nonformal education. The Human Resource Development Ministry reported in January 2006 that children with mental disabilities had the lowest rate of school attendance out of any group at 53 percent, followed by the speech disabled at 57.5 percent and the hearing disabled at 68 percent.

The Equal Opportunities, Protection of Rights and Full Participation Act of 1995 stipulates a 3-percent reservation in all educational institutions for persons with disabilities; however, statistics showed that only about 1 percent of students had disabilities. In 2005 the Times Insight Group reported that most colleges and universities were unaware of the law. The Ministry of Social Justice and Empowerment offered 500 educational scholarships to persons with disabilities to pursue higher education. However, university enrollment of students with disabilities was still very low for reasons including inaccessible infrastructure, poor availability of resource materials, nonimplementation of the 3 percent reservation, and harassment. In 2005 the central board for secondary education issued guidelines requiring barrier-free education in schools, colleges, libraries, and hostels. It also took steps to provide Braille books to educational institutions.

Hospitals were overcrowded and often served primarily to house persons with disabilities. Patients generally were ill-fed, denied adequate medical attention, and kept in poorly ventilated halls with inadequate sanitary conditions. At the end of the year, no action was taken on the 2001 NHRC recommendation to remove all persons with mental illness from jails.

The disability division of the Ministry of Social Justice and Empowerment delivered rehabilitation services to the rural population through 16 district centers. A national rehabilitation plan committed the Government to provide rehabilitation centers to more than 400 districts, but services were concentrated in urban areas. The impact of government programs was limited due to the concentration of funding provided to a few organizations.

National/Racial/Ethnic Minorities.—The law provides that the practice of untouchability, which discriminated against Dalits and others defined as scheduled castes, is a punishable offense; however, such discrimination remained ubiquitous, stratifying almost every segment of society.

The law gives the president the authority to identify historically disadvantaged castes, Dalits, and tribal persons (members of indigenous groups historically outside the caste system) for special quotas and benefits. These "scheduled" castes, Dalits, and tribes were entitled to affirmative action and hiring quotas in employment, benefits from special development funds, and special training programs. According to the 2001 census, scheduled castes, including Dalits, made up 16 percent (166.6 million) of the population, and scheduled tribes 8 percent (84.3 million). In December 2006 Parliament passed a bill to reserve 27 percent of seats at educational institution for scheduled castes and backward classes.

Dalits faced significant discrimination despite laws to protect them; they often were socially prohibited from using the same wells, attending the same temples, and marrying upper-caste Hindus. They faced social segregation in housing, land ownership, and public transport and were the majority of bonded laborers. Many Dalits were malnourished and lacked access to health care and basic education. There were episodes of vigilante retribution against Dalits who tried to assert their rights. While rare in urban settings, examples of intolerance occurred regularly in rural areas. Many rural Dalits worked as agricultural laborers for caste landowners without remuneration. Reports from the U.N. Committee on the Elimination of Racial Discrimination found systematic abuse against Dalits, including torture and extrajudicial killings, and an "alarming" rate of sexual violence against Dalit women. NGOs reported that crimes committed by upper caste Hindus against Dalits often went unpunished, either because the authorities failed to prosecute such cases or because the crimes were unreported by victims fearing retaliation.

On September 11, villagers of Multai, in Baitul district of Madhya Pradesh, allegedly killed two members of the Pardhi tribe, and destroyed 62 houses of Pardhi tribe members. The villagers suspected some members of the Pardhi community of having raped a higher caste woman. Although police arrested the alleged rapists, the villagers insisted on carrying out reprisals against nearly 300 members of the Pardhi settlement, who fled to Bhopal, the state capital. While the National Commission for Minorities visited the relief camp in Bhopal and the village and urged the Pardhi to return to Multai, villagers remained adamant against the Pardhi's return to their village. At year's end police had registered a complaint about the murder and the destruction of the houses.

There were no updates regarding the January 2006 case in which a high-caste mob in the Vaishali district of Bihar burned alive a man, woman, and five of their children, despite direct involvement from the Bihar Chief Minister.

The Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act lists offenses against disadvantaged persons and prescribes stiff penalties for offenders; however, the Act had only a modest effect in curbing abuse, and there were very few convictions. Human rights NGOs alleged that caste violence was on the increase. Caste violence was especially pronounced in Uttar Pradesh, Bihar, Rajasthan, Madhya Pradesh, Tamil Nadu, Karnataka, and Andhra Pradesh.

In July 2006 the Supreme Court passed a judgment stating that police and government are obliged to help intercaste couples and prevent social ostracism. In September 2006 the Ministry of Social Justice and Empowerment directed state governments to increase the incentive for intercaste marriage to $1,050 (46,000 rupees). The central government pays 50 percent.

Indigenous People.—The Innerline Regulations enacted by the British in 1873 provide the basis for safeguarding tribal rights in most of the northeastern border states, and in practice the regulations were followed. These regulations prohibit any nontribal person, including citizens from other states, to cross an inner boundary without a valid permit. No rubber, wax, ivory, or other forest products may be removed from the protected areas without prior authorization. No outsiders were allowed to own land in tribal areas without approval from tribal authorities.

The 2001 census indicated that 8.2 percent of the population belonged to scheduled tribes. According to the Indian Confederation of Indigenous and Tribal Peoples, 80 percent of the tribal population lived below the poverty level, and more than 40,000 tribal women, mainly from Orissa and Bihar, were forced into situations of economic and sexual exploitation.

There was encroachment on tribal land in almost every eastern state, including by illegal Bangladeshi immigrants, and by businesses that illegally removed forest and mineral products.

Numerous tribal movements, such as the Jharkhand movement in Bihar and the Bodo movement in Assam, demanded the protection of tribal land and property rights. As a result of complaints, tribal-majority states were created in 2000 from the Jharkhand area of Bihar and the Chhattisgarh region of Madhya Pradesh, and authorities provided local autonomy to some tribal people in the northeast.

On November 26, a CPM operation in Munnar, Kerala, claimed approximately 1,500 acres of land after party cadres forcibly removed 200 tribal families from the area.

In Assam, conflict between indigenous Assamese tribals, including the Bodos, and nonnative "tea tribes" or Adivasis increased with the Adivasi demand for Scheduled Tribe (ST) status under the Constitution. On November 24, the All Assam Adivasi Students Union organized a violent rally in Guwahati, Assam, to demand ST status. One person died, scores of others were injured and one Adivasi woman was stripped by a local citizen before police arrived and took control of the situation.

Civil rights organizations, working with indigenous people in Kodagu district of Karnataka, accused the state government of actively promoting the establishment of jungle lodges in the Nagarhole National Park at their expense. The groups alleged that 1,600 families had been evicted since 1972, and that individuals removed from the park area were settled in locations that lacked fresh drinking water, electricity, health care, adequate job opportunities and access to forests. During 2006 the court committee found that only 250 of the 1,738 families had been relocated.

Other Societal Abuses and Discrimination.—The law punishes acts of sodomy, buggery, and bestiality; however, the law was often used to target, harass, and punish lesbian, gay, bisexual, and transgender persons. Human rights groups argued that gay and lesbian rights were not addressed along with other human rights concerns in the country. Gays and lesbians faced discrimination in all areas of society, including family, work, and education. Activists reported that in most cases, homosexuals who did not hide their orientation were fired from their jobs. Homosexuals

also faced physical attacks, rape, and blackmail. Police committed crimes against homosexuals and used the threat of arrest to coerce victims into not reporting the incidents.

Voices Against 377, a high-profile campaign to overturn Section 377, which outlaws homosexuality, led by writers Vikram Seth and Amartya Sen, continued at year's end. In February 2006 the Supreme Court ruled that the Delhi High Court should not have dismissed an earlier case brought by two NGOs on behalf of Seth and Sen and referred the case to the Delhi High Court. There were no further developments regarding this case during the year.

In March a new media outlet based in Kolkata, Ananda Bazar Patrika, reported the attack and killing of apparently effeminate men in Kolkata. No police cases were filed.

There were no developments in the January 2006 arrests of gay men in Lucknow through a sting operation in which police officers posed as gay men on the Internet and, after entrapping one man, forced the individual to call other gay men, also arrested. Several NGOs claimed that the arrests were illegal, that evidence against the men was fabricated, and that the police violated the men's right to privacy.

There were no developments in the January 2006 complaint against two constables of the Azad Maidan police station for using decoys in a train station public toilet to entrap and extort money from gay men. The Azad Maidan police apprehended the two constables and handed them to railway police.

In March the U.N. Development Program (UNDP) released a report on "launda dancers," young men and boys hired to dance in women's clothing at marriage ceremonies and Hindu festivals in Bihar and Uttar Pradesh. Dancers were vulnerable to exploitation by orchestra leaders, who cheated them of earnings or forced them into prostitution. Sexual assault and gang rape by intoxicated clients were frequent and dancers were at high risk of contracting HIV/AIDS. Some laundas had illegal castrations to join the hijra (traditional transvestite) community, but they often suffered from post operation complications for which they could not get government medical care.

Authorities estimated that HIV/AIDS had infected approximately 5.1 million persons, and according to the International Labor Organization (ILO), 70 percent of persons suffering from HIV/AIDS faced discrimination. HRW reported that many doctors refused to treat HIV-positive children and that some schools expelled or segregated them because they or their parents were HIV-positive. Many orphanages and other residential institutions rejected HIV-positive children or denied them housing.

In August state government authorities readmitted five HIV-positive children who were denied education at the Mar Dionysius Lower Primary School Pampady, in the Kottayam District of Kerala. The five students were turned out of school in 2005 under pressure from parents of the other students.

In 2004 a Mumbai High Court ruled that HIV-positive persons could not be fired on the basis of their medical status. However a July 2006 survey by the National Council for Applied Economic Research, the National AIDS Control Organization, and the UNDP revealed that 29 percent of persons living with HIV were refused loans and nearly 30 percent denied promotions. More than 16 percent were forced to resign from their jobs, and 10 percent forced to take voluntary retirement.

Section 6. Worker Rights

a. Right of Association.—The law allows workers to form and join unions of their choice without previous authorization or excessive requirements, and the Government generally respected this right in practice. More than 400 million persons made up the country's active work force, and some 30 million of these workers were employed in the formal sector. The rest were agricultural workers and, to a lesser extent, urban nonindustrial laborers. While some trade unions represented agricultural workers and informal sector workers, most of the country's estimated 13–15 million union members were part of the 30-million-member formal sector. Of these 13–15 million, some 80 percent of the unionized workers were members of unions affiliated with one of the five major trade union centrals.

In practice legal protections of worker rights were effective only for the organized industrial sector. Outside the modern industrial sector, laws were difficult to enforce. The authorities generally prosecuted and punished those persons responsible for intimidation or suppression of legitimate trade union activities when the victims were members of nationally organized unions. Unaffiliated unions were not able, in any instance, to secure for themselves the protections and rights provided by law. Union membership was rare in the informal sector.

The Trade Union Act prohibits discrimination against union members and organizers, and employers were penalized if they discriminated against employees engaged in union activities.

b. The Right to Organize and Bargain Collectively.—The law allows unions to conduct their activities without interference, and the Government protected this right. Collective bargaining is protected by law, but is limited mostly to the private sector. Public service employees have very limited organizing and collective bargaining rights. When parties cannot agree on equitable wages, the Government may establish boards of union, management, and government representatives to make a determination. Although a system of specialized labor courts adjudicates labor disputes, there were long delays and a backlog of unresolved cases. Public service employees have very limited organizing and collective bargaining rights.

Trade unions have a limited right to strike, and workers exercised this right. The Essential Services Maintenance Act allows the Government to ban strikes in government-owned enterprises and requires conciliation or arbitration in specified essential industries; however, the Act is subject to varying interpretations from state to state. State and local authorities occasionally used their power to declare strikes illegal and force adjudication. The Industrial Disputes Act prohibits retribution by employers against employees involved in legal strike actions, and this prohibition was observed in practice.

The Supreme Court upheld a Kerala High Court verdict declaring all general strikes illegal and making organizers of such protests liable for losses caused by the shutdowns. While it is likely that the ruling was introduced to discourage political strikes, unions stated that it remained a potential threat to their activities. In 2004 the Supreme Court declared all strikes by government employees illegal; however, in practice this was not enforced.

The law provides workers in export processing zones (EPZs) the right to join trade unions and bargain collectively, although EPZ workers often did not exercise their full labor rights. The 2001 Trade Union Act designates the EPZs as "public utilities" and requires a 45-day strike notice.

Entry into the EPZs ordinarily was limited to employees, and such entry restrictions applied to union organizers. While workers in the EPZs have the right to organize and to bargain collectively, union activity was rare. In addition, unions did not vigorously pursue efforts to organize private-sector employees in the years since EPZs were established. Most EPZ workers were women. The International Confederation of Free Trade Unions reported that overtime was compulsory in the EPZs, that workers often were employed on temporary contracts with fictitious contractors rather than directly by the company, and that workers feared that complaints about substandard working conditions would result in their dismissal.

c. Prohibition of Forced or Compulsory Labor.—The law prohibits forced or bonded labor, including by children; however, such practices remained widespread. The Bonded Labor System (Abolition) Act prohibits all bonded labor by adults and children. Offenders may be sentenced up to 3 years in prison, but prosecutions were rare. Enforcement of this statute, which was the responsibility of state and local governments, varied from state to state and generally was not effective due to inadequate resources and societal acceptance of bonded or forced labor. On the occasions when inspectors referred violations for prosecution, long court backlogs and inadequate funding for legal counsel frequently resulted in acquittals. NGOs estimated that there were 20–65 million bonded laborers in the country, including a large number of children. According to the Institute for Socio-Economic Development research on bonded labor in Bihar and Uttar Pradesh, the bondage of agricultural laborers was the main form of bondage in these two states. According to NGOs, nonagricultural sectors that had a high incidence of bonded labor were stone quarries, brick kilns, rice factories, jewelry, beedi-making (hand-rolled cigarettes), and carpet weaving.

Members of Scheduled Castes and tribes lived and worked under traditional arrangements of servitude in many areas of the country. In Arunachal Pradesh, the Nishi tribe traditionally subjugated the Sulungs or Puroiks as customary slaves who were not in debt to their masters but whose land and homestead were owned by their masters. Complete eradication of slavery remained difficult due to local customs and landlessness.

The Ministry of Labour and Employment (MOLE) partnered with the National Human Rights Commission and NGOs to investigate allegations of bonded labor. MOLE statistics showed a large decrease in the number of bonded labor cases brought before the courts in recent years, although the extent to which this reflected a decrease in incidents of bonded labor was in doubt. In one February rescue in

Orissa, 26 persons were rescued from bonded labor in a brick kiln, with three of the owners of the kiln arrested.

In May the British Broadcasting Company reported an estimate from a local labor union that 12,000 of the 60,000 people working in silk looms in Kancheepuram district in Tamil Nadu were bonded laborers.

d. Prohibition of Child Labor and Minimum Age for Employment.—The law prohibits forced and bonded child labor; however, the prohibition was not effectively enforced, and forced child labor remained a serious problem. Estimates of the number of child laborers varied widely. The 2001 census recorded 12.66 million working children between the ages of 5 and 14, with 90 percent of child workers hailing from rural areas. The government's 2004 national survey estimated the number of working children in the age group of 5 to 14 at 16.4 million. However, NGOs reported that the number of child laborers was closer to 60 million.

According to 2001 census figures, out of the 226 million children between the ages of 5 and 14, 65.3 million (29 percent) did not receive any formal education. Most, if not all, of the 87 million children not in school did housework, worked on family farms, worked alongside their parents as paid agricultural laborers, or worked as domestic servants. Children worked in the informal sector, often in private homes, with the highest rate (15 percent) in Uttar Pradesh. Social acceptance of the practice, ineffective state and Federal Government enforcement of existing laws, and economic hardships contributed to the continued prevalence of child labor. Children often were sent away to work because their parents could not afford to feed them or to pay off a debt. Officials claimed they were unable to stop this practice because the children were working with their parents' consent. Working conditions often amounted to bonded labor.

According to UNICEF, private companies in Andhra Pradesh reportedly employed 200,000 children in the hybrid seed industry. Most were girls between the ages of 7 and 14 from other parts of the state. The majority were Dalits and members of economically disadvantaged castes and tribal groups forced to work in debt-bondage. They were routinely abused, subjected to dangerous pesticides, and denied access to education.

Human rights organizations estimated that there were as many as 300,000 children working in the carpet industry. There was evidence that child labor was also used in the following industries: Gemstone polishing, leather goods, sari weaving, beadwork, sporting goods, brassware, fireworks, footwear, hand-blown glass bangles, hand-made locks, hand-dipped matches, hand-quarried stones, hand-spun silk thread, hand-loomed silk cloth, hand-made bricks, and beedis (hand-rolled cigarettes). A number of these industries exposed children to hazardous work conditions.

According to UNICEF and Vikasa, a community-based organization in Magadi, the number of children involved in the silk spinning industry dropped to a handful due to competition from China and concerted action by the state government against employers of child labor. The Government of Karnataka, in partnership with UNICEF, continued to monitor the child labor situation and developed a bridge program to enable former child workers to enter the state-sponsored formal education system.

NHRC officials said that implementation of existing child labor laws was inadequate, that administrators were not vigilant, and that children were particularly vulnerable to exploitation. In comparison to the magnitude of the problem, there were fewer prosecutions and convictions under the 1986 Child Labor Act because of administrative lapses and loopholes under the Act's definition of child labor. A child assisting his/her family is exempt from the provisions of the Act, and employers in cottage industries often exploited this to claim that the children were assisting the family.

There is no overall minimum age for child labor; however, work by children under 14 is prohibited in factories, mines, domestic work, roadside eateries, and other hazardous industries. In occupations and processes in which child labor is permitted, work by children was permissible only for 6 hours between 8 a.m. and 7 p.m. with 1 day's rest weekly. Those employers who failed to abide by the law were subject to penalties specified in the Bonded Labor System (Abolition) Act (such as fines and imprisonment) and to disciplinary action at the workplace.

A ruling, effective October 2006, prohibits labor in domestic work and the hospitality industry for children under the age of 14, although child labor in some other nonhazardous industries is legally permissible. In September 2006 the Delhi High Court ordered the central and state governments to develop a plan to eradicate child labor in the capital area.

The law stipulates a penalty for employers of children in hazardous industries of $430 (20,000 rupees) per child employed, and establishes a welfare fund for formerly employed children. The Government is required to find employment for an adult

member of the child's family or pay $108 (5,000 rupees) to the family. According to the South Asian Coalition on Child Servitude, authorities were pursuing over 6,000 cases against employers. NGOs noted that requiring the Government to pay the family of a child laborer or finding the adult family member a job could be a disincentive to investigating crimes. The Government did not effectively implement the 2006 law banning child labor.

The country made moderate progress on child labor over the past year. MOLE began public campaigns to raise awareness and prevent child labor, and conducted videoconferences with states to coordinate efforts. The MOLE, through its 250 National Child Labor Projects, rehabilitated more than 400,000 children after withdrawing them from work situations. In three separate operations in December 2006 and January, Delhi police worked with NGOs and the ILO to rescue a total of 94 children from abusive child labor worksites. Between September and November 2006, New Delhi police rescued 140 children working in zari factories (embroidering or sewing beads and colored threads to fabric) and rice mills, but it was unclear if these children were placed in effective rehabilitation programs. In Maharashtra, a governmental task force freed more than 18,000 children through rescues and voluntary repatriations in the last year and a half, and made 36 slum areas in Mumbai totally child labor free. Spurred by government raids, many employers voluntarily repatriated several thousand child laborers from zari factories, leather workshops, and restaurants. During the year Haryana and Punjab state governments attempted to ban child labor in their districts. In Punjab, an action plan and directions were sent to all district offices and departments in the state to ensure strict compliance. The Haryana government attempted to enforce its ban on child labor and opened 137 integrated child development projects within the state. In November, New Delhi labor officials conducted raids on sweatshops run by subcontractors for garment manufacturer the Gap. More than 100 children were rescued, most under the age of 14.

Despite a ban, child labor continued in Karnataka. Varying sources estimated the number of child workers to be as high as 150,000. The Ministry of Labor continued efforts to eradicate the practice through regular police raids and work with public schools to integrate rescued children into the mainstream. In January 2006 labor inspectors in Mysore, Karnataka, rescued 12 child workers from garages and roadside eateries. Charges were filed against employers, and rescued children were handed over to district child welfare committees for rehabilitation. Three former employers were awaiting trial at year's end.

Bihar is one of India's leading suppliers of children as cheap labor to other states. An estimated 25,000 children from Bihar are trafficked every year for child labor. Destination states are Delhi, Punjab, Uttar Pradesh, Gujarat, Maharastra, and Haryana. Trafficking for other purposes such as prostitution, begging, and organ trading also occurred. Bihar is the only state to establish a State Child Labor Commission. Twenty-five districts implemented National Child Labor Projects. During the year the Department of Labor formed a task force to rescue children from hazardous work and to prosecute guilty employers.

Employers in some industries took steps to combat child labor. The 2,500 members of the Carpet Export Promotion Council (CEPC), a quasi-governmental organization that received funding from the Ministry of Textiles, agreed to bar producers from purchasing hand-knotted carpets knowingly produced with child labor. The CEPC conducted inspections to insure compliance and allowed members voluntarily to use a government-originated label to signify adherence to the code of conduct. However, the CEPC stated that even with its programs, it was impossible to ensure that a carpet had been produced without child labor, given the difficulties of monitoring a decentralized and geographically dispersed industry.

Government authorities cooperated with various intergovernmental organizations and NGOs to rescue child workers and eliminate child labor. In November the Delhi government cooperated with NGO Bachpan Bachao Andolan and rescued 74 child laborers working in zari embroidery units in the Khanpur area of South Delhi. All of the children were from Bihar and most had been trafficked from their villages.

e. Acceptable Conditions of Work.—State government laws set minimum wages, hours of work, and safety and health standards. The Factories Act mandates an 8-hour workday, a 48-hour workweek, and safe working conditions, which include adequate provisions for rest rooms, canteen, medical facilities, and proper ventilation. There was a minimum rest period of 30 minutes after every 4 hours of work and premium pay for overtime as mandated by law. These standards generally were enforced and accepted in the modern industrial sector; however, they were not observed in less economically stable industries or in the vast informal economy, which includes nearly 93 percent of the work force.

Minimum wages varied according to the state and to the sector of industry. Such wages were inadequate to provide a decent standard of living for a worker and family. Most workers employed in units subject to the Factories Act received more than the minimum wage, including mandated bonuses and other benefits. State governments set a separate minimum wage for agricultural workers but did not enforce it effectively. Some industries, such as apparel and footwear, generally did not adhere to a prescribed minimum wage.

The enforcement of safety and health standards also was poor, especially in the informal sector. Industrial accidents continued to occur frequently due to improper enforcement of existing laws. Chemical industries had the highest number of accidents. Workers from scheduled castes and tribes often worked as rag pickers, recycling bits of trash under hazardous and generally deplorable conditions. Workers from these groups also cleaned sewers and drains of human excrement without proper equipment and under extremely unsanitary conditions.

The NHRC called for a report on the condition of tea garden workers in West Bengal, many of whom are women. Media reported in May that 750 workers died in the tea estates in the past year. Owners occasionally abandoned the estates without paying workers their dues, leaving them with no option but starvation and death. According to the media and NGOs, the miserable conditions in the tea estates also contributed to organized trafficking of girls.

Safety conditions were better in the EPZs than in the manufacturing sector outside the EPZs. The law does not provide workers with the right to remove themselves from work situations that endanger health and safety without jeopardizing their continued employment. The country's undocumented foreign workers were not extended basic occupational health and safety protections.

KAZAKHSTAN

The Republic of Kazakhstan, with a population of approximately 15.3 million, has a parliamentary system dominated by President Nazarbayev's Nur Otan Party. According to official results, Nur Otan received 88 percent of the vote in the August 18 national elections for the lower house of Parliament, winning every seat in the chamber. Local and international observers noted some improvements in the electoral process over past national elections but criticized the elections as falling short of a number of international standards, particularly with respect to the legislative framework and the integrity of the vote counting and tabulation process. The Constitution concentrates power in the presidency, permitting the president to control regional and local governments and to exercise significant influence over the legislature and judiciary. Changes or amendments to the Constitution require presidential consent. The civilian authorities generally maintained effective control of the security forces.

There were the following human rights problems: Severe limits on citizens' rights to change their government; military hazing that led to deaths; detainee and prisoner abuse; unhealthy prison conditions; arbitrary arrest and detention; lack of an independent judiciary; restrictions on freedom of speech, the press, assembly, and association; pervasive corruption, especially in law enforcement and the judicial system; prohibitive political party registration requirements; restrictions on the activities of nongovernmental organizations (NGOs); discrimination and violence against women; trafficking in persons; and societal discrimination.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life.—In contrast with the previous year, there were no reports that the Government or its agents committed arbitrary or unlawful killings.

On June 12, a review panel of the Supreme Court rejected an initiative by the victim's families to reopen the investigation into the February 2006 death of opposition leader Altynbek Sarsenbaiuly and two of his associates. Following an investigation and trial in 2006, the Government convicted 10 suspects of the kidnappings and deaths, including five officers of an elite squad of the Committee for National Security (KNB). The Supreme Court upheld the convictions and prison sentences in December 2006. Opposition leaders charged that the killing was politically motivated and sharply criticized the conduct of the investigation and the legal proceedings. The evidence strongly indicated the involvement of all those charged, but the court

failed to investigate thoroughly signs that other parties and high-level government officials may have been involved in instigating or ordering the killings.

Military hazing was a problem that led to deaths, suicides and serious injuries. The Government reported 11 suicides within the military in the first 11 months of the year.

On January 19, two soldiers from an artillery unit in the Gvardeisky settlement in the Zhambyl region beat several younger conscripts. Authorities hospitalized seven conscripts with serious injuries, and conscript Dostan Baisildayev died from his injuries. A court sentenced the attackers to prison for 7 years.

On September 17, Pavlodar-based 19-year-old military conscript Bek Bashirov died after being hospitalized with severe head injuries and brain damage. Upon investigation, authorities charged an older soldier with beating Bashirov; the trial had not begun at year's end.

On August 27, a court convicted four border guards from the Darkhan border guard detachment and sentenced them to terms ranging from 18 months to 8 years as a result of the November 2006 beating of 18 newly arrived conscripts and the death of one in the Saryagash district of South Kazakhstan.

b. Disappearance.—On September 10, the Ministry of Internal Affairs (MIA) concluded after an investigation into the March 30 disappearance of journalist Oralgaisha Zhabaktai-kyzy that it was unrelated to her professional activities. Earlier, media watchdog groups had asserted that her disappearance was connected to her professional activities, specifically her ongoing reporting for the Zakon e Pravosudiye newspaper regarding official corruption, sensitive inter-ethnic clashes, and criminal activity in the Almaty region. There were no other developments in her case at year's end.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Constitution and law prohibit such practices, but police and prison officials at times beat and abused detainees, often to obtain confessions. The procurator general's office (PGO) and the human rights ombudsman acknowledged that torture and other illegal methods of investigation were still used by some law enforcement officers. Human rights and international legal observers noted investigative and prosecutorial practices that overemphasized a defendant's confession of guilt over collecting other types of evidence in building a criminal case against a defendant. Courts generally ignored allegations by defendants that their confessions were obtained by torture or duress.

The ombudsman's office reported 1,684 citizen complaints during the first 11 months of the year, approximately 300 of which were allegations of abuse or misconduct by law enforcement.

In March Kostanay police detained Alexandr Gerasimov and two of his sons for questioning in connection with the killing of their elderly neighbor, according to press reports. The police held Gerasimov overnight, severely beat him, and later hospitalized him for 2 weeks with serious head injuries. On June 21, the head of the regional police released a statement admitting that police officers beat Gerasimov, but later the same official denied that there was sufficient evidence to prove the allegations. The financial police launched an investigation, which remained pending at year's end. On December 5, local human rights activists held a press conference and criticized delays in the investigation.

The MIA reported 105 crimes related to military hazing and abuse of power during the year, compared to 156 in 2006.

A few army personnel continued to subject conscripts to physical and verbal abuse. The Government investigated allegations of conscript hazing and prosecuted soldiers who engaged in this abuse, convicting 18 soldiers during the year. The Ministry of Defense continued ad hoc inspections and required systematic reports from senior officers concerning the hazing situation in their units.

Prison and Detention Center Conditions.—NGOs and international observers reported that prison and detention center conditions declined during the year. Observers cited worsening treatment of inmates and detainees, lack of professional training for administrators, and legislative changes on April 26 that criminalized prisoner protests and self-mutilation. The legislative changes also transferred operation of the parole system from penitentiary officials to the MIA and implemented forced tuberculosis treatment.

Prison conditions remained harsh and facilities did not meet international health standards, although the Government began renovating three prisons and two detention facilities during the year as part of a penitentiary development program. Mistreatment occurred in police cells, pretrial detention facilities, and prisons. The Government took steps to address systemic patterns that encouraged prisoner abuse, including continued operation of and increased access for regional penitentiary over-

sight commissions, training of prison officials, and seminars for MIA police. Authorities did not prosecute any prison officials for abuses during the year, although they opened 21 investigations for corruption, resulting in eight convictions by year's end.

During the first 10 months of the year, 32 detainee deaths, including six suicides, were reported at pretrial detention facilities. The Government reported 40 suicides in prisons during the first 11 months of the year.

Incidents of self-mutilation by inmates to protest prison conditions continued. On April 14, inmates in the Zarechniy prison near Almaty protested prison conditions by cutting their abdomens. The incident was followed by a similar protest on April 17 in the Arkalyk prison in Kostanay. In both cases, authorities hospitalized several prisoners; none of the injuries were life-threatening. Prison officials blamed the disturbances on a struggle for control between prison officials and prison gangs and brought criminal charges against several inmates under new legislation designed to penalize prison protests and self-mutilation.

On May 8, the PGO publicly criticized penitentiary committee officials over the incidents and stated that the protests were caused by the torture and abuse of inmates. The PGO stated there were numerous indications that torture and other prohibited methods were being used in prisons, and that prison officials had covered up additional incidents of self-mutilation in other prisons. Authorities initiated an investigation of prison officials from both prisons, but no prison officials were charged or punished as a result of the incidents.

The Council for Public Oversight conducted internal investigations of abuse allegations and reported directly to the minister of justice. NGOs reported that the regional penitentiary oversight commissions established by law in 2005 actively monitored human rights conditions in prisons. The commissions, which include government, NGO, and academic experts, are generally granted access to the prison system, as is the International Committee for the Red Cross. However, police cells operated by the MIA remained closed to outside observers. During the year the MIA established national and regional oversight councils to monitor some MIA activities, including the operation of police cells, but many observers criticized the councils for lacking independence or any clearly defined authority or power. The human rights ombudsman visited several prisons and pretrial detention centers during the year to monitor conditions, and in some cases issued recommendations to prevent human rights violations in the facilities.

d. Arbitrary Arrest or Detention.—The Constitution and law prohibit arbitrary arrest and detention, but they remained problems.

Role of the Police and Security Apparatus.—The MIA supervises the national police force, which has primary responsibility for internal security, including the investigation and prevention of crimes and administrative offenses and the maintenance of public order and security. The Agency for Combating Economic and Corruption Crimes (financial police) has administrative and criminal investigative powers. The KNB plays a law enforcement role in border security, internal security, antiterrorism efforts, and the investigation and prevention of illegal or unregistered groups such as extremist groups, military groups, political parties, religious groups, and trade unions. The KNB also oversees the external intelligence service, Barlau. The financial police and the KNB report directly to the president.

According to corruption surveys, public perception of police effectiveness was low, and corruption among law enforcement officers was believed to be high. Authorities fired 46 officers for corruption during the first 10 months of the year.

During the year the Government maintained MIA hot lines to receive complaints about police corruption and abuse; there were no available statistics on the number of investigations.

A council for coordination of law enforcement operations is chaired by the procurator general and staffed by heads of other law enforcement agencies. Among many things, it reviews complaints against law enforcement.

The MIA cooperated with NGOs to provide human rights training seminars for police at the local level. The Government cooperated with international organizations to provide limited law enforcement training aimed at decreasing abuse by emphasizing investigative skill development.

Arrest and Detention.—The law provides that courts or procurators must sanction arrests and detentions. On May 21, the Government adopted a constitutional amendment removing the power to sanction arrest from procurators and investing it solely with the judiciary. Legislation to implement this change was pending at year's end. Warrants are required for arrest. Procurators continued to have the power to authorize investigative actions such as searches and seizures. The law allows police to hold a detainee for 72 hours before bringing charges. Human rights observers criticized this time period as too lengthy and said that authorities often

used this detention to exert pressure and extract confessions. A bail system exists but was not widely used, and many individuals remained in pretrial detention until their trial.

Persons detained, arrested, or accused of committing a crime have the right to the assistance of a defense lawyer from the moment of detention, arrest, or accusation; however, police were not required under the law or in practice to inform detainees that they had the right to an attorney. Human rights observers alleged that law enforcement officials dissuaded detainees from seeing an attorney, gathered evidence through preliminary questioning before the person's attorney arrived, and in some cases used corrupt defense attorneys to gather evidence. The law states that the Government must provide an attorney for an indigent suspect or defendant when the suspect is a minor, has physical or mental disabilities, or is facing serious criminal charges. In practice, public defenders were often poorly equipped to assist defendants.

The most recent Baseline Report on Human Rights in Kazakhstan issued by the Presidential Human Rights Commission indicated continuing problems with arbitrary arrest and detention of citizens, prompt access to attorneys for detainees, and the competence of public defenders.

The Government occasionally arrested and detained government opponents and critics, sometimes for minor infractions such as unsanctioned assembly. However, there were no allegations of prolonged detention for political offenses.

e. Denial of Fair Public Trial.—The law does not provide adequately for an independent judiciary. The executive branch limited judicial independence. Procurators enjoyed a quasi-judicial role and were permitted to suspend court decisions.

Corruption was evident at every stage of the judicial process. Although judges were among the most highly paid government employees, lawyers and human rights monitors alleged that judges, procurators, and other officials solicited bribes in exchange for favorable rulings in the majority of criminal cases.

There are three levels in the court system: District, oblast (regional), and the Supreme Court. District courts are the court of first instance in nearly all criminal cases. Regional courts hear cases involving more serious crimes, and may handle cases in rural areas with no local courts. District court decisions may be appealed to the regional courts, and regional court decisions may be appealed to the Supreme Court. There are also military courts. Military courts have jurisdiction over civilian criminal defendants who were alleged to be connected to military personnel undergoing a criminal trial. Military courts use the same criminal code as civilian courts.

The constitutional council rules on election and referendum challenges, interprets the Constitution, and determines the constitutionality of laws adopted by Parliament. Citizens have no right of direct appeal to the constitutional council.

The presidentially appointed High Judicial Council recommends nominees for the Supreme Court to the president, who in turn recommends them to the senate for approval. The council makes recommendations to the president for all lower-level judges, but these appointments are made directly by the president. Judges are appointed for life. The Parliament may remove Supreme Court judges upon recommendation by the president, and the president may remove lower court judges.

Trial Procedures.—Courts began conducting jury trials for aggravated murder cases during the year, pursuant to legislation enacted in 2006. Observers welcomed the introduction of jury trials but noted that the juror selection process was inconsistent, that trial participants lacked knowledge of the new system, and that judges, who deliberate with the jurors, tended to dominate the process. In this initial year, courts conducted 25 jury trials involving 44 defendants; jurors convicted 40 defendants and acquitted four.

Trials were public, except in instances that could compromise state secrets, or to protect the private life or personal family concerns of a citizen. However, there were several reports of journalists and observers being denied access to open court hearings. Defendants in criminal cases have the right to counsel and to a government-provided attorney if they cannot afford one. Under the criminal procedure code, defendants must be represented by an attorney when the defendant is a minor, has mental or physical disabilities, does not speak the language of the court, or faces 10 or more years of imprisonment. In practice defense attorneys reportedly participated in only half of all criminal cases, in part because the Government did not have sufficient funds to pay them. The law also provides defendants the right to be present at their trials, to be heard in court, and to call witnesses for the defense. Defendants enjoy a presumption of innocence, are protected from self-incrimination, and have the right to appeal a decision to a higher court. An Organization for Security and Cooperation in Europe (OSCE) trial monitoring report released on February 23 positively evaluated the legal framework for trials but noted several problems in

practice, including free access to court proceedings, frequent procedural violations, lack of a presumption of innocence, poor explanation of rights to defendants, and the failure of judges to investigate allegations that confessions were extracted through torture or duress. Lack of due process was a problem, particularly in politically motivated trials and in cases where improper political or financial influence was alleged.

Political Prisoners and Detainees.—There were no reports of political prisoners. In contrast to previous years, there were no reports of individuals imprisoned following politically motivated criminal prosecutions based on nonpolitical offenses.

Civil Judicial Procedures and Remedies.—Civil cases are handled by economic and administrative court judges under a court structure that largely mirrors the criminal court structure. The law and Constitution provide for the resolution of civil disputes in court. In practice, observers viewed civil courts as corrupt and unreliable. Observers noted that litigants experienced great difficulty in enforcing judgments, particularly if they did not agree to pay a percentage to the court administrator.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The Constitution and law prohibit such actions; however, the Government at times infringed on these rights.

The law provides procurators with extensive authority to limit citizens' constitutional rights. The KNB, MIA, financial police, and other agencies, with the concurrence of the PGO, may infringe on the secrecy of private communications and financial records, as well as on the inviolability of the home. Courts may hear an appeal on procurators' decisions but cannot issue an immediate injunction to cease the infringement. The criminal procedure code allows wiretapping and recording of communications, including e-mail and electronic communications, without a warrant only in urgent cases.

Government opponents and their family members continued to report that the Government monitored occasionally their movements and telephone calls.

Although the Constitution provides that housing shall be inviolable and that the Government may not deprive citizens of their housing without a court order, media and human rights activists continued to report cases of citizens being pressured or forced to leave their homes without due process, often in connection with planned new developments. On October 5, the Almaty city court convicted 25 residents of the Shanyrak district for their participation in a violent July 2006 conflict with police over the planned demolition of homes that authorities considered illegal. Four leaders of the uprising received prison sentences of 14 to 18 years, one defendant was acquitted, and the remaining defendants received 1- to 3-year suspended sentences. The defendants' appeal to the Supreme Court was pending at year's end. In August 2006 the procurator general issued an order suspending demolition of housing in Shanyrak and authorities agreed to allow residents time to appeal for legalization of their property. However, the order suspending demolitions expired during the year, and all attempts by residents to legalize their property were unsuccessful. Despite their uncertain legal status, residents continued to live in their houses through the end of the year.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution and the law provide for freedom of speech and of the press; however, the Government used a variety of means, including laws, harassment, licensing regulations, Internet restrictions, and criminal and administrative charges to control the media and limit freedom of expression. Judicial actions against journalists and media outlets, including civil and criminal libel suits filed by government officials, contributed to suspension of media outlets and self-censorship.

The Government limited individuals' ability to criticize the country's leadership, and regional leaders attempted to limit local media outlets' criticism of them. The law prohibits insulting the president and other senior officials. The Government continued to characterize the distribution of pamphlets by Hizb ut-Tahrir (HT), a banned extremist political organization, as incitement for political and terrorist purposes and beyond the bounds of constitutionally protected free speech.

According to government statistics, approximately 20 percent of the 2,544 media outlets were government-owned. The overwhelming majority of broadcast media not owned by the government, including the larger outlets, were nonetheless owned by holding companies believed to be controlled by members of the president's family or loyal associates. Many privately owned newspapers and television stations received government subsidies. The Government controlled nearly all broadcast transmission facilities. Media observers believed that most of the seven nationwide television

broadcasters were wholly or partly owned by the Government. Regional governments owned several frequencies; independent broadcasters arranged to use the majority of these.

All media were required to register with the Ministry of Culture and Information, although Web sites were exempt from this requirement.

The licensing system is not transparent. The Government conducted a tender for new licenses on January 15, but media watchdogs charged that the Government determined in advance that the results of the tender and awarded all new television frequencies to companies favored by the Government.

The law limits the rebroadcast of foreign-produced programming to 20 percent of a station's total airtime. This provision burdened smaller, less-developed regional television stations that lacked resources to develop their own programs, although the Government did not sanction any media outlet under this provision.

Harassment of and violence against journalists remained problems. Press advocacy NGO Adil Soz reported 144 incidents of harassment and violence against journalists during the first 11 months of the year, compared to 122 such incidents during the first 11 months of the previous year. Journalists covering organized crime and corruption reported harassment and intimidation by government officials and private actors.

On January 11, the economic court in Uralsk ruled that the Ural'skaya Nedelya newspaper must pay $2,350 (300,000 tenge) in moral damages to a local company for alleging that the company used government funds for an unauthorized project. In addition, a succession of local printing companies canceled printing contracts or refused to print the paper, citing pressure from local government officials. The newspaper's editor and national and international media watchdog groups alleged that local authorities waged a campaign of intimidation and harassment against the newspaper in response to its reporting on local corruption. The Government pressure forced the newspaper to use a printer in Atyrau, 500 kilometers distant. In June media watchdog groups reported that authorities pressured local businesses to cancel their advertising contracts with the newspaper, which still published at year's end.

On February 26, an appeals court rejected the appeal of opposition journalist Kazis Toguzbayev. After the Almaty KNB filed two lawsuits against Toguzbayev in June and August 2006, the Bostandyk district court in Almaty convicted Toguzbayev of insulting the president's dignity and honor and gave him a 2-year suspended sentence with a 2-year probation period.

On April 5, the PGO publicly warned media outlets not to characterize a recent violent clash outside of Almaty as an ethnic dispute, although the fight, which resulted in five deaths, was between ethnic Kazakhs and Chechens. Authorities insisted that the fight was a simple criminal matter not motivated by ethnic animosity; the PGO stated that reporting to the contrary violated prohibitions against provoking ethnic hatred and discord and could be criminally prosecuted.

On May 24, the Government suspended the national KTK television channel and Karavan newspaper for various alleged violations of the law. Rakhat Aliyev, a powerful political figure and then son-in-law of President Nazarbayev, controlled these outlets; just prior to the suspension, the Government announced a criminal investigation of Aliyev and began seeking his extradition from Austria. The Government allowed the media outlets to resume broadcasting and publishing after agreeing not to cover the Aliyev investigation. During the investigation the Government relieved Aliyev of his ownership of the media outlets.

On July 7, the Saryarka district court in Astana rejected a libel case by Vremya newspaper against Minister of Culture and Information Yermukhamet Yertysbayev, who had called Vremya journalists "scoundrels, crooks and swindlers" in a March 9 interview. On the same day, the district court partially satisfied the minister's counter libel claim against the newspaper, which was based on a June 28 article urging the minister to recall that "he is in charge of not only the information, but the culture as well." The court ordered Vremya to pay $41 in damages (5,000 tenge). On September 15, the Astana city court upheld the lower court decision, explaining that Yertysbayev's statements were "his personal critical opinion of a speculative nature" and "were not directed toward specific people."

In July the national Khabar television station refused to air a series of hard-hitting campaign commercials produced by the opposition National Social Democratic Party (NSDP), citing the party's failure to obtain written consent from all of the individuals appearing in the ads. On July 21, the NSDP accused the Government of unlawfully blocking the commercials and lodged a formal complaint with the Central Electoral Commission (CEC). The CEC media complaints body and an expert group from the Ministry of Justice (MOJ) concluded that the ads were unlawful be-

cause they could incite social tension. The NSDP advertisements were never shown, although the party was able to air different campaign commercials.

In contrast to previous election years, the Government made no attempt to seize or block opposition newspapers during the campaign, and newspapers were permitted to cover freely the parliamentary election campaign, including opposition parties.

On October 30, law enforcement officials began tax and regulatory investigations against four opposition newspapers (Svoboda Slova, Respublika, Tas Zhargan, and Vzglyad), and printing companies for several of the newspapers refused to continue printing the newspapers. Newspaper representatives accused the Government of harassing them in connection with their reporting on the scandal surrounding former presidential son-in-law Rakhat Aliyev and their publication of transcripts of telephone conversations between high-level government officials, which some observers speculated came from Aliyev. Minister of Culture and Information Yertysbayev met with several opposition media representatives on November 1 and, according to press reports, demanded that they cease publication of all materials from Aliyev if they wished to continue publishing. Shortly thereafter, the Government ended its investigation of the newspapers, and they resumed publication.

There were no reports of forced outlet closures under the restrictive media law enacted in July 2006. Included in the amendment to the media law were tightened government control, requiring media owners to re-register upon any change in editor, address, or frequency of publishing; a ban on those convicted of libel from holding a managing editor position at another media outlet; prohibition on registering an outlet under a name similar to one that was shut down by court action; and imposition of fines against broadcasters for failing to offer the required 50–50 mix of Kazakh and Russian language programming time.

There were no developments in the April 2006 beating of Aina Plyus journalist Kenzhegali Aitbakiyev, an attack allegedly connected to the paper's reporting on Kazakhgate, an old bribery scandal involving possible illicit payments from foreign companies to senior government officials, including President Nazarbayev.

There were no developments in the 2005 vandalization of the Region Plus newspaper office in Kapchagay. The paper's staff believed the attack to be a response to its reporting.

The law enables the Government to restrict media content under amendments that prohibit undermining state security or advocating class, social, race, national, or religious superiority, or cruelty and violence. Owners, editors, distributors, and journalists may be held civilly and criminally responsible for content, regardless of the source of information, unless it came from an official source. The Government used this provision to limit freedom of the press. The law prohibits publication of any statement that promotes or glorifies "extremism," a term that international legal experts considered vague and necessary for the Government to define.

The Government subjected media outlets willing to criticize the president directly to intimidation such as law enforcement actions or civil suits. While these events continued to cast a chilling effect on all media outlets, criticism of government policies continued.

The law on state secrets makes it a criminal offense to release information about the health, finances, or private life of the president, as well as economic information such as mineral reserves and government debt owed to foreign creditors. To avoid possible legal problems media outlets often practiced self-censorship regarding information on the president or his family.

Criminal libel suits could be initiated by private parties on behalf of the government, and an individual filing such a suit would be able to file a civil suit as well, based upon the same allegations. Officials used the law's restrictive libel and defamation provisions to constrain media outlets from publishing unflattering information. Both the criminal and civil codes contain articles establishing broad libel liability. The fact that owners, editors, distributors, publishing houses, and journalists were held responsible for proving the veracity of published information regardless of its source, promoted self-censorship at each level. At times fines for libel were exorbitant.

Internet Freedom.—There were no formal government restrictions on access to the Internet, but observers reported that the Government monitored e-mail and Internet activity, blocked or slowed access to opposition Web sites, and planted progovernment propaganda in Internet chat rooms. The country's only Internet service providers, state-owned Kaztelecom and privately owned Nursat, were regulated by the state. Nevertheless, Web sites expressed a wide variety of views, including viewpoints critical of the Government. According to government statistics, there are 600,000 regular Internet users in the country (4 percent of the population). Internet

users were primarily urban-based. In February Kaztelecom cut some Internet tariffs in a move the Government claimed was an effort to increase Internet access.

The Agency for Information and Communication (AIC) controlled the registration of .kz domains. The AIC may suspend or revoke registration for failure to locate servers in the country. Observers criticized the registration process as unduly restrictive and vulnerable to abuse.

In June the NGO Kazakhstan International Bureau for Human Rights and Rule of Law (KIBHR) reported that servers based in Russia, the Kyrgyz Republic, and Kazakhstan attacked its Web site in coordinated fashion. The attack shut down the NGO's Web site for several months and occurred shortly after President Nazarbayev announced new parliamentary elections. The Web site remained disrupted during the August Parliamentary elections. Bureau leaders believed the attack was the Government's effort to silence potential criticism prior to the election and prevent viewers from researching the country's human rights situation.

On August 16, KNB agents arrested and charged self-described writer and political analyst Nurlan Alimbekov with inciting religious and ethnic hatred and insulting the president, basing their charges on e-mails sent by Alimbekov. A KNB spokesman said the Government did not violate privacy laws in obtaining the e-mails because Alimbekov sent them to multiple parties, including foreign diplomatic representatives, and they were eventually forwarded to the Government. Alimbekov awaited trial at year's end.

On October 24, media watchdog group Adil Soz and two independent Web publishers alleged that the Government blocked four opposition-oriented Web sites in connection with their publication of audio recordings and transcripts of telephone conversations between high-level government officials. The Web sites became inaccessible in mid-October, although three of the four sites remained accessible through servers based outside of the country. Minister of Culture and Information Yertysbayev denied any government involvement in the case, and the Government invited representatives from some of the Web sites to a November 1 meeting with Yertysbayev. All sites but one became fully accessible shortly after the meeting.

Academic Freedom and Cultural Events.—The Government generally did not restrict academic freedom, although academics, like all citizens, were prohibited from infringing on the dignity and honor of the president.

b. Freedom of Peaceful Assembly and Association.

Freedom of Assembly.—The law provides for limited freedom of assembly; however, there were significant restrictions on this right in practice, and police used force to disrupt peaceful demonstrations. The law defines unsanctioned gatherings, public meetings, marches, demonstrations, illegal picketing, and strikes that upset social and political stability as national security threats.

Under the laws governing public assembly, organizations must apply to the local authorities for a permit to hold a demonstration or public meeting at least 10 days in advance, or the activity is considered illegal. Opposition and human rights monitors complained that complicated and vague procedures and the 10-day notification period made it difficult for groups to organize public meetings and demonstrations and reported that local authorities turned down most applications for demonstrations. The most recent Baseline Report on Human Rights in Kazakhstan acknowledged that the laws governing public assembly were vague and open to subjective application and agreed that they fell short of international standards. Authorities often detained briefly and fined organizers of unsanctioned gatherings, including political party gatherings.

Authorities dispersed several gatherings organized in protest of the new constitutional amendments. On May 24, approximately 30 citizens held an unsanctioned rally in Almaty's central square, and authorities arrested and fined opposition journalist Sergei Duvanov; on May 29, authorities detained briefly journalist Yekaterina Belyayeva for holding a sign with the words "The Constitutional Amendments—the Road to Totalitarianism;" on June 8, authorities arrested several members of the Socialist Resistance youth movement for holding an unsanctioned gathering mocking the government, the Nur Otan party, and the new constitutional amendments.

Freedom of Association.—The law provides for limited freedom of association; however, there were significant restrictions on this right in practice. Any public organization set up by citizens, including religious groups, must be registered with the MOJ, as well as with MOJ branches in every region in which the organization conducts activities. The law requires public or religious associations to specifically define their activities, and associations that act outside the scope of their charter may be warned, fined, suspended, or ultimately banned. Participation in unregistered public organizations may result in administrative or criminal liability, such as fines, dissolution, probation, or imprisonment.

The prohibition on unregistered organizations often provided a pretext for authorities to interfere with the activities of organizations. Membership organizations, including religious groups, must have 10 members to register at the local level and must have branches in over half of the regions for national registration. Political parties and labor unions were considered membership organizations but had additional specific registration requirements. The law requires political parties to have 50,000 signatures, including 700 in each region, and prohibits parties established on an ethnic, gender or religious basis. The law prohibits members of the armed forces, employees of national security and law enforcement organizations and judges from participating in trade unions or political parties.

NGOs reported that the registration process was fairly regularized, although corruption in the registration process was common. NGOs involved in human rights advocacy and political activities faced greater administrative delays and obstacles, although there were no reports that the Government denied registration or shut down organizations.

The February 2005 extremism law criminalizes membership in certain prohibited organizations. HT was the only one banned under this law. Although it maintained that it was committed to nonviolence, HT promoted hate and praised acts of terrorism. The party's virulently anti-Semitic and anti-Western literature called for the overthrow of secular governments, including those in Central Asia, to be replaced with a worldwide Islamic government.

c. Freedom of Religion.—The Constitution and law provide for freedom of religion, and the various religious groups worshiped largely without government interference; however, local and regional officials attempted on occasion to limit or control the practice of religion by several groups, especially religious communities defined as "nontraditional" by the Government. The Constitution defines the country as a secular state and provides the right to decline religious affiliation. The Government continued to express publicly its support for religious tolerance and diversity.

The generally amicable relationship among religions in society contributed to religious freedom. The country is multiethnic, with a long tradition of tolerance and secularism. In particular, Muslim, Russian Orthodox, Roman Catholic, and Jewish leaders reported high levels of acceptance in society. The population, particularly in rural areas, is sometimes wary of religions deemed to be "nontraditional" by the Government. The number of registered religious groups and places of worship increased during the year for virtually all religious groups, including for minority and nontraditional groups.

The religion laws narrow the legal protections for religious freedom found in the Constitution. Under the law, religious groups must register both with the Government and in the individual regions in which they have congregations. Missionaries must register annually and be sponsored by a registered religious organization. All supporting materials must be provided with the registration applications; use of materials not vetted during the registration process is illegal. Only registered organizations may act as a legal entity to buy or rent real property, hire employees, or engage in other legal transactions.

In practice most religious communities chose to register with the Government and were ultimately successful in obtaining registration. Nontraditional religious groups sometimes reported long delays in the process. Unregistered religious groups reported an increase in court actions against them and an increase in the level of fines imposed for nonregistration. Some religious groups also criticized the intrusive nature of the registration process, which required them to provide information about ethnicity, family status, religious education, employment, and political affiliation.

The Baptist Council of Churches has a policy of not seeking or accepting registration in former Soviet countries. During the reporting period the Council of Churches noted several court cases against churchgoers for participating in the activities of an unregistered group. Council of Churches members usually refused to pay fines levied by courts for nonregistration. Church members reported that, unlike previous years, courts began enforcing payment of fines in a few cases, including by seizing property and garnishing wages. In one case authorities imposed a 3-day jail sentence against a pastor in the city of Shymkent.

In February Northern Kazakhstan Oblast (region) authorities conducted a preventative sweep entitled "Operation Religious Extremism" that resulted in the arrest of eight pastors and church leaders for violating religious registration laws. The authorities claimed the operation was part of a larger Commonwealth of Independent States (CIS)-wide program to combat terrorism and violent extremism. In most of the cases, the Government fined the largely Baptist and evangelical Christian church leaders.

The national Jehovah's Witnesses Religious Center reported that it had generally positive relations with the National Government and the freedom to conduct their

activities. However, the group attempted unsuccessfully, as it had since 2001, to register in Atyrau Oblast. The Atyrau regional procurator's office maintained that the group had failed to comply with registration laws, and the Government did not allow the group to register. On May 6, Atyrau police and procurators disrupted a gathering of Jehovah's Witnesses, videotaping participants and seizing worship materials. The Atyrau group remained unregistered at the end of the year.

During the year Jehovah's Witness centers continued to report government interference in their gatherings, such as on April 2 when landlords withdrew permission for religious ceremonies in several cities; however, the Jehovah's Witnesses were able to hold their ceremonies in other locations.

The Karasai government near Almaty continued a campaign to seize title to land used by the Hare Krishna movement. On June 15, Karasai officials destroyed 12 homes at the Hare Krishna compound, damaging many possessions and leaving the residents homeless. The government-organized demolitions occurred despite promises by officials to resolve the situation through dialogue, including a possible agreement to provide the Hare Krishnas with an alternate property. At year's end the Hare Krishnas continued to allege unresponsiveness on the part of the government, although the Government characterized the issue as a property dispute.

Observers believed that security officials informally monitored some religious activity, particularly Muslim imams' sermons; however, there were no reports that any monitoring manifested itself in interference or harassment.

Societal Abuses and Discrimination.—During the reporting period, the MOJ distributed a brochure designed to help citizens "avoid the influence" of religious sects. The Kazakh language portion of the text specifically warned against Jehovah's Witnesses, Baptists, Ahmadis, and HT. The Jehovah's Witnesses objected to the brochure after learning that public school teachers in the Pavlodar region distributed it to their students in October 2006. The Religious Issues Committee (RIC) in the MOJ reported that the brochure was produced by another section of the MOJ without the RIC's authorization and was no longer in production.

There were no reports of anti-Semitic acts apart from the distribution of anti-Semitic literature by HT. Leaders of the Jewish community reported no cases of anti-Semitism either by the Government or in society.

For a more detailed discussion, see the 2007 International Religious Freedom Report.

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons.—The law provides for these rights, but there were some regulatory restrictions. The Government required citizens and foreigners in the country for more than 5 days to register with the migration police. Foreigners entering the country may register at certain border posts. Registration in most of the country generally was routine; nonetheless, some foreign citizens reported that local authorities regularly requested bribes before completing registration. During the year the MIA deported over 15,000 foreigners for gross violations of the rules of stay; all but 1,000 of the foreigners were citizens of the CIS.

The Government required persons who were suspects in criminal investigations to sign statements that they would not leave their place of residence, and detained individuals routinely for identity checks without suspicion of a criminal offense.

Although the Government did not require exit visas for temporary travel of citizens, there were certain instances in which exit from the country could be denied, including for travelers subject to pending criminal or civil legal proceedings, unserved prison sentences, or compulsory military duty. Travelers who presented false documentation during the exit process could be denied exit, and authorities controlled travel by active-duty military. The law on national security requires that persons who had access to state secrets obtain permission from their employing government agency for temporary exit from the country.

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

The law provides for the right to emigrate and the right to repatriate, and the Government generally respected these rights in practice. An exception is the law on national security, which prohibits persons who had access to state secrets from taking up permanent residence abroad for 5 years after leaving government service. The Government required a permanent exit visa for emigration; obtaining this visa required criminal checks, credit checks, and letters from parents and any dependents expressing no objection to exit visa issuance.

The authorities required foreigners to obtain prior permission to travel to certain border areas with China and cities in close proximity to military installations. The Government continued to declare particular areas closed to foreigners due to their proximity to military bases and the space launch center at Baikonur. In practice foreigners could visit these areas with prior permission from the MIA.

Protection of Refugees.—The law provides for the granting of asylum or refugee status in accordance with the 1951 U.N. Convention relating to the Status of Refugees and its 1967 protocol, but the Government has not established a system for providing protection to refugees. The absence of legislation to implement fully the convention allowed for the selective treatment of refugees, and left many aspects of refugee status unclear, such as whether refugees have a right to work. In practice the Government usually provided some protection against refoulement, the return of persons to a country where there is reason to believe they feared persecution. As in 2006, the Government did not forcibly return any refugees to Uzbekistan during the year.

The Government generally registered asylum seekers and determined their status, in consultation with the United Nations High Commissioner for Refugees (UNHCR) with the exceptions of citizens from the CIS countries or China. Only the president can grant political asylum, and he did not do so during the year. In some cases, the Government allowed asylum seekers and refugees to stay in the country while the UNHCR found third countries that would accept them. Although the Government did register refugees already present in the country, it did not accept any refugees for resettlement. The Government also provided temporary protection to individuals, including some Afghan refugees who may not qualify as refugees under the 1951 convention and the 1967 protocol.

In practice the Government does not grant refugee or asylum status to citizens of CIS countries or China. The Government maintains that citizens of CIS countries cannot by definition need refugee status because of the freedom of movement provided by the visa-free regime in the CIS. CIS citizens are processed under migration laws that give them some renewable temporary status, although not the full protection of refugee status. Citizens from China are not granted any legal status, but they are tolerated informally. Activists reported that, in practice, many refugees from CIS countries and China did not seek formal status. Those who sought protection from UNHCR generally had access to such processes, and the Government generally respected UNHCR refugee certificates.

During the year the UNHCR reported generally good cooperation from the Government in assisting refugees and asylum seekers. The Government usually allowed the UNHCR access to detained foreigners to determine if they qualified for refugee status. The Government was generally tolerant in its treatment of local refugee populations, except for a few citizens from former Soviet republics. The Government often did not allow refugees without passports or those who had entered the country illegally to register, although the UNHCR intervened on behalf of UNHCR mandate asylum seekers.

The Committee on Migration in the Ministry of Labor continued to work with the UNHCR and a local NGO, Kazakhstan Refugee Legal Support, in reviewing refugee claims. Consistent with the Minsk Convention on Migration within the CIS, the Government did not recognize Chechens as refugees. Chechens are eligible for temporary legal resident status up to 180 days, like any other CIS citizen. This temporary registration is renewable, but local migration officials have discretion over the renewal process. In some cases, they solicited bribes, exploiting the vulnerability of Chechens arising from their inability to return safely to Chechnya. The Government had an agreement with China not to tolerate the presence of ethnic separatists from one country on the territory of the other. Human rights monitors remained concerned with the impact of this agreement on Uighers from China living in the country, and there were reports of the Government forcibly returning Uighers to China during the year.

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

The Constitution and law provide for a democratic government with universal suffrage for those over 18 years of age; in practice the Government severely limited the right of citizens to change their government.

Although the May 21 constitutional amendments increased legislative authority in some spheres, the Constitution continues to concentrate power in the presidency, granting the president considerable control over the legislature, judiciary, and local government. The president appoints and dismisses most high-level government officials, including the prime minister, the Cabinet, the procurator general, the KNB chief, Supreme Court and lower-level judges, regional governors, and the chairman and two members of the CEC, who oversee presidential and parliamentary elections. The lower house of Parliament must confirm the president's choice of prime minister, and the senate must confirm the president's choice of procurator general, chairperson of the KNB, Supreme Court judges, and chairperson of the national bank. The Parliament has never failed to confirm a presidential nomination. Modi-

fying or amending the Constitution effectively requires the president's consent. The May 21 constitutional amendments exempted President Nazarbayev from the two-term limit on presidential terms.

Elections and Political Participation.—On June 20, President Nazarbayev dissolved the lower house of Parliament and called new elections. The elections were intended to implement fully the recent constitutional changes to the political system, including the expansion of the Parliament.

The election for a new Parliament occurred on August 18. President Nazarbayev's Nur Otan party received 88 percent of the vote according to official results, winning every seat in the chamber. No other party received the necessary 7 percent of the vote to obtain parliamentary seats.

The OSCE assessment noted several areas of improvement over the conduct of previous national elections, including that multiple parties were allowed to participate in the election, the CEC acted with increased transparency and corrected voting-process deficiencies noted in prior elections, parties enjoyed greater freedom to campaign and better access to the media, and the voting process ran smoothly on election day. The CEC cooperated with the OSCE and other observer missions and accredited a large number of foreign observers.

However, the assessment criticized a number of legal provisions related to the election, including excessive requirements for registration of political parties, limitations on the right to seek public office such as 10-year residency and a party membership requirements, and a provision allowing the Assembly of People of Kazakhstan—an unelected body whose membership is appointed by President Nazarbayev—to choose nine of the 107 members of the lower chamber. In addition, the assessment noted that local authorities and the state media treated the Nur Otan party favorably and that there were few opposition representatives on election commissions. Finally, the assessment concluded that the vote counting process was not transparent, and observers noted a wide range of irregularities. Opposition leaders said that the campaign environment was better than in previous years, although they reported government interference with their campaigns, including insufficient access to advertising space and unequal access to media and public meeting venues.

The OSCE noted that in general previous OSCE recommendations regarding the legislative framework were not addressed by the new constitutional and legislative amendments. The Government maintained that OSCE recommendations were still under legislative consideration, but the process was interrupted by the early elections. In December 2006 the Government rescinded the ban on public meetings between the end of the campaign period and the publication of final results, pursuant to an OSCE recommendation.

Compared to prior elections, political parties filed relatively few complaints of electoral violations during the pre-election campaign. Following the election, opposition leaders filed approximately 400 court cases related to alleged violations on election day, petitions to invalidate election results, or complaints about the activity of election commissions. The courts dismissed or denied all of the lawsuits, with the exception of a few cases in which they partially upheld the complaints.

President Nazarbayev's Nur Otan Party dominated political life. There was only one opposition member in Parliament prior to its dissolution in June; after the August 18 elections, there were none. Pursuant to the May 21 constitutional amendments, the Government conducted parliamentary elections solely on a proportional representation/party list system, with voters choosing a party rather than an individual candidate. All registered parties that sought to compete in the August 18 elections were permitted to do so. The new system makes no provision for independent candidates. Political parties must register members' personal information, including date and place of birth, address, and place of employment. This requirement discouraged many citizens from joining political parties. There were credible allegations that persons entering government service were pressured to join the Nur Otan party.

At year's end there were eight registered political parties, including opposition parties Ak Zhol, True Ak Zhol, the National Social Democratic Party, and the Communist Party of Kazakhstan.

In order to register, a political party must hold a founding congress with minimum attendance of 1,000 delegates from two thirds of the oblasts and the cities of Astana and Almaty. Additionally, parties must obtain 50,000 verified signatures with at least 700 from each oblast and the cities of Astana and Almaty; registration from the CEC; and registration from each oblast-level election commission. The MOJ maintained that even if the number of signatures exceeded the required 50,000, a single error would be grounds for rejecting an application. At year's end registrations were pending for the opposition Alga and Atameken parties, although both parties submitted their applications in 2006. In response to criticism about the

non-registration of Alga and Atameken, the Government maintained that it was investigating numerous complaints from citizens about being added to the party lists without their consent.

The law prohibits parties established on an ethnic, gender, or religious basis.

True Ak Zhol co-chairman Bulat Abilov remained ineligible to register as an electoral candidate as the result of his July 2006 conviction by the Temirtau City Court for attacking a police lieutenant and insulting a government official during the 2005 presidential election. Abilov and his supporters claimed the charges were politically motivated. In a separate case, authorities charged him with fraud and tax evasion in connection with earlier business activities. He was not permitted to leave the country during the investigations. The trial began in December 2006 and was delayed and adjourned multiple times until August 27, when the court returned the case to procurators for additional investigation. Abilov's lawyers stated that the court failed to find evidence of any crime. The trial had not resumed at year's end.

There were two women in the 47-seat senate and 17 women in the 107-member lower house of Parliament. There was one woman in the Cabinet. Traditional attitudes sometimes hindered women from holding high office or playing active roles in political life, although there were no legal restrictions on the participation of women and minorities in politics. There were 10 non-Kazakhs in the senate, and 24 in the lower house of Parliament. There was one non-Kazakh Cabinet member. Under the May 21 constitutional amendments, the Assembly of People of Kazakhstan, the presidentially selected advisory body designed to represent the interests of national minorities, was empowered to choose nine members of the lower house of Parliament. In addition, the president gained the ability to appoint 15 members of the senate, with the requirement that the appointments help facilitate representation of different ethnic and cultural groups.

Government Corruption and Transparency.—The law provides criminal penalties for official corruption; however, the Government did not implement the law effectively, and officials frequently engaged in corrupt practices with impunity. Corruption was widespread, including in the executive branch, various law enforcement agencies, local government administrations, the education system, and the judiciary. The MIA, financial police, KNB, and Disciplinary State Service Commission are responsible for combating corruption. Opposition leaders and human rights NGOs accused the Government of rampant corruption. According to the World Bank's Worldwide Governance Indicators, corruption in the country was a severe problem.

The Government took some measures to address corruption and increased its attention to the problem through educational and public awareness efforts. President Nazarbayev publicly deplored corruption and encouraged the media to report it. The financial police and KNB conduct most corruption investigations under the supervision of the PGO.

Lower and middle-ranking officials and minor political figures were penalized on corruption charges. The National Security Committee disclosed 657 corruption-related crimes during the year, and reported that over 460 government officials were convicted of corruption crimes. On November 1, President Nazarbayev dismissed the minister of emergency situations and several lower-ranked government officials for their alleged involvement in the illegal sale of land plots in environmentally protected areas in Almaty.

The law mandates the government, public associations, officials, and media outlets provide citizens with information that affects their rights and interests; in practice, citizens' requests for information were not fulfilled in a timely manner.

Although Parliament published several draft laws, some parliamentary debates, and occasionally its voting record, many parliamentary activities remained outside public view. Accredited journalists and representatives of public associations may observe some parliamentary sessions via video link from a separate room. Transcripts of parliamentary sessions are not available to the public. Parliament closed to the public and the media its discussion of controversial legislation during the year.

Section 4. Governmental Attitudes Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A number of domestic and international human rights groups generally operated effectively, with relative freedom to investigate and publish their findings on human rights cases; however, the Government restricted certain activities of most domestic and international human rights NGOs. International human rights groups reported that the Government continued to monitor the work of NGOs that worked on sensitive issues and noted harassment, including police visits and surveillance of NGO offices and personnel.

KIBHR, the Almaty Helsinki Commission, the Republican Network of Independent Monitors, the Charter for Human Rights, Penal Reform International, and Adil Soz were among the most active local human rights NGOs and occasionally faced difficulties in registration and acquiring office space and technical facilities, confronted audits, and bore various legal constraints. The Government subjected employees of local human rights NGOs to harassment and intimidation. Nonetheless, the Government worked cooperatively with human rights NGOs on some problems and on occasion invited the NGOs to participate in government commissions and projects.

In general the Government did not prevent international NGOs and multilateral institutions dealing with human rights from visiting the country and meeting with local human rights groups and government officials. The Government cooperated with the OSCE and its field mission. The United Nations, International Organization for Migration, and International Red Crescent Society also operated freely in the country.

On August 17, the MOJ authorized the resumption of nonpartisan political party training activities conducted by certain specified NGOs, although by year's end activities had not yet resumed. In 2006 the PGO suspended NGO political party building activities on the basis that they were not in accord with Kazakhstan's Constitution.

National security laws prohibit foreigners, international organizations, NGOs, and other nonprofit organizations from engaging in political activities. The law stipulates that a noncommercial organization must provide information to the tax authorities on its founders, activities, and foreign sources of funding, as well as income, property, expenses, and employee records. International organizations are prohibited from funding unregistered entities.

The Presidential Commission on Human Rights is a consultative and advisory body that includes members from the public appointed by the president. The commission reviews and investigates complaints, issues recommendations, monitors fulfillment of international human rights conventions, and publishes annual human rights reports. The commission does not have legal authority to remedy human rights violations or implement its recommendations. On September 20, the commission released a Baseline Report on Human Rights in Kazakhstan, which focused primarily on the legal framework for human rights in the country and whether it complies with international standards. The report contains numerous recommendations for the Government and provided criticism in some areas.

The presidentially appointed human rights ombudsman investigates complaints by citizens of violations of their rights by state agencies, although the ombudsman is not authorized to investigate complaints concerning the president, heads of government agencies, Parliament, the Cabinet, constitutional council, procurator general, CEC, or courts. The ombudsman's office has the authority to appeal to the president, Cabinet, or Parliament to resolve citizens' complaints, to cooperate with international human rights organizations and NGOs, to meet with government officials concerning human rights violations, to access certain facilities such as military units and prisons, and to publicize results of investigations in the media. The ombudsman also publishes an annual human rights report. During the year the ombudsman occasionally briefed the press and issued reports discussing complaints investigated. The ombudsman received 1,684 complaints during the first 11 months of the year but did not report statistics on the number of cases in which the victims' rights were restored. Many of the complaints concerned court rulings over which the ombudsman had no jurisdiction.

Domestic human rights observers noted that while government human rights investigators did some laudable work, particularly with less controversial social problems and issues involving lower-level elements of the bureaucracy, the ombudsman's office and the human rights commission were limited in their ability to stop human rights abuses or punish perpetrators. In addition, observers noted that the commission and the ombudsman avoided addressing underlying structural problems that led to human rights violations.

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

The law prohibits discrimination based on race, gender, disability, language, or social status; however, the Government did not enforce this effectively. Violence against women, trafficking in persons, and discrimination against persons with disabilities, homosexuals, and non-ethnic Kazakhs in government were problems.

Women.—Violence against women, including domestic violence, was a problem. There is no specific domestic violence law, but it can be addressed under assault and battery provisions of the criminal code. The maximum sentence for spousal assault and battery is 10 years in prison, the same as for any beating.

Police reviewed 12,764 domestic violence complaints and opened 1,357 criminal investigations during the year. NGOs reported that the actual number of domestic abuse crimes far exceeded the number of cases reported to police.

Police intervened in family disputes only when they believed that the abuse was life threatening. According to estimates offered by NGOs, the police investigated perhaps 10 percent of such cases.

NGOs reported that women often withdrew their complaints as a result of economic insecurity. When victims pressed charges for domestic violence or spousal rape, police sometimes tried to persuade them not to pursue a case. When domestic violence cases came to trial, the charge was most often for light battery, for which judges sentenced domestic abusers to incarceration at a minimum security labor colony and 120 to 180 hours of work. Sentences for more serious cases of battery, including spousal battery, ranged from 3 months' to 3 years' imprisonment; the maximum sentence for aggravated battery was 10 years' imprisonment.

The punishment for rape, including spousal rape, ranges from 3 to 15 years' imprisonment. The Government reported it opened 1,234 criminal rape cases during the year, which resulted in 454 convictions. Under the law procurators cannot initiate a rape case, absent aggravating circumstances such as gang rape, unless the victim files a complaint. Once a complaint is filed, the criminal investigation cannot be dismissed if the rape victim recants or refuses to cooperate further with the investigation. This provision is intended to protect victims from coercion. There were anecdotal reports of police and judicial reluctance to act on rape and spousal rape cases.

According to the government, there are 24 crisis centers in the country providing assistance to women and two that provide assistance to men. All of the crisis centers are funded through grants to NGOs. In addition, a number of smaller NGOs provide some assistance to victims. Six of the crisis centers also provide shelter for victims of violence.

Prostitution is not prohibited by law, although forced prostitution, prostitution connected to organized crime, and acts facilitating prostitution, such as operating a brothel or prostitution ring, are illegal. During the first 10 months of the year, the Government investigated 191 prostitution-related crimes and convicted 156 defendants.

Prostitution was a serious problem. NGOs reported that criminal prostitution rings often included local law enforcement officials.

Trafficking in women remained a problem.

Sexual harassment remained a problem. The law prohibits only some forms of sexual harassment, and legal and gender experts regarded the legislation as inadequate to address the problem. There were reports of incidents of harassment, but in no instance was the victim protected under the law, nor were there reports of any cases prosecuted.

The Constitution and law guarantee equal rights and freedoms for men and women. During the year, however, human rights groups publicly drew attention to the problem of discrimination against women. According to observers, women in rural areas face greater discrimination than women in urban areas, and suffer from a greater incidence of domestic violence, limited education and employment opportunities, limited access to information, and discrimination in their land and property rights.

Children.—The Government was committed to children's rights, although budget constraints and other priorities limited the Government's effectiveness in dealing with child welfare. In January 2006 the Government established a Committee on Protection of Children's Rights within the Ministry of Education and Science; on August 28, the president signed a decree expanding the size and budget of the committee and establishing regional offices.

Education is mandatory through age 16, or secondary school; elementary schooling generally begins at age 6. Primary and secondary education were free and universal. The law provides equal access to education for boys and girls. The Ministry of Education estimated 98 percent enrollment of school-aged children. The law provides for access to public education for refugee and illegal migrant children. In some cases, these children were denied access to schools or their parents did not attempt to enroll them out of fear of discovery and deportation.

The law provides for medical care to be provided for all children irrespective of gender, and care was provided in practice.

There were reports of child abuse, although there was no societal pattern. During the year the MIA permanently terminated custody rights of abusive parents in 1,022 cases. Minors aged 16 and older have the right to file petitions related to their interests directly with a court.

NGOs reported that a growing number of children in orphanages, boarding schools, and detention facilities for delinquent children were victims of violence, and there were increased media reports on abuses in orphanages and other institutions.

Trafficking in Persons.—The law prohibits all forms of trafficking in persons, but it remained a problem. There were some investigations and prosecutions of law enforcement officials for complicity in trafficking, including ongoing investigations.

The country was a source, transit, and destination country for victims of trafficking. Internal trafficking was also a problem. No reliable statistics were available on the number of victims each year. Many NGOs reported a continued increase in identification of victims, which may be attributed to greater awareness of the problem. The International Organization for Migration (IOM) estimated that hundreds of citizens were trafficked per year, with an increase in the number of foreigners trafficked into the country for labor exploitation. Individuals were trafficked to the United Arab Emirates, Turkey, Israel, South Korea, Greece, Russia, and Western Europe for purposes of forced labor and sexual exploitation. Men and women were trafficked to and through the country and from the Kyrgyz Republic, Uzbekistan, Tajikistan, Ukraine and South Asia for purposes of forced labor and sexual exploitation.

Traffickers targeted young women in their teens and twenties for sexual exploitation. According to the MIA, some women were recruited with promises of good jobs or marriage abroad. Travel, employment, and modeling agencies often recruited victims through advertisements promising lucrative jobs abroad. Previously trafficked women reportedly recruited new victims personally. Some trafficking victims appeared to be aware or at least to suspect that they were going to work as prostitutes but that they did not expect to work in slave-like conditions. Many trafficked persons were from Uzbekistan and traveled to their destinations on forged passports obtained abroad.

Adolescents raised in orphanages, regardless of gender, and residents of rural and economically disadvantaged areas were particularly vulnerable to being trafficked.

There was an increase in the number of men trafficked into the country for forced labor. Officials often did not distinguish between illegal labor migrants and victims of trafficking. There were credible reports of organized criminal trafficking rings bringing construction laborers to Astana and other cities. Employers and trafficking accomplices usually held trafficked workers' passports. Victims reported traffickers used debt bondage, violence, or threats of violence to compel them to work.

NGOs suspected organized crime was involved in all forms of trafficking.

In March 2006 the Government enacted a comprehensive set of legislative amendments to strengthen its ability to investigate, prosecute, and convict traffickers. These amendments also included provisions to increase the amount of resources devoted to victim protection and prevention. The Ministries of Justice, Internal Affairs, Foreign Affairs, Labor and Social Welfare, Education and Science, Culture, Information and Sports, the KNB, the National Commission on Family Issues and Gender Policy, and the procurator general all have some responsibility for combating trafficking.

Trafficking is punishable by a maximum 7-year prison term. If a minor is involved, the maximum penalty increases to 10 years' imprisonment. The maximum penalty increases to 10 years' imprisonment if a victim was trafficked abroad and to 12 years if the victim was a minor. The maximum penalty is 15 years' imprisonment for cases involving an organized crime syndicate, the death of a victim, or other "grave consequences" incurred by the victim.

During the year the number of successful prosecutions for trafficking increased to 17, compared with one in 2006.

The Government sought cooperation with authorities in both destination countries and source countries. Embassies assisted victims of trafficking. In the first 9 months of the year, the Ministry of Foreign Affairs assisted in the repatriation of 28 citizens.

There was no evidence of a pattern of official complicity with trafficking, although corruption of law enforcement officials, including migration and border officials, contributed to trafficking.

The law provides trafficking victims with temporary resident status to ensure their safe repatriation or participation in trafficking prosecutions. Trafficking victims are not considered illegal immigrants under the law and generally were not deported or otherwise penalized. NGOs working with foreign trafficking victims reported government cooperation in providing administrative support for repatriation of identified trafficking victims.

The Government provides some victim protection and assistance, although significant gaps remained in the level of assistance needed by victims. In the first 9 months of the year, the Government provided financial assistance to 31 trafficking

victims who participated in seven different criminal proceedings. The assistance included security, food, lodging, and medical services. NGOs ran two crisis support centers that provided legal and material assistance and counseling, under memoranda of understanding with the Government. In some cases the Government provided NGOs with reduced rate leases and other limited support. In general, NGOs reported good cooperation with government officials in coordinating assistance for trafficking victims.

IOM, in conjunction with 19 NGOs across the country, continued an information campaign on the dangers of trafficking and maintained victim hot lines. The MOJ continued to maintain separate national hot lines for trafficking victims to report crimes and to receive information. The Government provided special training for law enforcement and other government officials to improve their abilities to recognize, investigate, and prosecute instances of trafficking. The MIA continued enrolling migration police and criminal police in a comprehensive antitrafficking training program at the Study Center for Specialists on Combating Illegal Migration and Human Trafficking.

The PGO enforced mandatory licensing for tourist agencies and conducted inspections throughout the year to uncover agencies involved in trafficking.

The Government encouraged media to publish and report on antitrafficking efforts. The Government continued airing a series of public service announcements (PSAs) provided by international organizations in Russian and Kazakh. Public and private media were required to air these PSAs.

The education ministry reported that curriculum of all high schools and colleges included trafficking awareness segments. According to the Ministry of Education, most universities had information and analysis centers that dealt with trafficking awareness issues, among other topics. As part of the National Action Plan, a chapter on trafficking in persons was introduced in secondary school curricula.

Persons with Disabilities.—The law prohibits discrimination against persons with disabilities in employment, education, access to healthcare, and in the provision of other state services and requires companies to set aside 3 percent of their jobs for persons with disabilities. However, there were reports that discrimination was a problem, and disabled persons faced difficulty integrating into society and finding employment. The law mandates access to buildings for persons with disabilities, although the Government did not enforce it. In September 2006 the Government enacted new legislation allowing inspectors to check buildings for their compliance with disability access laws and impose significant fines for noncompliance; observers reported that the law had little impact. Disabled persons also had difficulty accessing public transportation.

Mentally handicapped citizens could be committed to state-run institutions without their consent or judicial review. In practice, however, the Government committed persons at a young age with permission of their families. Institutions were poorly managed and inadequately funded. NGOS reported orphanages for children with physical and mental disabilities to be overcrowded and unsanitary, with insufficient staff to care adequately for children's needs. Despite massive economic growth and government expenditure on construction and infrastructure projects, KIBHR observed that the Government provided almost no care for persons with mental disabilities.

The Government did not restrict the right of persons with disabilities to vote, and arranged home voting for individuals who could not travel to polling places as a result of their disability. The Ministry of Labor and Social Protection is the primary government agency responsible for protecting the rights of persons with disabilities; the Ministries of Health and Education also assist in their protection.

National/Racial/Ethnic Minorities.—The Government continued to discriminate in favor of ethnic Kazakhs in senior government employment.

Kazakh is the official state language, although organizations and bodies of local self-administration may officially use Russian on an equal basis with Kazakh. The language law is intended to strengthen the use of Kazakh without infringing on the rights of citizens to use other languages. By law the ability to speak Kazakh is not required for entry into the civil service.

Other Societal Abuses and Discrimination.—Although there were no official statistics on discrimination based on sexual orientation, there were reports of such discrimination. Representatives of international organizations reported that negative social attitudes towards marginalized groups, including homosexuals, impeded these groups' willingness to come forward and, consequently, hindered their access to HIV/AIDS programs. The law prohibits discrimination against persons with HIV and AIDS; however, observers report that cultural stigmas against drug users and other

at-risk groups continued to affect general access to information, services, treatment, and care.

Section 6. Worker Rights

a. The Right of Association.—The law provides for the right to organize and form unions freely. In practice the Government restricted the exercise of this right, with the result that most workers were not able to join or form trade unions of their choice. The Government exercised considerable influence over organized labor and favored state-affiliated unions over independent unions. The largest trade union association, the Federation of Trade Unions, successor to formerly state-sponsored Soviet era labor organizations, remained affiliated with the Government in practice. At least one-third of the workforce was unionized.

To obtain legal status, a trade union must apply for registration with the MOJ. The registration procedure is broadly similar to that of other membership organizations.

The law prohibits the operation of foreign unions and prohibits the financing of unions by foreign legal entities and citizens, foreign states, and international organizations.

Workers are protected by law against antiunion discrimination, but in practice there were violations of this right. Members of a few trade unions were dismissed, transferred to lower paying or lower status jobs, threatened, and intimidated. Union leaders reported that some workers ostensibly fired for other reasons were actually fired in retaliation for union activity. There were no court cases filed on this basis during the year. Union leaders also reported cases of large employers creating conditions unfavorable to union formation and collective bargaining.

b. The Right to Organize and Bargain Collectively.—The law protects the rights of unions to conduct their activities without interference. However, there were reports of government pressure on labor negotiators in tripartite negotiations. The law permits collective bargaining and collective agreements; unions and associations engaged in collective bargaining in practice. Collective bargaining agreements were allowed as long as they did not reduce protections afforded to workers in individual contracts or under law. According to the Federation of Trade Unions, approximately 75 percent of unionized enterprises had collective bargaining agreements.

Union demands unacceptable to management can be presented to a tripartite commission, composed of the government, employer associations, and labor union representatives. The tripartite commission is responsible for developing and signing annual agreements governing most aspects of labor relations. The labor law provides for an individual contract between employers and each employee.

The law provides for the right to strike, but exercising this right is subject to numerous legal limitations; the Government maintained a list of industries and enterprises providing essential services where strikes were permitted only under limited conditions. In general, workers may strike only if a labor dispute has not been resolved through existing compulsory arbitration procedures. Striking workers must give a mandatory 15-day advance notice to employers. The law neither sanctions nor prohibits the firing of employees for participation in an illegal strike. In practice there were reports of employers providing arbitrary justifications when firing employees attempting to organize strikes.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor.—The law prohibits forced or compulsory labor, including by children, except at the sentence of the court or in conditions of a state of emergency or martial law, but there were reports that such practices occurred. Increasingly a destination country for migrant workers, there were reports that some employers abused migrant workers by confiscating their passports or using debt bondage, violence, or threats of violence to compel them to work.

d. Prohibition of Child Labor and Minimum Age for Employment.—The law protects children from exploitation in the workplace. The minimum age for employment is 16 years; children between 14 and 16 years can perform, with parental permission, light work that does not interfere with their health or education. The law also restricts the length of the workday for employees under the age of 18. The Government conducted labor inspections to enforce the minimum age for employment, but enforcement was uneven.

The Government did not maintain statistics on child labor. NGOs and activists reported child labor occurred routinely in agriculture, especially during harvest season. Child laborers in the cotton and tobacco industries suffered from limited rest time and had little access to health care. In urban areas the country's increasingly formalized labor market led to a decrease in many forms of child labor. However, there were reports of children begging, unloading freight, delivering goods in mar-

kets, washing cars, and working at gas stations. There were also reports of children exploited in prostitution and pornography. The Ministry of Labor is responsible for enforcement of child labor laws and for administrative offenses punishable by fines; the MIA is responsible for investigating criminal offenses. In the first 10 months of the year the Government reported that there were no crimes related to illegal child labor. In 2005 the Government began implementing a 3-year International Labor Organization program to eliminate child labor. As part of the program, the Government worked actively with NGOs to conduct a 12-day national campaign in June to raise awareness of child labor and focus attention on preventing it. The Government also cooperated with trade unions, employers, and NGOs during the year to raise awareness and promote interagency cooperation in eliminating child labor.

Trafficking in children was a problem.

e. Acceptable Conditions of Work.—The national monthly minimum wage of $80.40 (9,752 tenge) did not provide a decent standard of living for a worker and family; however, it was common for working class families to have more than one wage earner, and most workers earned above minimum wage in urban areas. Though the minimum monthly subsistence during the first part of the year was lower than the monthly minimum wage, the minimum monthly subsistence averaged $87.20 (10,655 tenge) during the last 4 months of the year.

The law stipulates the normal workweek should not exceed 40 hours and limits heavy manual labor or hazardous work to no more than 36 hours a week. The law requires that overtime not exceed 2 hours in a calendar day or 1 hour a day for heavy manual labor, and requires overtime to be paid at a rate of no less than one and a half times normal wages for hours over the normal workweek. Overtime is prohibited for work in hazardous conditions. The law provides that labor agreements may stipulate the length of working time, holidays, and paid annual leave for each worker.

The Ministry of Labor enforces minimum wages, work hour restrictions, and limits on overtime established by the labor law. Ministry labor inspectors conducted random inspections of employers in an effort to enforce the laws and regulations under their purview. Labor advocates reported that some employers regularly violated these laws.

The law provides for the right to safe and hygienic working conditions, but working and safety conditions in the industrial, agricultural, and construction sectors were often substandard. Workers in factories usually lacked protective clothing and worked in conditions of poor visibility and ventilation.

There were reports of management ignoring regulations concerning occupational health and safety, which were not well enforced by the Ministry of Labor. In the first 10 months of the year, the ministry reported making 18,484 inspections and identifying 108,970 violations. Most of the violations were relatively minor, although the Government imposed fines totaling $1,100,000 (132,000,000 tenge), suspended 57 production facilities, and opened 72 criminal investigations as a result of the labor inspections. In addition to the inspections by the ministry, unions conducted inspections of unionized enterprises and reported their findings to authorities for investigation. The law requires employers to suspend work that could endanger the life or health of workers and to warn workers about any harmful and dangerous work conditions and about the possibility of any occupational disease. The law specifically grants the right of workers to remove themselves from situations that endanger their health or safety without losing their job. In practice some workers, particularly in the construction industry, were not free to exercise this right without jeopardizing their employment.

The Government reported 2,289 workplace injuries during the first 10 months of the year, a decline of 8.7 percent from the previous year. In addition, the Government reported 334 workplace deaths during the first 10 months of the year, a decline of 14 percent from 2006.

KYRGYZ REPUBLIC

The Kyrgyz Republic's October 2007 Constitution defines the country as a sovereign, unitary, democratic, social state based on the rule of law. The country has a population of approximately 5.3 million. The country has an elected president, an appointed prime minister and Cabinet, and an elected Parliament. The July 2005 elections of President Kurmanbek Bakiyev, following the March 2005 overthrow of the Akayev regime, marked tangible progress toward meeting international election standards according to OSCE election observers. Only a dozen of approximately 100

registered political parties played a significant role. According to independent election observers, the December 16 nationwide parliamentary election failed to meet many of the country's international commitments and was marred by significant obstacles for opposition parties and the use of government resources to benefit specific political interests. Following the parliamentary elections, three parties received seats in the legislative body, with the president's newly formed Ak Jol party obtaining a majority 71 of the 90 seats. The new Constitution established a greater role for political parties, with all seats in the Parliament elected by party lists, and empowered the president to appoint the prime minister and other heads of government agencies, executive bodies, and local administrations. The civilian authorities generally maintained effective control over the security forces, although there were isolated cases of serious human rights abuses.

The following human rights problems were reported: Some restrictions on citizens' right to change their government; torture and abuse by law enforcement officials; impunity; poor prison conditions; arbitrary arrest and detention; lack of judicial independence; pressure on nongovernmental organizations (NGOs) and opposition leaders, including government harassment; an increase in pressure on independent media, including assaults on staff and vandalism of property; government harassment and detention of assembly organizers; pervasive corruption; discrimination against women, persons with disabilities, ethnic minorities and homosexuals; child abuse; trafficking in persons; and child labor.

Prison conditions improved as authorities promoted the proper handling of prisoners, and prison tuberculosis (TB) mortality rates decreased. The Government also took steps to tackle systemic corruption in the public sectors, including arresting several government officials on charges of corruption.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life.—There were no reports that the Government or its agents committed arbitrary or unlawful killings.

On October 24, in the southern city of Osh, unidentified gunmen shot and killed Alisher Saipov, an ethnic Uzbek Kyrgyz national and independent journalist known for critical articles about political developments and human rights violations in Uzbekistan. The Ministry of Internal Affairs (MIA) opened an investigation into the case. Ombudsman Tursunbai Bakir uulu publicly accused the Uzbek security service of direct involvement in Saipov's death. The investigation continued at year's end.

On August 13, a Naryn City judge acquitted two police officers for lack of evidence in the November 2006 death in custody case of Akylbek Sakeyev. Authorities initially charged five police officers, but dropped charges against three. Aziza Abdirasulova of Kylym Shamy human rights NGO appealed the acquittal decision. On September 21, the Naryn Oblast Court overturned the acquittal decision of the local court and forwarded the case to the Naryn Oblast Prosecutor's Office for additional investigation. The police officers appealed the decision to the Supreme Court. On December 11, the Supreme Court upheld the Naryn Oblast Court's verdict and forwarded the case for a new investigation. No further information was available at year's end.

On April 5, Azamat Yuldashev died after warrant officer Mairambek Kojomberdiyev beat him at a Balykchy military unit. The military court of the Balykchy Garrison found Kojomberdiyev guilty based on articles 305 (abuse of authority) and 104 (intent to inflict serious bodily harm) and fined him approximately $700 (25,000 som). Kojomberdiyev provided financial compensation to Yuldashev's family and assisted with funeral arrangements, causing Yuldashev's mother to press the courts for a lighter sentence. The prosecutor of the Balykchy Garrison appealed the lenient sentence, and the military's appellate court increased the fine to $857 (30,000 som). Yuldashev's mother filed an appeal with the Supreme Court to lighten the sentence, but hearings did not begin by year's end.

There were no developments in the August 2006 killing of Imam Mukhammadrafiq Kamalov, who was killed by security forces in the course of an antiterrorism operation. There were no developments in the October 2006 killing of Aibek Alimjanov, deputy of the Osh City Council and leader of the Uzbek Cultural Center in Osh.

There were no developments in the investigations into the 2005 killings of Usen Kudaibergenov and parliamentarian Jalgarbek Surabaldiyev.

On May 18, the Supreme Court overturned the municipal court convictions of Makhmudjan Ruzimetov and Sabyrkul Batyrov for the 2005 killing of parliamentarian Bayaman Erkinbayev. The Supreme Court returned the case to the prosecutor for further investigation. On November 27, the Sverdlovskiy court in Bishkek

reopened hearings into the case, which continued at year's end. In December 2006 the municipal court had sentenced Ruzimetov to 17 years in prison and Batyrov to death as accomplices to the crime.

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; however, police and State Committee on National Security (GKNB) forces employed them. At times police beat detainees and prisoners to extract confessions for multiple crimes in order to close unsolved cases.

On April 14, Bektemir Akunov, a participant in opposition-led demonstrations in Bishkek, returned to his hometown of Naryn and expressed opposition demands to the local authorities, who arrested him. The day after his arrest and detention police found him hanged by his own shirt in his cell. Contrary to the official autopsy report of suicide, independent experts reported finding signs of torture on Akunov's body. Authorities charged two police officers on duty that day with negligence, and the trial began August 13. On August 27, the Naryn municipal court returned the case to the Naryn Prosecutor's Office for further investigation, and Supreme Court hearings were scheduled for December 20. Akunov's family filed suit against four officers of the Naryn City MIA. No further information was available at year's end.

On June 25, the president signed into law changes to the criminal code, abolishing the death penalty, replacing life imprisonment with 30-year prison terms, introducing jury trials, and providing for alternate punishments to incarceration. With the exception of jury trials, all changes were in effect by year's end.

During press conferences in March and October 2006, Zulhumor Tohtonazarova claimed police officers tortured and raped her at the temporary detention center of the Bazar-Korgon district police station in 2003. She claimed she became pregnant as a result, and male officers watched as she gave birth while handcuffed to a bed. The premature baby died days after birth. After 8 months in custody, authorities released Tohtonazarova as a result of demands by human rights activists. The Prosecutor General's Office investigated the accusations but found no truth to her claims. On April 12, prosecutors dropped criminal charges they had filed against human rights activist Azimjan Askarov, who defended Tohtonazarova, for his alleged involvement in spreading false information about law enforcement officials.

In 2005 police detained Tohtonazarova again and, according to reports by human rights activists, tortured her by putting needles under her fingernails. She was released after appeals by human rights activists. In July 2006 the Bazar-Korgon district court sentenced Tohtonazarova to 5 years' imprisonment for a petty theft she allegedly committed in 2005. In August 2006 the Jalal-Abad Oblast Court reduced the sentence to a 3-year suspended sentence and released her.

In March and August 2006 the human rights ombudsman expressed concern over a number of incidents involving abuse of detainees, blaming the abuse on corruption and a low level of professionalism among jail and police officials. In June 2006 the Ministry of Justice (MOJ) established the Internal Security Service (ISS) to investigate and curb corruption and abuse within penitentiaries. The unit was investigating eight cases of alleged violations at year's end.

According to the NGO Committee of Soldiers' Mothers, military hazing decreased in the past 2 years. Hazing included physical abuse and extortion by noncommissioned officers. According to the NGO, military authorities took reported incidents seriously and developed measures to eliminate problems, including the employment of officers to provide psychological support and lawyers to offer legal advice to servicemen.

On April 6, according to an Interfax report, 350 cadets at the Dair Asanov Military Lyceum participated in a mass brawl, pitting senior versus junior cadets. After an official investigation, the school fired 12 cadets for organizing the fighting and disciplined college instructors who failed to prevent the incident.

On July 8, local media reported the stabbing of a Ministry of Internal Affairs soldier, A. Esenaliyev. The military prosecutor's office continued an investigation at year's end.

On February 12, the military court in Kadamjay convicted Nachmidin Mirzayev and Saparaly Karabayev, two peers of Gairat Torakeldiyev, a serviceman of the National Border Service, who sustained bodily injuries due to a 2006 hazing incident. Human rights activists appealed the decision in March, claiming the sentences were light and that officers should have been held accountable as well, but the decision was upheld. The activists again appealed, and on August 8, the military court in Kadamjay acquitted Mirzayev and Karabayev. After a third appeal the trial was scheduled to take place on October 9 and again on October 17, but the defendants did not appear in court. No further information was available at year's end.

No additional information was available on the investigation of the November 2006 beating of two border servicemen by their peers. The military prosecutor's office and the senior leadership of the National Border Service continued to investigate both cases.

The U.N. Commission on Human Rights (UNCHR) continued to review the case of an Uzbek citizen, Otabek Ahadov, regarding claims of torture sustained by Ahadov while in custody in 2000.

Prison and Detention Center Conditions.—Prison conditions were very poor and included overcrowding, food and medicine shortages, poor health care, limited disease prevention facilities, and lack of heat and other necessities. Nevertheless, morbidity and mortality rates continued to decline, particularly those resulting from TB. As of December 30, the prison population was approximately 11,000; 1,338 persons had TB, down from 2,300 in 2006. During the year 83 prisoners died from complications due to TB, a decline from 135 deaths in 2006. The reduction of mortality rates was due to improved preventive and treatment measures, provided through the assistance of international organizations, including the International Committee for the Red Cross (ICRC).

Male and female prisoners were held separately. Juveniles were generally held separately from adults; however, juveniles were occasionally held with adults in overcrowded temporary detention centers. There are no special prisons for political prisoners because there is no legal definition of a political prisoner. At times, convicted prisoners were held in pretrial detention centers when their cases were accepted for appeal to a higher court.

The Government continued to permit domestic and international human rights observers to visit prisons. The Government allowed ICRC, Organization for Security and Cooperation in Europe's Office of Democratic Institutions and Human Rights (OSCE/ODIHR), and Penal Reform International to visit detainees in MOJ and GKNB prisons and temporary detention centers and granted them access to inmates on death row.

On February 14, inmates protested the poor, overcrowded living conditions at the temporary detention center in Cholponata. Authorities claimed that the inmates demanded narcotics, and riot police were brought in to suppress the demonstration.

On February 21, human rights activists inspected conditions at the temporary detention center in Cholponata and at the pretrial detention center in Karakol. They reported that prison terms were extended without the adherence of proper procedures, cells were overcrowded, and there was an overall lack of food, water, and medical assistance.

In March the human rights ombudsman visited the temporary detention center in Nookat of the Osh Oblast, where inmates complained of being tortured by corrections officers and many lacked proper legal counsel.

On May 8, an inmate of the pretrial detention center No. 3 in Karakol slashed his wrists, and two other inmates sutured their mouths to protest the restrictive internal procedures at the center. Authorities of the center and representatives of the Prosecutor's Office negotiated with the inmates and resolved the disputes.

In May a trial began in the case of two corrections officers charged with excessive use of force and exceeding official powers in the beating of a teenage inmate from penal colony No. 14. During the trial the inmate recanted his story of abuse, and authorities acquitted former colony chief Amangeldy Ramankulov and correction officer Jenish Kamchibekov.

Pretrial and temporary detention facilities were particularly overcrowded, and conditions and mistreatment generally were worse than in prisons.

d. Arbitrary Arrest or Detention.—The law prohibits arbitrary arrest and detention; however, police at times used false charges to arrest persons and solicited bribes in exchange for their release.

On September 4, police arrested Almaz Tekebayev, a brother of opposition leader Omurbek Tekebayev, on petty crime charges. On October 30, Osh City court acquitted and released him.

On September 24, a judge sentenced Maxim Kuleshov, a human rights activist from Tokmok and leader of the "Tokmok Resource Center," to 10 days in custody for taking pictures and audio taping the Tokmok mayor's speech at a public event devoted to discussion of the draft Constitution. His lawyer filed a complaint, but on October 17, the Chui Oblast Court confirmed.

Role of the Police and Security Apparatus.—Law enforcement responsibilities are divided between the MIA for general crime, the GKNB for state-level crime, and the Prosecutor's Office for both types of crimes. Corruption, particularly the payment of bribes to avoid investigation or prosecution, was a major problem at all levels of law enforcement. The Government took steps to address corruption in the police force,

including public commitments to fight corruption and a January decree that increased police officers' salaries by 50 percent.

Police impunity remained a problem; however, during the year numerous MIA officials were dismissed and prosecuted for various offenses, including corruption, abuse of authority, and police brutality. According to the Ministry of Interior, the internal investigations unit received 1,661 complaints about various offences committed by law enforcement officers. During the year, 449 internal investigations were conducted; based on the results of the investigations, 44 criminal cases were opened and 42 officers were dismissed.

Arrest and Detention.—On June 24, the president signed into law changes to the criminal code, authorizing the courts to determine who may be detained, arrested, and prosecuted, thus removing that authority from the Prosecutor General's Office. The law permits law enforcement officials to detain suspects for 72 hours before releasing them or charging them with a crime, and this was generally enforced in practice. The law requires that investigators notify a detainee's family within 12 hours of detention; however, this requirement often was not observed in practice. There were no reports of incommunicado detention of prisoners.

All persons arrested or charged with crimes have the right to defense counsel at public expense. By law, defense counsel is permitted to visit the accused immediately upon delivery to a detention facility. In practice the accused at times did not see defense counsel until trial. Human rights groups noted that arrested minors were usually denied lawyers; police often did not notify parents of children who were arrested, and generally neither parents nor lawyers were present during questioning, despite laws to the contrary. Consequently children often were intimidated into signing confessions. The law also authorizes house arrest for certain types of suspects. There were reports that law enforcement officials selectively incarcerated persons suspected of minor crimes, while other persons suspected of more serious crimes remained at large. There was a functioning bail system.

During the year the Government developed the mechanisms and guidelines of a witness protection program in support of the September 2006 law on witness protection. The Government designed the program to ensure the personal security and safety of witnesses. The Government also provided additional support such as new identification documents and employment opportunities for those under protection.

On June 19, the Government arrested Jyparkul Arykova, a senior staffer of the parliamentary press service, on charges of espionage that were then changed to high treason. She was held in solitary confinement at the GKNB and was questioned for 3 hours without an attorney present, according to her lawyer. On October 16, the GKNB completed its investigation and forwarded the case to the General Prosecutor's Office. On October 23, proceedings began at the Pervomaisky Court in Bishkek. Charges against Arykova were based on article 292 (high treason) and 302 (transferring secret data to foreign entities). On November 26, court proceedings began, but on December 26, the judge suspended the hearings and ordered another evaluation of case materials allegedly containing state secrets. No further information was available at year's end.

The Government continued to express concern about perceived extremist groups with radical religious or political agendas. Although the banned extremist political organization Hizb ut-Tahrir (HT) maintained that it was committed to nonviolence, the party's virulently anti-Semitic and anti-Western literature called for the overthrow of secular governments, including in Central Asia, to be replaced with a worldwide Islamic government. The MIA reported that the Government detained or prosecuted 63 persons for distribution or possession of HT literature; those arrested typically were charged for distribution of literature that incited ethnic, racial, or religious hatred.

The courts have the discretion to hold suspects in pretrial detention for as long as 1 year, after which the courts are required to release the suspect.

Amnesty.—On February 23, the president signed into effect the one-time decree on amnesty to prisoners convicted of minor crimes, resulting in the release of 116 prisoners and the reduction in sentences of approximately 6,200 prisoners. As a result of the June 25 changes to the criminal laws, courts reviewed 530 criminal cases, released 456 prisoners, and reduced the sentences for 68 prisoners.

e. Denial of Fair Public Trial.—The law provides for an independent judiciary; however, the executive branch at times interfered with the judiciary. Lawyers and citizens commonly believed that judges were open to bribes or susceptible to outside pressure, and low salaries remained a contributing factor.

Cases originate in local courts and can move to appeals courts at the municipal or regional level and finally to the Supreme Court. There were separate military courts as well as a separate arbitration court system for economic disputes. Civil-

ians may be tried in a military court if one of the codefendants is a member of the military. Military court cases can be appealed to a military appellate court and ultimately to the Supreme Court.

The Constitutional Court has responsibility for determining the constitutionality of laws, resolving disputes concerning the interpretation of the Constitution, and determining the validity of presidential elections. The Constitutional Court may not intervene in actions of the Supreme Court, except in cases related to the Constitution. The court has specific authority to determine the constitutionality of NGO activities, political parties, and religious organizations.

Traditional elders' courts consider property and family law matters and low-level crime. Local elders' courts are under the supervision of the Prosecutor's Office but do not receive close oversight because of their location in remote regions. However, decisions of elders' courts can be appealed to the corresponding regional court. Military courts and elders' courts follow the same rules and procedures as general courts.

Under the October 2007 Constitution, the president nominates justices to the Constitutional Court, pending approval by the Parliament; justices to the Supreme Court are nominated by the National Council for Judicial Affairs (NCJA), and the president forwards nominations to the Parliament for election. The president can propose the dismissal of Supreme and Constitutional Court justices, subject to Parliament's approval by two-thirds of the votes. Parliament adopted and the president signed into effect a law regulating the National Council for Judicial Affairs (NCJA), originally established in 2004 by a presidential decree. The law stipulates that the NCJA be composed of 16 members, consisting of four nominees from each branch of power—judiciary, executive and legislative—and four from civil society. The NCJA nominates and the president appoints local judges. Local judges can be relieved of duty by the president at the proposal of the NCJA.

On June 25 the law that shifted warrant power from procuracy to judiciary went into effect, allowing the courts to approve search and arrest warrants. Additionally, the newly established detention hearings in court place the burden of proof with the prosecutors, who must convince the judge that a defendant should be detained pending trial. On May 4, the president signed a decree increasing the number of local judges by 43 to 369.

Trial Procedures.—Prosecutors bring cases before courts, and judges direct criminal proceedings. A prosecutor participating in a trial is called the state prosecutor, whose role is to maintain the indictment at all stages of the criminal process. The defendant may refuse attorney support and defend himself. A criminal case is conducted by one judge; appellate cases, by three judges; and cases brought for supervisory consideration, by a judicial board of the Supreme Court. In the course of court proceedings, prosecutors provide support to charges against the defendant, and the attorney defends the accused. If a court renders a case indeterminable, it is returned to the investigative bodies for further investigation, and suspects may remain under detention.

The law provides for defendants' rights, including the presumption of innocence. In practice, however, such rights were not always respected. The judicial system continued to follow customs and practices in which there was no presumption of innocence, and the focus of pretrial investigation was to collect evidence sufficient to show guilt. The law provides for an unlimited number of visits between an attorney and a client. Official permission for such visits is required and usually granted.

The law permits defendants and counsel the right to access all evidence gathered by the prosecutor, attend all proceedings, question witnesses, and present evidence. However, these rights were not always respected in practice. Witnesses generally have to present their testimony in court; however, under certain circumstances specified in the law, witness testimony given during the investigation can be presented during the trial via audio or video recording without the witness being physically present. Indigent defendants were provided attorneys at public expense.

At year's end the Government had not implemented the June 25 changes to the law on trials allowing for juries. Defendants and prosecutors have the right to appeal the court's decision. The law provides for transparency of court proceedings. Generally, trials are open to the public, unless state secrets or the privacy of defendants are involved; however, even in closed proceedings, the verdict is announced publicly.

Human rights organizations urged reopening the case of the Aksy shooting event of 2002, which resulted in the deaths of six protesters. On May 22, Prosecutor General Satybaldiyev charged four former government officials with abuse of power. On October 23 in Jalalabad City, the military court acquitted ex-deputy Minister of Interior Sadyrbek Dubanayev but convicted Zootbek Kudaibergenov and Kubanychbek Tokobaev, two mid-level government officials, who received 5-year suspended sen-

tences. Prosecutors postponed the trial for the fourth suspect, Amanbek Karypkulov, while he was hospitalized. Karypkulov has since been released from the hospital, but prosecutors did not begin his trial by year's end. On October 30, the prosecutor general pressed charges on a fifth suspect, Sultan Urmanayev. As a member of Parliament (MP), Urmanayev was immune from prosecution until October 22, when the president dissolved Parliament. The trials for Karypkulov and Urmanayev did not start by year's end.

Political Prisoners and Detainees.—On April 23, authorities detained opposition leaders Omurbek Suvanaliyev and Omurbek Abdrakhmanov of the United Front, and Adilet Aitikeyev of the Kanjar Youth Movement, on charges of organizing mass disorder in connection with April antigovernment demonstrations in Bishkek. On April 27, they were released under orders not to leave Bishkek for the duration of the investigation. On August 1, prosecutors filed similar charges against opposition leader and former prime minister Felix Kulov. Authorities announced they were searching for a second Kanjar leader, Jalyn Mamatkaziyev. On August 17, the Prosecutor General's Office announced suspension of the investigation, but the search continued for Mamatkaziyev at year's end. On September 15, authorities dropped charges against Suvanaliyev. On October 25, Adilet Aitikeyev, who had fled to Kazakhstan, returned to Bishkek; the GKNB detained him for violating the court orders confining him to Bishkek. On December 13, prosecutors completed the investigation and forwarded the case to the court. Authorities again released Aitikeyev under orders not to leave Bishkek. No further information was available at year's end.

The Government pressed charges against six active participants of the April protests: Bolotbek Suyerkulov, for disorderly conduct and the intent to inflict harm to others; Baktybek Saptayakov, for actions resulting in damage; and Jyldyzbek Kenjebayev, Amantai Seitaliyev, Erkin Aknazarov, and Joldoshbek Abdiyev, for participation in mass disorders. On August 24, district courts sentenced Abdiyev and Aknazarov to 4 years' and 4½ years' imprisonment, respectively, for participation in mass disorders on April 19. On October 22, a court sentenced Kenjebayev and Seitaliyev to 4 years in prison. The trial for Suyerkulov and Saptayakov had not occurred by year's end.

On August 10, police detained Erkin Bulekbayev, the leader of the Green Party and member of the United Front, in Bishkek on charges of disorderly conduct. Police caught Bulekbayev videotaping the seizure of documents from the Issyk-Kul Invest Bank by law enforcement officials. The court sentenced Bulekbayev to 10 days in prison. Prisoners arrested in connection with political activity received the same protections as other prisoners.

Civil Judicial Procedures and Remedies.—The Constitution and law provide for an independent and impartial judiciary in civil matters. As with criminal matters, citizens believed the civil judicial system was subject to outside influence, including from the Government. Local courts address civil, criminal, economic, administrative, and other cases. The Supreme Court is the highest judicial authority that oversees the proceedings of the local courts and rules on appellate cases.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The law prohibits such actions; however, the Government at times violated these prohibitions. The law requires approval from the prosecutor general for wiretaps, home searches, mail interception, and similar acts.

Following the April protests, the GKNB searched the Osh branch office of the United Front opposition movement, assaulted the staff, and confiscated several items. The Ata-Meken party also reported that the GKNB searched its office in Osh and confiscated several official documents. Law enforcement officials denied that the searches took place.

The Government continued to conduct occasional document checks of foreigners of all nationalities.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The law provides for freedom of speech and of the press, although the Government at times restricted these rights in practice. After the 2005 change of government, there were notable improvements, such as the state television's offer of airtime to various politicians. Lawsuits against independent media decreased, and independent media experienced new, albeit limited, freedom of operations and news coverage. Nevertheless, during the year reports continued that politicians critical of the Bakiyev government generally were not allowed on the state television.

Despite some improvements, there were increased reports of harassment characterized as reprisal for criticizing the Government. The Committee to Protect Jour-

nalists (CPJ) reported several incidents of opposition news media facing harassment by security agents and receiving death threats by unidentified callers demanding cessation of reporting in support of the opposition. The CPJ and the International Helsinki Federation for Human Rights (IHF), together with local media, reported cases of violent attacks by unknown assailants on numerous journalists and cameramen from progovernment and opposition news agencies.

On March 16, unknown assailants severely beat Kairat Birimkumov of the State Television and Radio Company, according to IHF and CPJ. Although no perpetrators were caught, the journalist speculated that the attack stemmed from an earlier report revealing alleged corruption, negligence, and illegal business activities at the Kyrgyz Temir Zholu railroad company.

On March 26, unidentified assailants attacked and beat Daniyar Isanov, a reporter from the independent television station NTS. Police made no arrests.

The IHF and CPJ reported that on March 31, several dozen protesters attacked Talantbek Sopuyev, a cameraman for September television station, a private station owned by the brother of opposition figure Omurbek Tekebayev. Sopuyev sustained a concussion but, according to local media, police took no action against the perpetrators.

On September 6, the AKIpress news agency reported that unknown assailants attacked and beat Talantbek Sopuyev near the September television station's broadcast tower in Jalalabad. Sopuyev registered a complaint with the district police, but they did not apprehend the assailants.

On October 30, the AKIpress news agency reported that assailants attacked the correspondent Gulmira Rayimbek kyzy and cameraman Alexander Yakovlev of TV Company NBT while they researched a lead about the provision of quality medicine at the Osh market in Bishkek. The MIA opened an investigation that continued at year's end.

On November 11, two unidentified individuals attacked and beat Anna Mostfa, a reporter for the newspaper Obschestvenny Rating. Authorities opened an investigation but made no arrests.

There were 40 to 50 regularly printed newspapers and magazines, eight of which were state owned, with varying degrees of independence. The independent printing press run by the nongovernmental Media Support Center (MSC) surpassed the state printing house, Uchkun, as the leading newspaper publisher in the country. Approximately 50 state-owned and private television and radio stations operated in the country, with two television stations, both state-owned, broadcasting nationwide.

Foreign media operated freely. The law prohibits foreign ownership of domestic media; however, there was a small degree of foreign ownership of media, through local partners. Russian television stations Channel One and RTR dominated coverage and local ratings. Mir Interstate Television and Radio Company, a member-funded Commonwealth of Independent States (CIS) television network, increased its television and radio broadcasts throughout the country. A number of Russia-based media outlets also operated freely in the country, although they were registered with the MOJ, and therefore the Government considered them domestic media. Although several broadcast media companies applied for new licenses and frequency assignments since May 2006, the Government had not approved any requests for the creation or expansion of media outlets.

In March President Bakiyev rescinded his earlier veto of a bill to allow changing the Government Television and Radio Company (GTRK) from state to public control. A supervisory board is composed of five members nominated each by the president, Parliament, and civil society. The board was scheduled to elect a president, but eight members resigned when it became clear that Elvira Sarieva, former director of Internews Kyrgyzstan and a strong advocate of independent media, was likely to win. The Government appointed Melis Eshimkanov as acting president of the TV station and the board, lacking a quorum, was rendered powerless. No further information was available at year's end.

The MOJ required all media to register and receive ministry approval to operate. The media law states that registration should take no longer than 1 month, but in practice the process often took much longer. Part of the process included background checks on each media outlet's owner and source of financing, including international donor organizations. New licensing/frequency distribution procedures continued to be reviewed by the Government.

Government newspapers, television, and radio continued to receive state subsidies, and the Government remained the primary source of scarce advertising revenue, which allowed the Government to influence media content.

During the year progovernmental media outlets published numerous negative articles about several parliamentary deputies, NGOs, and their leaders.

The Government used law enforcement agencies and state-run media to intimidate independent media. Following the April demonstrations, agents of the National Security Service raided the Media Support Center, an independent printing press implemented by Freedom House, and confiscated the newly printed copies of Agym and Kyrgyz Rukhu, both critical of the Government. The security forces also removed the printing plates and demanded the newspapers's electronic files be deleted. After 2 days security forces returned the confiscated items, and Prime Minister Almaz Atambayev issued a formal apology.

On October 17, MIA officers confiscated 2,500 copies of the independent newspaper Alkak. The edition contained several articles about the upcoming referendum. The following day, the MIA returned the newspapers and apologized for the incident.

Although the law prohibits censorship, a few independent journalists reportedly faced occasional government pressure over critical press coverage or were denied access to public meetings and information freely provided to state-run outlets. There were no reports of government interference in newspapers' editorial policies.

Following the Saipov killing on October 24, media representatives in the southern part of the country reported that the MIA and GKNB called for questioning many of the 205 journalists registered with the Media Resource Center in Osh. Several journalists reported aggressive interrogation and threats of criminal charges for their reports on the killing. According to journalists, law enforcement agencies strongly advised all southern media outlets not to cover the case. After airing a commemoration show about Alisher Saipov, authorities warned Osh City's Mezon TV not to air it again or face prosecution.

Libel remains a criminal offense punishable by up to 3 years in prison.

Internet Freedom.—There were no government restrictions on access to the Internet or reports that the Government monitored e-mail or Internet chat rooms. Individuals and groups could engage in peaceful expression of views via the Internet, including by e-mail, forums, and Web logs.

Academic Freedom and Cultural Events.—There were no government restrictions on academic freedom or cultural events.

b. Freedom of Peaceful Assembly and Association.

Freedom of Assembly.—The law provides for freedom of assembly, and the Government generally respected this right in practice, although authorities occasionally tried to place restrictions on this right.

On November 30, the Bishkek City Council approved a decree limiting the rights to hold protests, rallies, and other public gatherings to three locations in the city. Organizers are also required to notify city officials 10 days in advance and pay for the removal of trash after the event. On December 17, police arrested approximately 20 youth activists of the "I don't believe" group for staging an unauthorized demonstration in Bishkek regarding what they considered to be fraudulent parliamentary election results. On December 20, police arrested 31 individuals at another "I don't believe" protest. A court sentenced 11 protesters to 5 to 7 days in jail and gave minor fines to four others. The following day, police dispersed a third protest organized by the same group and detained up to 30 participants, according to AKIpress news agency reports. The protesters appealed the sentences with the Bishkek court, but the judge did not accept the appeal.

On November 10, Maxim Kuleshov led a rally in Bishkek's Ala-Too Square entitled "Say no to dictatorship." Police detained Kuleshov, five other demonstrators, and three passers-by for disobeying a police officer and displaying lewd images on placards. Police released the three passers-by and two demonstrators several hours later. The Bishkek City court found the remaining four guilty, including Kuleshov, but let them off with a warning. Kuleshov and other defendants filed an appeal, but there were no further updates at year's end.

During the year, more than 400 rallies were held in the country. Law enforcement authorities provided security for many of these demonstrations. Authorities tried to place certain restrictions on the right to assemble.

Citizens organized protests in November 2006, on January 27, and February 7 in opposition to the Government's proposed participation in the Heavily Indebted Poor Countries Initiative. Protesters orchestrated group hunger strikes, road blockades, and street marches. Protests also took place both for and against the presence of a foreign military base in the country.

Beginning on April 11, protesters gathered daily in Bishkek's Ala-Too Square in support of opposition-led demands for constitutional reforms and new presidential elections. On April 19, the demonstrations ended when police dispersed the crowds using tear-gas and stun grenades after an apparent provocation by unidentified pro-

testers. Local media reported that approximately 150 protesters were arrested, but they were released days later.

Freedom of Association.—The law provides for freedom of association, and the Government generally respected this right, although the Government at times used law enforcement agencies to intimidate organizations. NGOs, labor unions, political parties, and cultural associations must register with the MOJ. NGOs are required to have three members to register, and all other organizations require at least 10 members. The MOJ did not deny any domestic NGOs registration during the year. The law prohibits foreign-funded political parties and NGOs, including their representative offices and branches, from pursuing political goals.

The Government continued its ban on four organizations it deemed to be extremist due to alleged ties to international terrorist organizations: HT, the Islamic Party of Turkestan, the Organization for Freeing Eastern Turkestan, and the Eastern Turkestan Islamic Party. Arrests and prosecution of persons accused of possessing and distributing HT literature continued during the year. Although most arrests of alleged extremists in the past occurred in the south and involved ethnic Uzbeks, media reports track a marked increase in ethnic Kyrgyz being detained for HT-related activity in the north. The majority of those arrested were charged with distribution of literature inciting ethnic, racial, or religious hatred. Reported cases of women being detained for distributing HT leaflets and brochures also increased during the year.

c. Freedom of Religion.—The law provides for freedom of religion. The Government generally respected this right in practice, although there were some restrictions, particularly regarding the activities of Islamic groups that it considered to be extremist and a threat to the country. The Constitution provided for the separation of state and religion. Islam is the most widely practiced faith. The Government did not officially support any religion; however, a May 2006 decree recognized Islam and Russian Orthodoxy as "traditional religions."

The State Agency for Religious Affairs (SARA) is responsible for promoting religious tolerance, protecting freedom of conscience, and overseeing laws on religion. Under the law all religious organizations, including religious schools, are required to register with SARA, and each congregation is required to register separately. In July 2006 SARA moved its headquarters to Osh, reportedly to monitor more closely religious extremists within the predominantly Muslim Ferghana Valley.

Although there has been a history of several groups having difficulties registering, almost all were eventually registered. Some exceptions include the Hare Krishnas, the Church of Jesus Christ of Latter-day Saints, and the Universal Church, whose registration was suspended in 2003 for non-compliance with government regulations. Since 1996 SARA has registered 270 religious groups and nearly 1,200 foreign citizens as religious missionaries.

Organizations applying for registration must have at least 10 members who are adult citizens and must submit an application form, organizational charter, minutes of an institutional meeting, and a list of founding members. Each congregation must register separately. A religious organization then must complete a registration process with the MOJ to obtain legal status, which is necessary to own property, open bank accounts, and conclude contracts. If a religious organization engages in commercial activity, it is required to pay taxes. In practice the MOJ has never registered a religious organization without prior registration by SARA. The registration process with SARA is often cumbersome, taking 1 month on average, but in the past it could take several years. According to SARA regulations, registration is rejected if a religious organization does not comply with the law or is a threat to national security, social stability, interethnic and interdenominational harmony, public order, health, or morality. An applicant whose registration is denied may reapply and may appeal to the courts.

The Government was concerned about political extremism it believed was disguised as conservative Islam, particularly Wahhabist interpretations of Islam.

The country's largest Protestant church, with an estimated 11,000 members, complained of government attempts to hamper its activities in the past. The police detained 158 persons for allegedly illegal religious activity and opened criminal cases regarding most of these detainees. There were 63 HT-related cases reported during the year.

Missionary groups of various religious organizations operated freely, although they are required to register with the Government.

On August 7, a final decision by a governmental interagency commission allowed Muslim women to wear headscarves in passport photographs. Government authorities had previously banned the wearing of all headwear in passport photos.

The Government forbids the teaching of religion (or atheism) in public schools, but the Concepts of State Religious Policy, a May 2006 decree drafted by an interagency council addressing state policy on religious issues, allows the teaching of subjects such as "the history of world religions" and "religion in general." It also acknowledges the rights of students to wear clothing indicative of an individual's religious preference. However, there have been reports of girls in southern areas being banned from school or dropping out because of restrictions on wearing the headscarf.

Societal Abuse and Discrimination.—In July 2006 a group of citizens attacked Zulumbek Sarygulov, a Protestant pastor in Osh, vandalized his home, and burned his religious books. In a second incident in November 2006, perpetrators threw Molotov cocktails at Sarygulov's church facilities, but church staff quickly extinguished the flames and the fire caused little damage. There were no further reports in the investigation of these incidents, but the church came under pressure from SARA to end its activities.

There were no reports of anti-Semitic acts. Approximately 1,600 Jews lived in the country.

For a more detailed discussion, see the 2007 International Religious Freedom Report.

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons.—The law on internal migration provides for freedom of movement, and the Government generally respected the right in practice; however, certain policies continued to restrict internal migration, resettlement, and travel abroad.

The law requires an official residence registration in order to work and live in a particular area of the country. Applicants for residence registration must file a request with the local police and be able to prove that they have a place to live in the area. Local administrations also tied the availability of social services to registration; individuals who did not register could be denied access to subsidized health care or schooling.

Citizens were able to move within the country with relative ease. However, many internal labor migrants coming from rural areas to cities looking for work were still registered in their hometown and consequently had limited access to subsidized healthcare and other government benefits.

The law on migration prohibits travel abroad of citizens who had access to information classified as state secrets. The International Organization for Migration (IOM), with the support of foreign governments, opened two additional passport offices and a training facility for passport officers, producing instructions for filling out passport forms, and posting official fees associated with the passport process to stem corruption. By year's end the Government eliminated most delays experienced during the issuance process.

The law does not provide for or prohibit forced exile, and there were no reports that the Government employed it in practice.

On May 21, the president signed into effect the Law on Citizenship, article 22, which allows for the recognition of dual citizenship for citizens. The new law also simplified naturalization procedures and reduced the amount of time needed to qualify for residency for select applicants, such as ethnic Kyrgyz and those with one parent of Kyrgyz citizenship. Article 13 of the law establishes a 5-year residency qualification for the naturalization of recognized refugees, those married to citizens, prominent scientists, and business investors.

Protection of Refugees.—The law provides for the granting of asylum or refugee status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 protocol. In practice the Government provided some protection against refoulement, the return of persons to a country where they faced persecution. The Government also provided temporary protection to individuals who may not qualify as refugees under the 1951 Convention and the 1967 protocol, although the UNHCR reported no persons received such protection during the year. While the Government cooperated with the UNHCR and other humanitarian organizations in assisting refugees and asylum seekers, during the year the Government did not grant refugee status or asylum to any Uzbeks or Uighurs or adequately protect such individuals.

The European Commission, together with the UNHCR and Kyrgyz government, opened the first refugee reception center in Central Asia. The State Committee for Migration and Employment contributed sufficient office space for the establishment of the center. UNHCR's High Commissioner, António Guterres, attended the opening of the center and praised the Government for naturalizing more than 9,000 Tajik refugees.

In August 2006, the Government forcibly returned four refugees registered with UNHCR and one asylum seeker to Uzbekistan. No further information was available at year's end.

There was no further information about the August 2006 disappearance of five Uzbek asylum seekers reported by the Office of the U.N. High Commissioner for Refugees (UNHCR). UNHCR and local NGOs claimed that at least two of the Uzbek men were being held in a pretrial detention center in Andijon, Uzbekistan.

There were no refugee camps for Uzbek citizens in the country. The media and some NGOs reported that Uzbek refugees continued to hide in the country for fear of persecution by the Uzbek authorities. The number of current refugees was not available.

As with Uzbek asylum seekers, the Government continued to deny Chechen refugees official refugee status but granted them asylum seeker status and provided them with some legal protection.

According to the UNHCR, Uighurs remained at risk of deportation or extradition, particularly if they were involved with political and religious activities in China. Uighurs also risked deportation at the request of the Chinese government.

According to UNHCR, there were no consistent figures of stateless persons from the Government. The Ministry of Interior reported only 45 stateless persons but the Citizenship Commission under the President and UNHCR estimated the number to be more than 10,000.

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, although some restrictions remained. Under the October 2007 Constitution, the president can veto any legislative act and dismiss members of the government, nominate Constitutional Court judges and Supreme Court judges proposed by the NCJA, appoint and dismiss regional governors and the heads of local administrations, control defense and security bodies, and direct foreign policy. The president has immunity after leaving office. The Parliament can override presidential vetoes.

On October 21, the country held a nationwide referendum on a new Constitution and a new electoral code. According to a Central Election Commission (CEC) report, over 80 percent of the country's 2.7 million registered voters participated in the referendum, and 81.58 percent of voters approved the new Constitution and electoral code. However, independent local and Western election monitors reported "rampant" violations, including voter fraud and ballot box stuffing, and estimated that voter turnout had been significantly lower than the 50 percent needed to make the vote valid. On October 22, the president dissolved the Parliament on the grounds that Parliament had created an "insurmountable crisis" between the legislative and judicial branches, and the next day called for snap elections to be held in December.

On December 16, the country held nationwide parliamentary elections to form a new legislature. The elections failed to meet many of the country's international commitments; it was marred by significant obstacles for opposition parties, use of government resources to benefit specific political interests, uncertainty over election rules, widespread vote count irregularities, exaggerations in voter turnout, late exclusions from voter lists, and revision of precinct protocols. Representatives of the OSCE election monitoring mission stated that the elections "failed to meet a number of OSCE commitments." Independent observers and opposition parties ascribed blame for violations and fraudulent activity to the precinct election commissions operating the polling stations.

During the year there were cases of government harassment of members of the political opposition.

On April 20, security services raided the offices of several opposition parties involved in organizing the April antigovernment demonstration, including Ar-Namyz and Ata-Meken, along with political movements such as the United Front. Party members reported the seizure by authorities of party property, including computers and documents.

On October 26, security forces stopped a motorcade of opposition leaders, including Omurbek Tekebayev, Kubatbek Baibolov, Temir Sariyev, and Omurbek Abdrakhmanov, traveling from Naryn to Bishkek, and assaulted members of their entourage. The MIA publicly stated that the incident was a case of mistaken identity and that their true targets were members of organized crime.

On October 30, the Government dismissed Galiya Alymbekova, spouse of former MP and opposition member Erkin Alymbekov, from her position as a CEC senior level staffer. Opposition leader Omurbek Tekebayev reportedly stated that the Government dismissed Alymbekova for criticizing the fraudulent activity during the October referendum.

On October 31, the Bishkek City Council voted to remove Nurjamal Baibolova, spouse of opposition member Kubatbek Baibolov, from the position of chair of the council. Baibolova claimed the campaign to have her removed was orchestrated by the Government.

There were no further reports on the investigation into the November 2006 grenade attack on the house of opposition parliamentarian Isa Omurkulov.

After a pretrial reconciliation, the court closed the case of Ata-Meken party activist Bakyt Kalpekov, charged with assaulting the deputy director of the State Television station during the opposition-led demonstrations in November 2006.

There were no further reports on the investigation into the April 2006 and November 2006 assaults on Edil Baisalov, then the head of the NGO Coalition for Democracy and Civil Society.

In December 2006 the financial police detained and questioned Beyil Aidakeyeva, wife of opposition member Omurbek Abdrakhmanov, on charges of tax evasion. The charges were widely believed to be directly tied to her husband's political activities. Aidakeyeva filed and won a lawsuit in the district and municipal courts claiming law enforcement agents acted arbitrarily. Authorities appealed the decision and on September 26, the Supreme Court ruled in favor of Aidakeyeva.

Elections and Political Participation.—Following former president Akayev's March 2005 departure from government, Prime Minister Kurmanbek Bakiyev assumed the interim presidency. The country elected him president in July 2005 in an election the OSCE reported marked tangible progress towards international standards. The Government generally respected fundamental civil and political rights, such as the freedom of expression and the freedom of assembly, and the media provided all candidates with opportunities to present their views. Despite concerted efforts to improve voter lists, however, some aspects of the revision of voter lists were improper. Unexplained fluctuations in the number of voters on the main voter lists, up to and on election day, raised questions about the accounting of ballots.

During the year the Government held parliamentary by-elections in five districts: The Otuzadyrskiy district on May 13, the Keminskiy district on June 10, and the Balykchinsky, Karakuldjinsky, and Kermetoosky districts on October 14. In the Keminskiy district, Bermet Akayeva, the daughter of former president Askar Akayev, attempted to run for Parliament, but a local judge rejected her application for not meeting the residence qualifications. With a crowd of Akayeva's supporters surrounding the courthouse, the judge rescinded his ruling. The Supreme Court, however, upheld the ban on her candidacy. On August 6, the State Committee for National Security investigated and formally charged Akayeva with obstruction of justice, contempt of court, and the destruction of court documents. On September 13, the Government dropped the charges against Akayeva, reportedly in exchange for her promise to leave the country. On September 16, Akayeva departed the country, and authorities pronounced her competitor, Erik Arsaliyev, winner of the election.

After March 2005 the political party landscape changed significantly. Out of more than 100 registered political parties, only a dozen were active. Many government officials were affiliated with progovernmental parties. The October 2007 Constitution increased the legislature from 75 to 90 seats, with the election to be held by party lists. The new electoral code provided that each list should include no more than 70 percent of candidates of one gender, at least 15 percent under age 35, and at least 15 percent belonging to an ethnic group other than Kyrgyz. The electoral code set extremely high thresholds for a party to enter Parliament: 5 percent of all registered voters nationwide, plus 0.5 percent of all registered voters in each of the seven oblasts, and in the cities of Bishkek and Osh. Fifty parties expressed interest in participating in the December 16 parliamentary elections, 22 applied for registration, and the CEC registered 12 parties. Several disqualified parties filed appeals, but the Bishkek City courts upheld the CEC's ruling. Following the December 16 elections, the CEC certified that three parties passed the thresholds to gain seats in Parliament: The new propresidential Ak Jol party with 71 seats, the Social Democratic Party of Kyrgyzstan (SDPK) with 11 seats, and the Party of Communists of Kyrgyzstan with 8 seats. Opposition party Ata-Meken, which did not gain any seats, accused the Government of vote rigging, but the Supreme Court upheld a December 20 CEC ruling that Ata-Meken had failed to pass the regional voting threshold in the city of Osh.

In March the president appointed Almaz Atambayev, opposition leader of the Social Democratic Party (SDPK), to the position of prime minister and fellow SDPK member Sooronbay Jeyenbekov to be minister of agriculture; no other opposition party representatives were in the Cabinet. After the December 16 elections, the president formed a new government without any opposition party representatives.

As a result of the December 16 parliamentary elections, 23 women representing three political parties secured positions in Parliament. Women held several high-level government posts, including minister of finance, minister of education and science, minister of labor and social development, chief justice of the Constitutional Court, the chair of the State Committee on Migration and Employment Issues, and chair of the CEC. No women occupied the positions of governor or head of local government. In August the president signed into effect the action plan on achieving gender balance for 2007–2010.

Based on initial seat allocations, there were 17 members of six minorities represented in the new 90-seat legislature. Russians and Uzbeks, the two largest ethnic minority groups, remained underrepresented in government positions. Members of minority groups held senior posts, including an ethnic Russian promoted from minister of energy, industry, and fuel to prime minister following the December 16 elections. Russian-speaking citizens alleged that a "ceiling" precluded promotion beyond a certain level in government service.

Government Corruption and Transparency.—Corruption remained a serious problem at all levels of society. The law provides criminal penalties for official corruption; however, the Government did not implement the law effectively, and officials engaged in corrupt practices with impunity. During the year the Government took limited steps to address the problem, including reports of arrests of government officials on corruption charges. The World Bank's worldwide governance indicators reflect that corruption was a severe problem.

At a meeting on combating corruption held on February 21, Chairman of the National Anticorruption Council and parliamentarian Rashid Tagayev stated that corruption eroded all sectors of society from schools to government offices. In April the National Anticorruption Agency released the results of a survey stating that law enforcement agencies were considered to be the most corrupt government bodies, with the Prosecutor General's Office at the top of the list, followed by the Ministry of Interior, the Ministry of Defense, and the Ministry of Justice. According to polls conducted by the International Arbitration Court at the beginning of the year, 70 percent of businessmen did not trust the judicial system due to rampant corruption.

During the year, the agency received 237 complaints and 71 phone calls regarding corruption among governmental officials. The complaints were primarily related to unlawful actions of law enforcement and judiciary bodies.

In October, the NGO Kyrgyz Parliamentarians Against Corruption analyzed the implementation of the National Anti-Corruption Strategy, adopted in 2005. Noting several positive steps, such as the ratification of the U.N. Convention Against Corruption and establishment of the National Anticorruption Agency and the National Anticorruption Council, the NGO reported delays in implementation of the strategy, lack of compliance of the domestic legislation with international standards, and insufficient involvement in anticorruption activities by civil society.

According to the MIA, 198 cases of bribe taking, 83 cases of negligence of official duties and fraud, 478 cases of embezzlement, and 1,520 cases of malfeasance took place between January and November. The MIA reported that criminal charges were filed against 352 government officials as a result.

On June 15, the Government detained Colonel Mairambek Jumabekov, a senior officer in the anticorruption police, on suspicion of corruption; he was allegedly caught taking a bribe in his office.

On August 3, the Prosecutor General's Office instructed the Ministry of Interior to stop the search for Kamchy Kolbayev, a person considered to be the leader of the most influential criminal group of the country, and to stop the criminal investigation against him. The decision was made with reference to the law on amnesty even though the law applies only to cases with previous conviction.

The law gives persons the right to request information from the Government. The Government generally complied with such requests.

Section 4. Governmental Attitudes Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

Although the Government made some efforts to reach out to human rights groups and civil society, during the year harassment and pressure by law enforcement agencies and unknown persons on human rights activists remained a problem.

On August 3, Radio Free Europe/Radio Liberty (RFE/RL) reported that Tolekan Ismailova of the Citizens Against Corruption Center and Aziza Abdrasulova of Kylym Shamy reported an increase in government pressure on female human rights activists. Among the women listed were Valentina Gritsenko of the NGO Spravedlivost and Arzykan Momuntaeva of the Coalition for Democracy and Civil Society for protesting against alleged corruption at a gold mining company in Talas.

The trial of Valentina Gritsenko, Abdumalik Sharipov, and Mukhamdjan Abdujaparov, resumed in September and on November 21 the plaintiff dropped all charges. The MIA also closed the criminal case against the human rights activists without pressing charges. In March 2006 Jalalabad local police filed a case against the human rights activists who were employees of Spravedlivost, headed by Valeriy Uleyev. The Government charged that the three published false information about the police concerning a cover-up of the alleged torture of a pregnant woman. The trial began in June 2006 and was postponed.

On August 10, Aziza Abdurasulova attended the trial of a defendant in the death of Akylbek Sakeyev, a detainee of the Naryn detention facility who allegedly was beaten by police and died in November 2006. During the trial a group of women attacked Abdurasulova apparently for her involvement in the trial. Abdurasulova filed a complaint, but the authorities did not open a case against the assailants due to lack of evidence. No further action was taken by year's end.

Early in the year the Prosecutor General's November 2006 investigation into local activities of three international NGOs ceased, and these organizations were generally able to pursue their work free from government interference. No local NGOs reported any attempts by the Government to investigate their activities.

The Government generally cooperated with the numerous international organizations that reported on human rights problems in the country and with international organizations generally, and permitted visits by U.N. representatives and other organizations, including the OSCE, ICRC, and IOM.

The ombudsman's mandate is to act as an independent advocate for human rights on behalf of private citizens and NGOs, and he has the authority to recommend cases to courts for review. The ombudsman's office actively advocated for individual rights. It claimed that after the March 2005 events, the number of complaints grew to 62,012. The ombudsman's office noted that during the year, the number of complaints received was significantly lower than in previous years. At year's end the total was 17,166 complaints. The ombudsman's office confirmed that in a number of cases its advocacy was effective in reversing court verdicts against complainants.

Under the previous Parliament, the parliamentary Committee on Constitutional Law, State Structure, Legality, Court, Judiciary Reform, and Human Rights drafted or reviewed legislation affecting human rights before it went before the full Parliament for approval. The committee also reviewed all draft legislation that has a human rights component.

The responsibilities of the presidential State Commission on Human Rights include implementing the Government's policy on human rights, improving relevant legislation, conducting information campaigns to increase public awareness about human rights issues, and establishing relations with international human rights organizations.

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

The law prohibits discrimination based on race, gender, disability, language, or social status; however, in practice there was discrimination against women, persons with disabilities, ethnic minorities, and homosexuals.

Women.—The law specifically prohibits domestic violence and spousal abuse; however, violence against women remained a problem. Some estimates indicated domestic violence constituted between 40 and 60 percent of all crimes committed against women. Many crimes against women were not reported due to psychological pressure, cultural traditions, and apathy of law enforcement officials. Penalties ranged from fines to 15 years' imprisonment (if abuse resulted in death). There were 300 reported crimes committed against women at year's end; the majority of those cases were sent to court.

Several local NGOs provided services for victims of domestic violence, including legal, medical, and psychological assistance, a crisis hot line, shelters, and prevention programs. Organizations involved with battered women also lobbied for new laws on domestic violence. The Government provided offices for the Sezim Shelter and paid its bills.

Rape, including spousal rape, is illegal. Activists noted that the official number of rape cases continued to increase, although it was not clear whether this was due primarily to increased reporting of attacks. Interior Ministry statistics indicated that during the year there were 259 registered cases of rape, 235 of which resulted in convictions. NGOs estimated the actual number of cases could be up to 10 times the reported figure. The NGO Sezim estimated that 90 percent of cases brought against alleged rapists would never be brought to court. All experts concurred that most of the cases would be mired in corruption; however, as bribery was used commonly to curtail investigations regarding rape.

Although prohibited by law, rural inhabitants continued the traditional practice of kidnapping women and girls for forced marriage. During the year there were 35 reported cases of forced marriage, but the actual figure may have been much higher. In 23 of these cases, the investigations resulted in convictions of 33 individuals. Cultural traditions discouraged victims from going to the authorities. IOM financed and trained NGOs to maintain antitrafficking hot lines, using toll-free numbers provided by the government, to help potential and actual trafficking victims. The IOM established hot lines, staffed by lawyers and social workers, in each province during June and July 2006. The State Committee for Migration and Employment (SCME) provided free-of-charge office space for the IOM-sponsored hot line staff. The IOM, together with the SCME, continued a countrywide antitrafficking information campaign, including awareness advertisements on television, radio, and billboards.

On March 26, Parliament voted against a measure to decriminalize polygamy. Although no official statistics were available, Minister of Justice Marat Kaiypov stated that the ministry prosecutes two to three polygamy cases each year.

Prostitution is not a crime, although the operation of brothels, pimping, and recruiting persons into prostitution is illegal, with penalties of up to 5 years. With no legal measures in place to regulate the industry, it was an ongoing problem. The NGO Tais-Plus continued to defend the rights of people in prostitution.

Sexual harassment is prohibited by law; however, according to an expert at the local NGO Shans, it was rarely reported or prosecuted. Penalties range from fines to imprisonment.

Women enjoy the same rights as men, including under family law, property law, and in the judicial system, although discrimination against women persisted in practice. The National Council on the Issues of Family, Women and Gender Development, under the president, is responsible for women's issues. Average wages for women were substantially less than for men. Women made up the majority of pensioners, a group that was particularly vulnerable to deteriorating economic conditions. After the demise of the Soviet Union, traditional attitudes toward women reemerged in the countryside, where women were relegated to the roles of wife and mother and educational opportunities were curtailed. Data from NGOs working on women's issues indicated that women were less healthy, more abused, less able to work outside the home, and less able to dispose of their earnings independently than men.

Children.—The Government was generally committed to the rights and welfare of children, although it lacked resources to address fully basic needs for shelter, food, and clothing. In September 2006 the Government initiated a program providing each elementary student with a free glass of milk and a roll every morning. Rural and urban schools administered the program effectively.

The law provides for compulsory and free education for the first 9 years of schooling, or until age 14; secondary education is free and universal up to age 17. However, financial constraints prevented the Government from providing free basic education for all students. Families who kept children in public schools often had to pay burdensome—and illegal—administrative fees. In September the Government issued a decree stating that parents of schoolchildren should refrain from paying administrative fees to schools. Girls and boys attended school in equal ratios. During the year the primary school enrollment ratio was 99 percent for both girls and boys, according to the U.N. Children's Fund (UNICEF); the secondary school enrollment ratio was 78 percent for boys and 85 percent for girls. The law penalizes parents who do not send their children to school or who obstruct their attendance. This law was only sporadically enforced, particularly in rural areas. In 2006 and 2007, 71,900, or 6.5 percent, of total school age children completed secondary school.

The Government continued to fund the work of two programs to provide benefits for low-income children and children with disabilities. Benefits included school supplies and textbooks. Legally, all textbooks should be free, but the Government was unable to provide free textbooks to all, and students had to pay for some of them.

The Government provided health care for children, and boys and girls had equal access. The system of residence registration restricted access to social services, including health care and education for certain children, such as refugees, migrants, internally displaced persons, and noncitizens.

Child abuse, including beatings, child labor, and sexual exploitation continued to be a problem.

The practice of bride kidnapping remained a concern, with 21 underage abductions reported during the year. Nineteen of these cases went to trial, resulting in 14 convictions. Information on the outcome of the remaining investigations was not available at year's end. Children ages 16 and 17 may legally marry with the consent of local authority, although marriage before age 16 is prohibited under all circumstances.

Trafficking of children for the purposes of sexual exploitation and labor remained a problem.

Family law prohibits divorce during pregnancy and while a child is younger than 1 year.

As in previous years, there were numerous reports of child abandonment due to parents' lack of resources, leading to larger numbers of children in institutions, foster care, or on the streets. State orphanages and foster homes also faced a lack of resources and often were unable to provide proper care. Some children too old to remain in orphanages were transferred to mental health care facilities, even when they did not exhibit mental health problems. Many street children left home because of abusive (8 percent) or alcoholic (10 percent) parents or desperate economic conditions (75 percent). Government and NGO estimates of the number of street children nationwide ranged from approximately 2,000 to 15,000, depending on the time of the year. Approximately 80 percent of street children were internal migrants. Police detained street children and sent them home (if an address was known) or to a rehabilitation center or orphanage. The MIA-maintained rehabilitation center in Bishkek continued to lack sufficient food, clothes, and medicine and remained in poor condition. IOM, together with foreign government funding and free labor provided by the SCME, renovated a second center for minors in Osh, staffed it with an IOM-trained NGO, and stocked it with necessary food and supplies. Since January an estimated 310 children received assistance in the Osh rehabilitation center.

Trafficking in Persons.—The law prohibits trafficking in persons (TIP); however, there were reports that persons were trafficked to, from, and within the country. Trafficking remained a persistent problem, and victims alleged that government officials facilitated, or were complicit in, trafficking. However, the Government continued to make significant efforts to address trafficking, including improved assistance to victims.

The country was a source, transit, and to a lesser degree, destination for trafficked persons. Internal trafficking for labor and sexual exploitation also occurred, generally from poor rural areas to larger cities such as Bishkek in the north and Osh in the south. The Government recognized that trafficking in persons was a problem. With financial and practical assistance from various international and nongovernmental organizations, the Government was able to improve legislation on prosecution of traffickers, participate and support a countrywide information campaign, and train law enforcement and foreign affairs officials on trafficking awareness. The Government took additional steps to streamline labor migration by adopting a program on the regulation of migration processes and collaborating with the governments of Russia, South Korea, and Kazakhstan to improve the protection of rights of Kyrgyz labor migrants working abroad.

There were no reliable data on the number of persons trafficked. Most women working in the United Arab Emirates (UAE) in the sex industry were presumed to be victims of trafficking. A significant number of labor migrants who traveled to Kazakhstan and Russia fell victim to traffickers of slave labor. The number of citizens working in these countries who were inadvertent victims of trafficking was unknown.

From January 1, the SCME offices provided consultations to over 7,000 people through their hot line and in person. The "Stop Trafficking" hot lines allow for the education of citizens about legal labor migration, the dangers of trafficking, and other issues related to working and living abroad. According to the SCME, governmental agencies assisted in the repatriation of 32 Kyrgyz citizen victims of trafficking during the year.

The IOM estimated that, in comparison with victims from the north, more than twice the number of trafficking victims assisted through its programs were from the southern provinces of Jalalabad and Osh, where unemployment rates were higher. Women, especially from impoverished southern areas, were trafficked for sexual exploitation to Kazakhstan, Russia, UAE, China, South Korea, Turkey, Greece, Cyprus, Thailand, Germany, and Syria.

Traffickers were often persons who previously operated local prostitution networks. Relatives or close family friends reportedly also were used to recruit trafficking victims. Traffickers also included organized crime rings that often used former trafficking victims as recruiters. In some cases traffickers provided escorts, usually an older woman, to accompany victims and facilitate border crossings into countries such as the UAE, where young women were generally not allowed to enter alone. Labor trafficking was much less organized and often involved self-employed recruiters who simply loaded persons onto buses and transported them to the country for work on farms or to foreign labor recruitment firms.

Trafficking in persons, including organizing illegal migration and smuggling, is a criminal offense punishable by up to 20 years in prison. Other provisions of the

criminal code used to prosecute traffickers included kidnapping, recruiting persons for exploitation, coercion into prostitution, rape, and deprivation of freedom. The maximum sentence for those prosecuted under these laws is 15 years.

During the year local media reported two cases of individuals attempting to sell a baby. Law enforcement officials opened criminal investigations in both cases. According to the MIA, 33 trafficking-related crimes were investigated during the year. According to IOM, there were at least three convictions during the year.

In June and July law enforcement officials prevented the trafficking of two groups of Bangladeshi citizens, totaling 19 persons, through the country. The Bangladeshi citizens were returned home, but no traffickers were detained.

The Government reported that during the year no known trafficking victims were prosecuted for illegal migration or other charges related to trafficking; the Government respected their status as victims.

The government's efforts to address trafficking included participating in and supporting public information campaigns and improving laws to protect against trafficking in persons, and providing training for law enforcement, diplomatic, and government officials.

Due to insufficient evidence, a Jalalabad court acquitted the traffickers arrested for attempting to send 61 women from Osh to Dubai in February 2006.

The MIA has a designated antitrafficking police unit. The National Antitrafficking Council chaired by the vice prime minister is responsible for enforcing a government policy to fight trafficking and oversee the efforts of different government agencies to implement antitrafficking action plans. In late 2005 the Government assigned the responsibility for coordinating antitrafficking activities to the trafficking division of the newly established State Committee on Migration and Employment (SCME). Together with the OSCE and IOM, the SCME drafted a national antitrafficking action plan. The Ministry of Finance had not approved the plan by year's end.

Endemic corruption impeded the Government's efforts to curb trafficking. Victims reported that local police, immigration officers, and airport security officials often cooperated with highly organized trafficking operations. Observers believed that some government authorities facilitated or were otherwise complicit in trafficking activities.

The January 2006 amendments to article 124 of the criminal code protect trafficking victims from being prosecuted if they cooperate with an investigation. With this provision in place, it was reported that trafficking victims cooperated during investigations. There were no known accounts of trafficking victims being treated or prosecuted as illegal migrants for not cooperating or being prosecuted for document fraud or illegal border crossing if they assisted in the prosecution of traffickers. According to the law, the Government may provide foreign trafficking victims with criminal immunity and immunity from deportation for violations committed while being trafficked, provided they cooperate with law enforcement officials. In addition, such individuals may be granted temporary or permanent residence status. However, it was reported that the trafficking victims feared possible retaliation from traffickers for such cooperation. There were no reports that the Government deported foreign victims of trafficking during the year. IOM reported that several of those who returned from commercial work overseas stated they were forced to pay bribes to law enforcement officials to avoid imprisonment for having improper or falsified travel documents. However, border authorities reported that victims who admitted to the use of false documents or illegal entry into the country were not penalized.

Numerous articles in governmental and independent media outlets publicized the dangers of working abroad, and posters on public transport raised public awareness of the problem.

The Government actively participated in and helped implement numerous NGO and other foreign-sponsored antitrafficking programs and cooperated with international organizations and other countries to combat trafficking. The Government carried out or participated in a number of antitrafficking and education campaigns. Central and local governments worked on the information campaign with approximately 36 domestic NGOs that operated within the IOM-operated antitrafficking network.

In April, Golden Goal and five other domestic NGOs in the Osh and Batken Oblasts launched an OSCE-supported project on prevention of trafficking in women and children in the south of the country. The project envisaged opening three hot lines, conducting education and public awareness campaigns, presenting theatrical performances, issuing information bulletins, supporting journalists' investigations of TIP cases, and organizing training for human rights activists.

On April 24, IOM and the Norwegian government, with support from the local government, opened the Rehabilitation Center for Children in Osh. The center provided shelter to child victims of trafficking and labor exploitation.

During the year European Union (EU)-supported antitrafficking projects in Osh, Jalalabad and Batken provided local teachers with training and increased the capacity of administrative and law enforcement bodies to combat trafficking.

According to some NGOs, the Government did not directly assist trafficking victims, including those repatriated, with special services or care facilities. The Government supported NGOs by providing them with office space, space for two shelters (one in Bishkek and one in Osh), and free advertising in government-owned media outlets. Law enforcement organs increasingly referred trafficking victims to IOM-sponsored shelters such as Sezim, which provided shelter for 17 female trafficking victims as well as legal and employment advice to 10 women in Bishkek during the year. Many foreign-funded NGOs conducted workshops for law enforcement officers.

A number of NGOs, including Women's Support Center, TAIS-Plus, New Chance, Sezim, Podruga, and Golden Goal provided legal, medical, and psychological assistance as well as economic aid to trafficking victims.

At year's end IOM provided assistance to 151 trafficking victims, including repatriation, psychological support, shelter upon arrival in Bishkek or Osh, vocational training, and monthly stipends.

IOM, OSCE, various local organizations, and foreign governments sponsored a wide range of preventive programs, including antitrafficking public service announcements, roundtables, and workshops to increase awareness among the government, nonprofit, tourism, and media sectors.

Persons with Disabilities.—The law prohibits discrimination against persons with disabilities, but in practice there was discrimination in employment, education, access to health care, and in the provision of other state services for persons with disabilities. The law mandates access to buildings for persons with disabilities, although the Government generally did not enforce these provisions in practice. The law provides for access to public transportation and parking for persons with disabilities, subsidies to make mass media available to the hearing or visually impaired, and free plots of land for the construction of a home; however, in practice few special provisions were in place to allow persons with disabilities access to transportation, public buildings, and mass media. In addition, persons with disabilities often had difficulty finding employment because of negative societal attitudes and high unemployment among the general population. The lack of resources made it difficult for persons with disabilities to receive adequate education.

Serious problems continued within psychiatric hospitals. The Government was unable to provide basic needs such as food, water, clothing, heating, and healthcare, and facilities were often overcrowded. There were documented cases of animal feed being purchased to substitute normal rations for mentally ill patients. Inadequate funding played a critical factor. Children with mental disabilities were put into psychiatric hospitals rather than socially integrated with other children. Although they have the right to an education, they were not allowed to go to school. Their parents had established special educational centers to educate their children, but they did not receive government assistance. Other patients were also often admitted involuntarily, including children without mental disabilities who were too old to remain in orphanages. Patients were sometimes engaged in forced labor on hospital grounds. The NGO Mental Health and Society continued its work with the health ministry to develop programs aimed at improving conditions in psychiatric hospitals.

The lack of transparency in the administration of mental health facilities contributed to abusive conditions.

Most judges lacked the necessary experience and training to determine whether persons should be referred to psychiatric hospitals, and the practice of institutionalizing individuals against their will continued.

In August 2006 the Government issued a decree to create a special independent entity for the protection of psychiatric patients' rights, based on a 1999 law. The Office of the Prosecutor General is the Government's implementing body for the decree and facilitates the protection of rights for persons with disabilities. According to local NGO lawyers, the members of the Prosecutor's Office had no training and little knowledge on the protection of these rights and were ineffective in assisting citizens with disabilities.

The Youth Human Rights Group (YHRG) monitored the protection of children's rights in institutions for children with mental and physical disabilities. The group noted gross violations by staff at several institutions, including the deprivation of sufficient nourishment and physical abuse of the young patients.

The YHRG also visited a youth detention facility in Belovodsk, a small town outside of Bishkek, and reported evidence of routine physical abuse of detainees. The

activists reported the physical attack on Abdyldabek Turatbek uulu, a young detainee, by his tutor and the facility director's driver. Turatbek uulu sustained head injuries and lacerations to his hands. An investigation by a special commission began into this and other abuses at the detention facility.

National/Racial/Ethnic Minorities.—Minorities alleged discrimination, including from officials, in hiring, promotion, and housing, but no official reports were registered with the local authorities.

On January 25, the Supreme Court overturned an appellate court decision and upheld a district court's decision regarding a case arising from ethnic conflict. In February 2006 clashes between ethnic Kyrgyz and Dungans were reported in the Iskra village of the Chui Oblast. After claims of an attack on two young Kyrgyz men, a crowd of 150 ethnic Kyrgyz demanded that ethnic Dungan families immediately leave. Shots reportedly were fired from a car, sparking violence as the crowd hurled stones and burned houses owned by ethnic Dungans. The police detained two Dungan men, Abdulla Biyankhu and Rustam Ainayev, and pressed hooliganism charges. In April 2006 the district court sentenced the two men to 4 years and 6 months and 4 years in prison, respectively. In May 2006 an appellate court reduced the sentences to 2 years' probation.

The law designates Kyrgyz as the state language and Russian as an official language and provides for preservation and equal and free development of minority languages. Russian-speaking citizens alleged that a ceiling precluded promotion beyond a certain level in government service. They also alleged that some otherwise qualified candidates were disqualified in elections on the basis of language examinations, the fairness of which was questioned. Both Uzbek and Russian were widely used officially and unofficially. The government's initiative to revive the Kyrgyz language and calls for increased official usage of Kyrgyz raised concerns among non-Kyrgyz ethnic groups fearing possible discrimination on the basis of language.

Other Societal Abuses and Discrimination.—According to a 2005 Dutch study, persons of nontraditional sexual orientation, particularly homosexual men, were among the most oppressed groups, although the country does not outlaw homosexuality. Those whose nontraditional sexual orientationwas publicly known risked physical and verbal abuse, possible loss of work, and unwanted attention from police and authorities, particularly lower-ranking officers. Incarcerated gay men were often openly victimized in prisons by inmates and officials alike.

Section 6. Worker Rights

a. The Right of Association.—The law provides for the right of all citizens to form and belong to trade unions, and workers exercised this right in practice. Approximately 94 percent of workers belonged to a union. The Federation of Trade Unions (FTU) remained the only umbrella trade union in the country. The FTU had 1.06 million members, or 56 percent of the country's employed workforce. Unions were not required to belong to the FTU, and there were several smaller unaffiliated unions. One of the largest of these was the Union of Entrepreneurs and Small Business Workers, with a membership of approximately 60,000.

b. The Right to Organize and Bargain Collectively.—The law allows unions to conduct their activities without interference, and the Government protected this right in practice. The law recognizes the right of unions to organize and bargain collectively, and trade unions exercised this right on behalf of their members.

The law grants the right to strike, but the numerous conditions required to receive formal approval made the procedure difficult and complicated.

The law on government service prohibits government employees from striking.

There are Free Economic Zones (FEZs) that function as export processing zones. All local labor laws apply to the approximately 4,900 workers in the FEZs.

c. Prohibition of Forced or Compulsory Labor.—The law prohibits forced or compulsory labor, including by children; however, there were reports that such practices occurred.

In September 2006 the Government tightened licensing rules for recruitment companies to include rules for recruiting persons to work abroad and introduced vetting requirements by the SCME for all recruitment companies. The licensing rules placed strict requirements on recruitment companies and allowed for added control by government agencies. The Government regularly published the list of licensed and vetted firms.

Recruiters are required to monitor employer compliance with the terms of employment and the working conditions of labor migrants while a work contract is in effect. Recruiters are required to provide workers with the employment contract prior to their departure.

In 2005 local media reported that approximately 20 citizens were being held hostage in China due to their families' inability to pay for goods purchased from Chinese merchants. According to local NGOs, however, the actual number of individuals held in China was more than 100. The IOM claimed that at least one hostage escaped China during the year. The Ministry of Foreign Affairs, according to IOM, continued to negotiate the release of the remaining citizens with the Chinese government.

There were reports that patients in psychiatric hospitals were routinely used for unauthorized labor on hospital grounds and as domestic service for doctors and local farmers. The patients allegedly did not have a choice to refuse but were rewarded with extra food for their work.

d. Prohibition of Child Labor and Minimum Age for Employment.—The law provides for the protection of children from economic exploitation and from work that poses a danger to their health or spiritual, physical, mental, or academic development; however, child labor remained a widespread problem. According to UNICEF, approximately 4 percent of the country's children aged 5 to 14 years were engaged in child labor. A Kyrgyzstan Television 1 report on October 30 cited experts stating that approximately 17 percent of children between the ages of 5 and 17 worked. Child labor was prevalent in the following sectors: Tobacco, cotton, rice, cattle breeding, mining, construction, car washing, shoe cleaning, and retail sales of tobacco and alcohol. Children were also involved in family enterprises, particularly in agriculture and roadside kiosks. Children from low-income families continued to work as street vendors or in markets and were not able to attend school. According to the NGO Center for Protection of Children, the number of children in the south involved in child labor reached 125,000, while the number of children working on tobacco fields was approximately 15,000.

Under the law the minimum age for basic employment is 16, except for certain limited circumstances including odd jobs such as selling newspapers. In addition, the law bans the employment of persons under 18 in a wide variety of categories of employment involving difficult or dangerous conditions, including the metal and oil and gas industries, mining and prospecting, the food industry, entertainment, and machine building. Children between 14 and 15 are allowed to work a maximum of 5 hours a day; children between 16 and 18 are allowed a maximum of 7 hours a day. These laws also apply to children with disabilities.

According to reports from various NGOs, child labor continued to be particularly evident in the south. During the fall, schools cancelled classes and sent children to fields to pick cotton. During the summer children were involved in all levels of tobacco production. Some schools required children to participate in the tobacco harvest (some fields were located on school grounds), with the income going directly to the schools, not to the children. An August 27 BBC report highlighted the prevalence of child labor in the coal mining industry. The children were most often from poor families seeking added income. On December 7, the Institute for War and Peace Reporting published a second paper confirming the use of child labor in the coal mining industry.

Internal trafficking of children for the purposes of sexual exploitation and labor remained a problem. Children were generally trafficked from poor rural areas to Bishkek and Osh. The International Labor Organization (ILO) also observed an increase in the employment of trafficked children to sell and distribute illicit drugs.

The parliamentary committees for health protection, women and family, and education, science, and cultural affairs oversees the legal protection of the interests of minors whenever new laws are discussed in Parliament.

The Prosecutor General's Office and the State Labor Inspectorate are responsible for enforcing employers' compliance with the labor code. During the year the inspectorate had 62 inspectors throughout the country. During the first 6 months of the year, the Prosecutor General's Office conducted 21 checks, resulting in eight written notifications, 14 demands for immediate action, 12 warnings, and two disciplinary actions. Since many children worked for their families or were self-employed in such occupations as selling newspapers, pushing handcarts at markets, and selling cigarettes and candy on the streets, it was difficult for the Government to determine whether their work schedules and environment conformed to government regulations.

According to the State Labor Inspectorate, the inspectorate conducts spot-checks to confirm compliance with child labor law requirements, but these were infrequent and ineffective.

The Government was unable to enforce child labor laws adequately due to a lack of resources. Although employers caught violating the labor code could be charged with disciplinary, financial, administrative, or criminal penalties, punishment was usually minimal.

The Government supported several social programs to prevent the engagement of children in exploitative child labor. In August the Ministry of Education, in collaboration with ILO, began a program to enhance the capacity of teachers in combating the worst forms of child labor.

e. Acceptable Conditions of Work.—There was no minimum wage. A nominal government-mandated national minimum wage of $9.71 (340 som) was used for administrative purposes rather than to regulate and enforce a minimum wage; the amount would not provide a decent standard of living for a worker and family. However, industries and employers generally paid somewhat higher wages. The FTU and other trade unions are empowered to enforce all labor laws,

The standard workweek is 40 hours, usually within a 5-day week. For state-owned industries, there is a mandated 24-hour rest period in the workweek. According to the labor code, overtime work cannot exceed 4 hours per day and 20 hours per week; premium pay of between 150 and 200 percent the hourly wage or compensatory leave for overtime work are provided for. These provisions were mainly enforced at large companies and organizations with strong trade unions. The small, informal industries had no union representation.

Safety and health conditions in factories were poor. The law establishes occupational health and safety standards, as well as enforcement procedures; however, the Government failed to enforce existing regulations. The State Labor Inspectorate is responsible for protecting and educating workers as well as informing business owners of their rights and responsibilities, and is also tasked with carrying out inspections for all types of labor issues; however, it rarely did so in practice. Besides government inspection teams, trade unions are assigned active roles in assuring compliance with these laws, but business complied unevenly. Workers of all industries have the right to remove themselves from workplaces that endangered their health or safety without jeopardy to their employment, and workers exercised this right in practice.

According to estimates by IOM and the SCME, the number of labor migrants working in Kazakhstan ranged from 50,000 to 150,000, depending on the season. Another estimated 300,000 citizens worked in Russia, with an additional 100,000 working in other countries.

According to World Bank estimates, remittances of labor migrants amount to over 27 percent of Gross Domestic Product. On September 28, the prime minister enacted the State Program on Regulating Migration for 2007–2010, developed by the OSCE, IOM, and SCME. The goal of the program is to reduce illegal labor migration and associated trafficking and to provide legal and social support to labor migrants abroad.

On March 22, Parliament approved an agreement with Kazakhstan on mutual protection of each country's labor migrants. In July 2006 the Kazakh president signed a decree protecting the rights of Kyrgyz labor migrants. The decree extends the compulsory registration period for Kyrgyz labor migrants from 3 to 90 days and obliges Kazakh employers to provide social and medical insurance to all registered Kyrgyz labor migrants. Since September 2006 over 6,000 Kyrgyz labor migrants were registered, thereby gaining legal protection of their rights and social benefits. According to the SCME, the majority of Kyrgyz labor migrants work as individual entrepreneurs in Kazakhstan and are not protected under the Kyrgyz-Kazakh Government Agreement on Protection of Rights of Labor Migrants.

In March the State Committee for Migration and Employment (SCME) signed an agreement with the Russian government to join efforts in legalizing Kyrgyz labor migrants working in Russia. In March the SCME, with the support of IOM and the Swedish Development Agency, opened an information center for potential labor migrants in Osh.

In August the Government reached an agreement with the South Korean government to increase the migrant labor quota for Kyrgyz citizens from 2,000 to 2,500.

The 2005 Law on Foreign Labor Migration provides all foreign workers with the same rights and conditions as citizens. According to the SCME, all foreign labor migrants must be properly registered before exercising rights guaranteed by the law, and local employers must be licensed to employ foreign labor.

MALDIVES

Republic of Maldives is a constitutional democracy with a strong executive and, according to current estimates, a population of approximately 370,000. The president appoints the Cabinet and eight members of the 50-member Parliament. The president derives additional influence from his constitutional role as the "supreme

authority to propagate the tenets of Islam." The unicameral legislature, the People's Majlis, chooses a single presidential nominee who is selected or rejected in a national referendum. Voters approved President Maumoon Abdul Gayoom for a sixth 5-year term in 2003. In 2005 the Government held parliamentary elections, which a Commonwealth Expert Team commended. The Dhivehi Rayyethunge Party (DRP), led by President Gayoom, is considered the governing party, although the current government came to power before the implementation of the party system in 2005. The Special Majlis, elected in 2004 to consider constitutional reforms, held a referendum in August to decide whether the country should have a presidential or parliamentary system of government. According to official figures, more than 60 percent of voters backed the presidential system endorsed by President Gayoom. The civilian authorities generally maintained effective control of the security forces.

Although the Government's human rights record continued to improve from the previous year, serious issues remained. The Government made little progress in implementing its "Roadmap for the Reform Agenda." Proposed legislation, introduced to address significant structural difficulties, remained the subject of intense national debate, but none of the bills had been passed by year's end. Citizens faced restrictions on their ability to change their government; security forces occasionally abused detainees; and the Government limited freedoms of press, assembly and association, and religion. Unequal treatment of women existed, as did restrictions on workers' rights.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life.—The Government or its agents did not commit any politically motivated killings; however, security forces were implicated in custodial deaths.

On April 15, a local launch crew found Hussain Salah's body in a harbor near the police base of Atoluvehi. On April 9, authorities arrested Salah on drug charges in Hithadhoo, Addu Atoll, and on April 13 released him. The police reported that his body had "no visible serious injuries." However, photos of Salah's body showed that his face and eyes were heavily swollen; he had bled from his eyes, nose, and mouth; and his shoulders and right arm were badly bruised. The Government sent Salah's body to Sri Lanka for examination where the judicial medical officer of Colombo determined that Salah's death was caused by drowning and ruled out the possibility of death due to physical violence. In December an inquiry by the Maldives Human Rights Commission (MHRC) found no evidence that police beat Salah to death, but the inquiry also reported numerous police contradictions and confusion over the circumstances surrounding Salah's release from police custody.

On June 6, inmate Muslih Abbas died during a mass jailbreak from Maafushi prison. The police issued a statement saying Abbas died of a drug overdose. The prisons department did not concur. The Maldivian Detainee Network (MDN) reported that hospital doctors stated the injuries were consistent with assault. Abbas' death certificate showed the cause of death as unknown. Authorities admitted two other inmates, Ahmed Irushad and Ahmed Fazleen, to Indira Gandhi Memorial Hospital in Male following the same incident.

In January President Gayoom reduced the sentences of eight national security service officers, now the Maldivian National Defense Force (MNDF), convicted of killing Maafushi prison inmate Evan Naseem in 2003. They are expected to serve 25 years rather than face the death penalty. The Government acquitted four additional officers involved in the incident.

In June the MHRC filed suit against the police for negligence regarding the 2005 custodial death of Muaviath Mahmood. The police alleged that Mahmood died of a drug overdose; Mahmood's family believed he was tortured. The attorney general (AG) had not made a decision on whether the MHRC had the mandate to file a case on this incident.

There was no report of an official investigation in the case of National Security Service Captain Adam Mohamed, whose conviction related to three 2003 custodial shooting deaths at Maafushi prison was overturned by the High Court in December 2006.

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, although there were reports of occasional mistreatment of persons by security forces.

In January the MDN reported that three prisoners received serious injuries from police during widespread protests at Maafushi prison. Ahmed Shabeer was temporarily paralyzed from his waist down, Hassan Manik bled heavily from his ears, and

Mohamed Ibrahim's wrists were badly cut. No investigations were requested by the victims or their families.

On February 24, a plain clothes police officer grabbed 16-year-old Moosa Afaau while he watched a street rally. According to Amnesty International (AI), the officer beat Afaau with a baton in the thighs and genitals, then took him to a police station where officers tied him to a chair and punched him when he fell asleep. Police released Afaau later the same day. AI reported that no investigation was launched in the case.

On October 14, police arrested 21-year-old Shuhaan Abdul Samad at the Male airport on his way to study Islam at a Sri Lankan madrassa. According to Samad, police repeatedly punched him in the face, twisted his wrist, and chained him to a chair overnight. Police released Samad after 25 days in detention.

There were no developments in the 2006 cases of Mohamed Ibrahim Didi, Mohamed Shameen, or Aishath Aniya, all of whom reported police mistreatment.

Prison and Detention Center Conditions.—Prison conditions generally met international standards, although pretrial detainees were not held separately from convicted prisoners.

In June inmates of Maafushi prison held a 6-day hunger strike to demand a meeting with government officials to discuss their grievances. Authorities hospitalized two inmates in Male because of the hunger strike, which followed an attempted mass jailbreak that caused one death and several injuries. Inmate Ibrahim Mausoom stated that inmates wanted to discuss a lack of parole regulations and a reduction in home visits from once every 3 months to once every 2 years. Deputy Home Minister Azima Shukoor visited Maafushi to discuss these grievances with the inmates, but there were no developments at year's end.

The police refused independent access to 60 individuals arrested October 9 in response to the September 29 bombing in Male. Other prisoners reported that these prisoners were not given access to lawyers and were subject to physical abuse.

The MHRC issued a report criticizing the lack of medical provisions in Dhoonidhoo detention center.

Pro-opposition prisoners released during 2006 reported being kept in cramped quarters or in solitary confinement during detention. There was no official investigation into these charges.

The Government generally permitted regular, unannounced prison visits by the MHRC. The Government also allowed unfettered assess to prisons by the jail oversight committee of judges and members of Parliament. The oversight committee is mandated to visit quarterly and submit a report directly to the president. These reports are not available to the public. During the year the International Committee of the Red Cross (ICRC) did not visit prison or detention centers.

d. Arbitrary Arrest or Detention.—The law prohibits arbitrary arrest and detention, but it gives the Government broad authority to conduct arrests and detain suspects; in practice there were reports that police arrested and held persons arbitrarily.

In January authorities arrested and detained Ahmed Abbas, a prominent opposition activist and cartoonist, for publicly criticizing the conduct of the Star Force police unit. In May authorities released him.

There were no developments in the May 2006 conviction of four Maldivian Democratic Party (MDP) protesters who were not given access to lawyers following their arrest for participating in the May 15–21 demonstrations.

Role of the Police and Security Apparatus.—The Maldives Police Service collects intelligence, makes arrests, and enforces house arrest. Although the MNDF is responsible for external security, it also retains a role in internal security. The director of the MNDF reports to the minister of defense.

Police initiated investigations in response to written complaints from citizens, police officers, government officials, or on suspicion of criminal activity. They are not legally required to obtain arrest warrants or inform an arrested person of his rights, but government officials stated that in practice they urged law enforcement officials to inform arrested persons of their rights. The AG referred cases to the appropriate court based on the results of police investigations. The authorities generally kept the details of a case secret until they were confident that the charges were likely to be upheld.

The Star Force, also referred to as the Special Operations Department, is an elite unit of the Maldives Police Service. Reporters Without Borders alleged that the Star Force was involved in arrests of journalists and antigovernment demonstrators. Their tactics reportedly included physical attacks and threats.

The Police Integrity Commission, established in 2006 to investigate allegations of police corruption and impunity, did not hold meetings during the year.

Arrest and Detention.—The Constitution provides for an arrestee to be informed of the reason for arrest within 24 hours and provides for the right to hire a lawyer. In addition, regulation requires that a detainee be informed of the right to a lawyer at the time of arrest. The court does not appoint legal counsel, and there is no legal requirement for search or arrest warrants. According to the AG's office, an arrestee's family is normally informed of the arrest within 24 hours, although the law does not require that police inform the family of the grounds for the arrest. Detainees are generally permitted to have counsel present during police questioning. A prisoner has the right to a ruling on bail within 36 hours; however, there were reports that bail procedures were not publicized adequately, explained, or implemented consistently.

The law provides for investigative detention. Once a person is detained, the arresting officer must present evidence to a legal committee within 24 hours. The committee can then recommend detention for up to 7 days pending further investigation. After the 7 days expire, the officer can petition a second committee, which can then recommend detention for a maximum additional 15 days. If the authorities are unable to present sufficient evidence after the 22 days provided, the prisoner is eligible for release, although judges have the authority to extend detention past 22 days upon receiving an arresting officer's petition citing factors such as the detainee's previous criminal record, the status of the investigation, the type of offense in question, and whether the detainee might pose a threat if released.

e. Denial of Fair Public Trial.—The law does not provide for an independent judiciary, and the judiciary is subject to executive influence. In 2005 the Government created a 10-member judicial services commission (JSC) led by the chief justice, himself a presidential appointee. In total, seven of the 10 JSC members are government officials appointed by the president and serving on the JSC by virtue of their official role, such as justice minister or AG. The JSC is expected to appoint, dismiss, and examine the conduct of all judges and recommend candidates for judgeships to the president; the legislation setting up the commission permits the body to accept or veto presidential appointments to judgeships. Since its founding, the JSC has not publicized deliberations or made public recommendations on the hiring, dismissal, or discipline of any judges.

There are three courts: One for civil matters, one for criminal cases, and one for family and juvenile cases. The High Court handles a wide range of cases, including politically sensitive ones. The president's judicial advisory council, led by the chief justice, reviews all appealed court rulings.

Trial Procedures.—The law provides that an accused person be presumed innocent until proven guilty and that an accused person has the right to defend himself "in accordance with Shari'a (Islamic law)." The judiciary generally enforced these rights. During a trial the accused may call witnesses and has the right to be represented by a lawyer, although one is not appointed at public expense. Regulations rather than laws govern trial procedures. By tradition the prosecution collects all evidence and presents it to a judge, who has the discretion to choose what evidence he will share with the defense. Judges question the concerned parties and attempt to establish the facts of a case.

Most trials were public and were conducted by judges and magistrates, some of whom were trained in Islamic, civil, or criminal law. There were no jury trials.

Civil law is subordinate to Shari'a, which is applied in situations not covered by civil law, as well as in family matters such as divorce and adultery. Courts adjudicating matrimonial and criminal cases generally do not allow legal counsel in court because, according to a local interpretation of Shari'a, all answers and submissions should come directly from the parties involved. However, the High Court allows legal counsel in all cases, including those in which the right to counsel was denied in a lower court. Those convicted have the right to appeal. Under the country's Islamic practice, the testimony of two women equals that of one man in matters involving Shari'a, such as adultery, finance, and inheritance. In other cases, the testimony of men and women are equivalent.

Political Prisoners and Detainees.—The Government maintained that there were no political prisoners; however, the MDP, international nongovernmental organizations (NGOs), and some foreign governments asserted that some persons were held for political reasons.

On July 25, police arrested five individuals after interrupting an opposition party event. Police seized vehicle keys and other party property and arrested the drivers of four pickup trucks carrying MDP members distributing leaflets concerning the August 18 constitutional referendum. Police returned to arrest one more MDP member who was waiting with the stranded vehicles. Authorities released all party members within 2 days.

On January 25, the trial of Ibrahim Hussein Zaki, acting president of the MDP, arrested in November 2006 for "inciting enmity against the lawful government," began. The case was ongoing at year's end.

The MDP reported that the police released six party members detained on unlawful assembly charges in 2006.

The Government continued to prevent Jennifer Latheef from appealing her conviction on terrorism charges for participating in a 2003 demonstration.

Terrorism charges were pending against MDP Chairman Mohamed Nasheed. The Government announced that the charges against Nasheed would be dropped if he adopted "a more conciliatory approach" to the Government. Human rights groups, the MHRC, and the MDP stated that Nasheed's 2005 arrest and prosecution were politically motivated.

No charges were brought against those released from custody following 2006 arrests of opposition activists.

Civil Judicial Procedures and Remedies.—There is a civil court that addresses noncriminal cases. However, as with the criminal courts, the judiciary is subject to executive influence. There were no reported cases of individuals seeking redress for human rights violations through civil courts. No administrative remedies were available.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The law prohibits security officials from opening or reading wireless messages, letters, telegrams, or monitoring telephone conversations, "except as expressly provided by law;" and in practice the Government generally respected privacy rights. Security forces may open the mail of private citizens and monitor telephone conversations if authorized to do so in the course of a criminal investigation.

Although the law provides that residential premises and dwellings should be inviolable, there is no legal requirement for search or arrest warrants. The AG or a commanding officer of the police must approve the search of private residences.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The law provides for limited freedom of speech and of the press; however, the Government generally did not respect these rights in practice. The law limits a citizen's right to freedom of expression in order to protect the "basic tenets of Islam" and prohibits inciting citizens against the Government.

In October President Gayoom issued a decree banning "words or actions likely to encourage extremism" and promising "action against anyone suspected of being a religious extremist" in response to a September 29 bombing in Male.

Police occasionally harassed members of opposition political parties for criticizing the Government.

The Government detained Abdulla Fareed and Dr. Afraa Shaheem for preaching religion in public without permission from the Supreme Council of Islamic Affairs.

There were almost 200 independent newspapers and periodicals; however, government ministers owned several of the daily publications.

The Government or its sympathizers owned and operated the only television and radio stations. The Government did not interfere with the sale of satellite receivers. The Government radio and television stations aired reports drawn from foreign newscasts. Although the Government implicitly committed to permitting the functioning of independent radio stations in its Reform Roadmap, no law recognizing independent radio stations exists. Nonetheless, the Ministry of Information issued licenses to seven private radio stations and three television stations and gave permission in June for them to operate.

In January the Government revised its defamation regulations following a protest by journalists. The maximum fine for defamation was reduced to $396 (5,000 rufiyaas) from $78,000 (1 million rufiyaas).

Journalists, primarily pro-opposition reporters, stated that they faced harassment during the year.

In January the Government deported and reportedly blacklisted from return for 2 years Minivan News Internet journalist Phillip Wellman. In November 2006 authorities expelled him after he wrote an article about a demonstration held on Dhinaadhoo Island. Police unsuccessfully asked Wellman and a freelance British journalist affiliated with the Observer to delete audio files and photos. The Government issued a press release claiming they were not genuine journalists accredited to "reputable news organizations" and accused them of attempting to destabilize society. Both reporters denied those charges. Wellman had a valid work permit issued by the Government and identification from Minivan News, his employing organization in the country.

On February 19, authorities expelled Ihusan Naseer from the Male Centre for Higher and Secondary Education when an article critical of the school appeared in an opposition newspaper. He denied writing the article.

On June 5, police arrested Minivan journalist Ali Rasheed on suspicion of possessing and using drugs, 1 month after Rasheed blamed the Maldives Police Service for proliferating the drug culture. Authorities released Rasheed 43 days later without comment.

In June authorities detained Minivan Daily photographer Ahmed Rifa in Dhoonidhoo prison for 8 days for reporting a police raid on a mosque.

The May 2006 case against Nazim Sattar was adjourned without a resolution. Authorities arrested Sattar, Minivan's subeditor, on undisclosed charges when she accompanied a visiting international press freedom delegation to a rally for World Press Freedom Day. Sattar also faced a hearing on a disobedience to order charge in May 2006.

Three British nationals remained blacklisted for allegedly having ties to Islamic terrorism.

Although an amendment to the law decriminalizes "true account(s)" of government actions by journalists, both journalists and publishers practiced self-censorship.

There were no legal prohibitions on the import of foreign publications except for those containing pornography or material otherwise deemed objectionable to Islamic values.

Internet Freedom.—The Government generally did not interfere with the use of the Internet, which was widely available in the capital, if not on many of the outlying atolls.

The Government previously blocked Dhivehi Observer, which many citizens reportedly viewed via mirror sites. It featured personal photos, cartoons, and commentary about government sympathizers. Several progovernment Web sites, none of which were blocked, featured sexual allegations and personal photos (some believed to be doctored) of perceived pro-opposition women. Some of these Web sites included the women's mobile telephone numbers and e-mail addresses along with their photos. The women reported receiving harassing communications as a result.

Academic Freedom and Cultural Events.—The law prohibits public statements contrary to government policy or to the Government's interpretation of Islam. Therefore, although there were no reported cases of transgressions of these laws in the academic arena, the laws constrained academic freedom to the extent that academics practiced self-censorship.

b. Freedom of Peaceful Assembly and Association.

Freedom of Assembly.—The Constitution provides for freedom of assembly; however, in practice the Government imposed limits on this right.

The Government permitted members of political parties, including those in the opposition, to hold public meetings and rallies with prior notification to the Government. The police banned night rallies. Some rallies and demonstrations passed without incident and with minimal arrests. However, several rallies led to police arresting and detaining demonstrators on unlawful assembly charges. Members of the opposition stated that their right to peaceful protest was restricted, while government officials countered that demonstrators gathered late at night and violated reasonable time, place, and manner restrictions on assembly. Most demonstrators arrested were later released without formal charges.

On February 5, hundreds of MDP members gathered for a demonstration demanding constitutional reforms in Male. Police arrested and allegedly beat Members of Parliament Hassan Afeef, Mohamed Aslam, Ahmed Shafeeg, Ismail Shihab, and MDP Chairman Mohamed Nasheed, and several other participants. They were later released with no court cases filed by either party.

In April following the death of Hussein Salah, more than 1,000 people gathered to protest near the cemetery where he was being buried. Star Force police officers dispersed the crowd and allegedly beat approximately 20 individuals before arresting them. They were later released.

On May 9, democracy activist Imran Zahir and Minivan Daily journalist Ahmed Rasheed Bakuree appeared in court on charges of "creating disharmony through unlawful assembly" during a 2005 incident in which authorities held Bakuree for 21 days before transferring him to house arrest. He accused the police of torturing and beating him and submitted a case to the MHRC, but he heard nothing from authorities by year's end. In July authorities released both Zahir and Bakuree.

A June MHRC report alleged that police physically abused protesters in late March on Thaa Atoll during a demonstration against local government corruption.

Freedom of Association.—The law provides for freedom of association; however, the Government imposed some limits on freedom of association in practice. The Government only registered clubs and other private associations if they did not contravene Islamic or civil law.

In 2005 Parliament unanimously voted to allow political parties to register and function. This followed a 2005 legal opinion from the AG, who interpreted the Constitution as permitting political parties.

According to the opposition, the Government dismissed some MDP members who were civil servants. Government officials responded that the political beliefs of those dismissed created a conflict of interest and made it impossible for them to function.

On July 15, Zaheena Rasheed won her case against the Government for wrongful dismissal. A civil court judge ordered the Atolls Ministry to pay $1,333 (16,000 rufiyaas) in compensation for lost earnings. Rasheed, who had served as a planning and monitoring officer, reportedly received two job dismissal notices for holding a banner at a demonstration calling for the president to resign. She said her action at that time was legal.

The NGO community grew during the year, with the Government reporting 114 new registrations, bringing the total to over 600. Those NGOs involved in human rights reported that they exercised self-censorship.

c. Freedom of Religion.—The law does not provide for freedom of religion, and it was significantly restricted. The Constitution designates Sunni Islam as the official state religion, and the Government interpreted the provision as imposing a requirement that citizens be Muslims. The law prohibits the practice of any religion other than Islam. Non-Muslim foreign residents were allowed to practice their religion only if they did so privately and did not encourage citizens to participate. The president, members of the People's Majlis, and Cabinet members must be Muslim.

There were no places of worship for adherents of other religions. The Government prohibited the import of icons and religious statues, but it generally permitted the import of religious literature, such as Bibles, for personal use. It also prohibited non-Muslim clergy and missionaries from proselytizing and conducting public worship services. Conversion of a Muslim to another faith is a violation of the Government's interpretation of Shari'a and may result in punishment, including the loss of the convert's citizenship; however, there were no known cases of loss of citizenship from conversion to a non-Islamic religion.

Through the Supreme Council of Islamic Affairs, the government mandated Islamic instruction in schools, funded the salaries of religious instructors, and certified imams, who were responsible for presenting government-approved sermons. No one may publicly discuss Islam unless invited to do so by the government, and imams could not prepare sermons.

In December the Supreme Council banned Islamic scholar Afrashim Ali from making public statements on religion until he had been in the country for one full year. Ali had left the country to study Islam for a decade. The ban was precipitated by a television interview shortly after his return in which Ali said that singing is not un-Islamic, and that the Prophet Mohamed sung. The information minister promised to challenge the ruling.

In April 2006 authorities arrested Aishath Aniya because she questioned "against Islam" and "against Islamic principles" the concept that women must wear a veil. In May 2006 Aniya appeared before the Supreme Council of Islamic Affairs with her attorneys. The Supreme Council discharged her with a warning and issued a statement indicating that no further action would be taken.

Societal Abuses and Discrimination.—There were some reports of discrimination against various Islamic subgroups.

In early June police raided a mosque using batons against the congregation. The worshipers were suspected to be followers of Wahhabi Islam and had insisted on conducting Friday prayers at 12:00 p.m. instead of 12:35 p.m., as required by law.

On October 9, authorities stormed an "illegal mosque" on Himandhoo Island in connection with the investigation of the September 29 bombing. Police arrested 63 individuals they defined as "religious radicals," 27 of whom were subsequently released. On December 9, the Government charged six of the detainees with using violence in an unlawful assembly in August 2006. These six were part of a group of 10 that police previously arrested, charged, and then released in relation to the August 2006 incident.

There were no known Jewish citizens, and there were no reports of anti-Semitic acts.

For a more detailed discussion, see the 2007 International Religious Freedom Report.

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons.—The law provides for freedom of movement within the country, foreign travel, emigration, and repatriation, and the Government generally respected these rights in practice. Employers often housed foreign workers at their worksites.

Protection of Refugees.—The law does not provide for the granting of asylum or refugee status in accordance with the 1951 U.N. Convention relating to the Status of Refugees and its 1967 protocol, and the Government has not established a system for providing protection to refugees or asylees. The Government has cooperated in the past with the Office of the U.N. High Commissioner for Refugees; however, asylum issues did not arise during the year. In practice, the Government generally provided protection against refoulement, the return of persons to a country where there is reason to believe they feared persecution.

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

The law limits citizens' ability to change their government, and the strong executive exerted significant influence over both the legislature and the judiciary. Under the Constitution the People's Majlis, or legislature, chooses a single presidential nominee, who must be a Sunni Muslim male, from a list of self-announced candidates for the nomination. Would-be nominees for president are not permitted to campaign for the nomination. The final nominee is confirmed or rejected by secret ballot in a nationwide referendum. From a field of four initial candidates in 2003, the legislature nominated and confirmed President Gayoom by referendum for a sixth 5-year term. Observers from the South Asian Association for Regional Cooperation stated that the referendum was conducted in a free and fair manner. All citizens over 21 years of age may vote.

By both law and custom, the Office of the President is the most powerful political institution in the country, and the law designates the president as the "supreme authority to propagate the tenets" of Islam.

The president's mandate to appoint eight of the 50 members of the legislature provides him strong political leverage. The elected members of the legislature, who must be Muslims, serve 5-year terms. Individuals or groups are free to approach members of the legislature with grievances or opinions on proposed legislation, and any member of the legislature may introduce legislation.

A Special Majlis exists to discuss constitutional reform. Of the 113 people who serve on the special legislature, the president directly appoints 29. The special legislature consists of all 50 members of the normal legislature, including the eight appointees and 42 elected members; eight additional presidential appointments directly to the special legislature and another 42 members elected by the public; and 13 members of the president's Cabinet.

Elections and Political Participation.—In the 2005 legislative elections, citizens elected several candidates sympathetic to the opposition. Critics of the Government claimed that some candidates who remained under house arrest were unable to file applications to contest the elections; nevertheless, at least one candidate who was in detention at the filing deadline was able to file an application, conduct a campaign, and get elected.

In 2004 citizens elected 42 members of the People's Special Majlis, the body convened by the president to address constitutional reforms. The Special Majlis completed a draft Constitution late this year, but issues such as the role of Shari'a law in the Constitution are slowing the approval process. On the recommendation of the Special Majlis, the Government held a referendum in August to decide between a presidential and parliamentary system of government. According to official results, over 60 percent of voters endorsed the presidential system.

In October three members of President Gayoom's Cabinet resigned after the president announced he would seek another term in office. The former ministers reported that since their resignations, they have been subject to threats and intimidation.

In 2005 the Government allowed the establishment of five political parties. There were two elected women and four female presidential appointments in the 50-member legislature. Of the 113-seat special legislature, 13 women served, including the six women from the regular legislature, two female Cabinet members, and one woman elected and four women appointed directly to the special legislature. There were two women in the Cabinet. Women are not eligible to become president but may hold other government posts.

Government Corruption and Transparency.—According to the World Bank's Worldwide Governance Indicators, government corruption was a serious problem. An anticorruption board investigated allegations of corruption in the Government.

The board met regularly and referred cases, usually concerning monetary fraud, to the AG's office. The Prevention of Corruption Act addresses bribery and abuse of power. In July authorities convicted him. According to the Anticorruption Board, 10 corruption cases were referred to the AG's office for prosecution during the year. Twenty-six cases were filed against government offices in Male and 62 in the atolls. These cases were under investigation at year's end.

There are no laws that provide for access to government information.

Section 4. Governmental Attitudes Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

There were a few independent local human rights groups, including Hama Jamiyya. In March 2006 the Foreign Minister and AG established an NGO called the Open Society Association; authorities officially registered an NGO called the Maldivian Detainee Network.

NGOs reported that they exercised self-censorship.

The ICRC did not visit prison or detention centers during the year.

In August 2006 Parliament passed legislation making the MHRC compliant with U.N. guidelines, and the president ratified the bill later that month. The MHRC is now fully functional with Ahmed Saleem serving as chairman.

In June the police issued a statement criticizing a report by the MHRC as "contrary to the Constitution of the Maldives and legal norms." The report was highly critical of police handling of protests on Thaa Atoll in March.

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

The law provides for the equality of all citizens, but there is no specific provision to prohibit discrimination based on race, sex, religion, disability, or social status. Women traditionally were disadvantaged, particularly in the application of Shari'a in matters such as divorce, education, inheritance, and testimony in legal proceedings.

Women.—There were no laws regarding domestic violence against women or firm data on the extent of violence against women, although a 2005 MHRC survey indicated that many citizens believed men should be permitted to hit their wives under some circumstances. A November 2006 NGO report concerning the U.N. Convention on the Elimination of Discrimination Against Women stated that many women reported encountering sexual harassment in public places and at their places of employment. There were no specific laws dealing with spousal rape. Police officials reported that they received few complaints of assaults against women.

The Gender Ministry's December 2006 study on women's health and life experiences noted that one in three women between the ages of 15 and 49 reported some form of physical or sexual violence at least once in their lives. One in five women between the ages of 15 and 49 reported physical or sexual violence by a partner, and one in nine reported experiencing severe violence. One in six women in Male and one in eight countrywide reported experiencing childhood sexual abuse under the age of 15. Of those women between the ages of 15 and 49 who had ever been pregnant, 6 percent reported being physically or sexually abused during pregnancy.

Prostitution is illegal, but occurred on a small scale.

There are no laws pertaining to sexual harassment. Although women traditionally played a subordinate role in society, they participated in public life. Women constituted approximately 39 percent of government employees. The literacy rate for women was approximately 98 percent. The Gender Equality Council advised the Government on policies to help strengthen the role of women. In July the Government appointed the first female judges. The minimum age of marriage for women is 18 years, but marriages at an earlier age were common.

Under Islamic practice husbands may divorce their wives more easily than vice versa, absent mutual agreement to divorce. Shari'a also governed estate inheritance, granting male heirs twice the share of female heirs. Women who worked for wages received pay equal to that of men in the same positions.

Children.—The law seeks to protect children from physical and psychological abuse, including at the hands of teachers or parents. The Ministry of Gender and Family Development has the authority to enforce the law and received strong popular support for its efforts. The ministry reported child abuse, including sexual abuse. Penalties for the sexual abuse of children ranged from as much as 3 years' imprisonment to banishment to a remote atoll.

Education is not compulsory, but there is universal access to free primary education. As of 2005 the percentage of school-age children (both sexes) in grades 1 to 10 was 90 percent, and in grades 11 to 12 it was 7 percent. Of the students enrolled to grades 11 and 12, 52 percent were female and 48 percent male. In many in-

stances, parents curtailed education for girls after the seventh grade by not allowing them to leave their home island for another island with a secondary school.

Government policy provides for equal access to educational and health programs for both male and female children.

On January 31, four men used an axe to enter a 12-year-old girl's bedroom and rape her. They were sentenced to 8 months exile from their island, Kurendhoo, for sex outside marriage. The sentence contradicts a government commitment in May that child sex offenders would be imprisoned rather than banished. The AG's office appealed the sentencing, arguing that the crime demanded a harsher punishment. MHRC Chairman Ahmed Saleem declared it a "landmark" appeal. The appeal was pending at year's end.

On May 24, on Goidhoo Island, Baa Atoll, five girls accused Imam Ali Rasheed of molesting them. The mothers of three of the victims reported the abuse to the police, and Rasheed was arrested. Rasheed was the elected head of the local branch of the DRP. Police were unwilling to discuss these allegations or confirm that an investigation was ongoing.

On June 30, police arrested three men on Thinadhoo, Gaaf Daal Atoll, for sexually assaulting a girl and posting pictures of the attack on the Internet.

On August 1, on Villingilli, a commuter island near Male, three men tied a 15-year-old girl to a tree and sexually assaulted her. A mobile phone video was later released showing the attack. The police arrested the three men after receiving the video. The case was under investigation at year's end.

Also on August 1, authorities on Raa Atoll found Ali Mohamed guilty of having sex with an underage girl and sentenced him to 2 years' banishment and 19 lashes.

Trafficking in Persons.—The law does not prohibit trafficking in persons; however, there were no reports that persons were trafficked to, from, or within the country.

Persons with Disabilities.—No law specifically addresses the rights of persons with physical or mental disabilities. Local NGOs claimed in 2005 that there were thousands of persons with disabilities due to high levels of malnutrition during pregnancy. The Government established programs and provided services for persons with disabilities, including special educational programs for persons with hearing and vision disabilities. The Government integrated students with physical disabilities into mainstream educational programs. Families usually cared for persons with disabilities; when family care was unavailable, persons with disabilities lived in the Ministry of Gender and Family's Institute for Needy People, which also assisted elderly persons. When requested, the Government provided free medication for all persons with mental disabilities in the islands, but follow-up care was infrequent.

Other Societal Abuses and Discrimination.—The law prohibits homosexuality, and citizens did not generally accept homosexuality. The punishment for men includes banishment for 9 months to 1 year or whipping 10 to 30 times. For women, the punishment is house arrest for 9 months to 1 year.

There were no reports of official or societal discrimination against persons with HIV/AIDS.

Section 6. Worker Rights

a. The Right of Association.—While the law does not prohibit unions, it does not formally recognize a worker's right to form or join a union or the right to strike, and there is no protection from antiunion discrimination. Small groups of similarly employed workers with mutual interests have formed associations, some of which included employers as well as employees. These associations did not act as trade unions.

b. The Right to Organize and Bargain Collectively.—The law does not recognize workers' rights to organize and bargain collectively. Wages in the private sector were set by contract between employers and employees and were based usually on rates for similar work in the public sector.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor.—The law does not prohibit forced or compulsory labor, including by children, and there were reports that child labor occurred in some sectors of the economy.

d. Prohibition of Child Labor and Minimum Age for Employment.—The law bars children less than 14 years of age from paid or hazardous work. Guidelines prohibit government employment of children under 18 and employment in hazardous jobs such as construction, carpentry, welding, and driving.

According to a 2003 report by the International Confederation of Free Trade Unions (now the International Trade Union Confederation), child labor was a problem in agriculture, fishing, small commercial activities, and family enterprises. Working hours for children 14 years or older were not limited specifically by statute.

The Child Protection Unit of the Ministry of Gender and Family is responsible for monitoring compliance with the Child Protection Act. The Ministry of Higher Education, Employment, and Social Security received complaints of child labor, conducted inquiries, and initiated legal action when necessary.

e. Acceptable Conditions of Work.—There was no national minimum wage for the private sector, although the Government established wage floors for government employment. These wage floors provided a decent standard of living for a worker and family. Because of the severe shortage of labor, employers offered competitive pay and conditions to attract skilled workers.

There were no statutory provisions for hours of work, but the regulations required that a work contract specify the normal work and overtime hours on a weekly or monthly basis. The public sector provided a 7-hour day and a 5-day workweek.

The Ministry of Employment and Labor's Employment Relations and Compliance Unit resolves wage and labor disputes, visits worksites, and enforces labor regulations. Labor issues are handled by the employment section, while human resources issues are monitored by the higher education department. There are no national laws governing health and safety conditions. There are regulatory requirements in certain industries such as construction and transport that employers provide a safe working environment and ensure the observance of safety measures. In the absence of a labor law, workers had no protection from retaliatory dismissal if they attempted to remove themselves from, or eliminate, unsafe working conditions.

NEPAL

Nepal, a country of approximately 28 million, is in a state of political transition. It is operating under an interim political system: A parliamentary democracy with a powerless constitutional monarchy. Prime Minister Girija Prasad Koirala heads a multiparty coalition government, which includes members of the Communist Party of Nepal-Maoist (CPN–M). The interim Parliament of 329 members was sworn in January 15, the same day the interim Constitution was promulgated. The interim Constitution provides for the election of a Constituent Assembly; commits Nepal to become a Federal republic after the Constituent Assembly meets; strips the king of all formal powers; and makes the prime minister both head of government and head of state. The interim government twice postponed elections for the Constituent Assembly. The November 2006 peace agreement between the then-Seven-Party alliance and the Maoists ended the decade-long insurgency and called for the Nepal Police (NP) and the Armed Police Force (APF) to enforce law and order across the country. Authorities reestablished many police posts, but Maoists, or their subsidiary organization, the Young Communist League (YCL), prevented some from being reestablished and subsequently forced others to close. Numerous armed groups, largely in the Terai region in the lowland area near the Indian border, formed and engaged in attacks against civilians, government officials, members of particular ethnic groups, each other, or against the Maoists. Lacking political backing, police were often reluctant to intervene, particularly against the Maoists or YCL members.

Members of the security forces committed some human rights abuses during the year, and the Maoists/YCL and members of other small, often ethnically based armed groups committed numerous grave human rights abuses. Members of the Nepal Army (NA) were confined to their barracks in accordance with the Comprehensive Peace Agreement of 2006. A local nongovernmental organization (NGO) filed one rape allegation against soldiers from Siraha District and another against police in Kanchanpur District. Other sources did not present any additional allegations of violations. Members of the NP and APF occasionally used excessive and lethal force in response to continued demonstrations throughout the country. Maoists frequently employed arbitrary and unlawful use of lethal force, including torture and abduction. Violence, extortion, and intimidation continued throughout the year. Impunity for human rights violators, threats against the media, arbitrary arrest, and lengthy pretrial detention were serious problems. The Government also compromised the independence of the judiciary, and society continued to discriminate against persons with disabilities and lower castes. Violence against women and trafficking in persons, mainly women and girls, continued.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life.—According to a local NGO, Informal Sector Service Center (INSEC), security forces killed at least 28 individuals, and the Maoists/YCL killed approximately 23 persons. The Terai was the site of much unrest throughout the year. According to INSEC, the Madhesi People's Rights Forum (MPRF) killed 33 people, the Janatantrik Terai Mukti Morcha (Goit) 18, the Janatantrik Mukti Morcha (Jwala Singh) 27, the Madhesi Mukti Tigers two, Terai Cobra two, Terai Bhagi one, and unknown groups killed 95 persons. The NA was confined to its barracks as a result of the November 2006 peace accord; there were no new allegations of human rights abuses filed against the army during the year. Investigations of previously filed complaints continued; from July 2006 through June the NA sent the Home Ministry 258 so-called clarifications, amounting to explanations of the status of the cases.

During recurrent unrest in the Terai region in January and February, authorities often used unwarranted and at times lethal force. According to the U.N. Office of the High Commissioner for Human Rights (OHCHR) the unrest was sparked on January 16 when authorities arrested a group of Madhesi protestors, including the chairman of the MPRF, because the protesters allegedly had burned parts of the Interim Constitution. In response to the arrests, the MPRF called a Terai-wide strike. On January 19, a member of the CPN–M killed a protestor who was among a group trying to enforce the strike in Lahan, Siraha District.

Large demonstrations quickly spread among the Terai areas of the eastern and central regions. Members of the MPRF frequently threatened journalists and human rights defenders. According to the OHCHR report, at times the NP and APF responded to the protests with excessive and lethal force. OHCHR documented at least 24 deaths in January and February, at least 18 of which were the result of the use of live bullets and baton charges against demonstrators. One police officer was also killed and others injured in the violence.

On March 21, 26 individuals linked to the CPN–M and one unidentified individual were killed following violence that broke out when the MPRF and CPN–M organized simultaneous rallies at the same location in Gaur, Rautahat District.

On June 2, members of the MPRF abducted and killed two members of the Maoist-affiliated YCL, Binod Pant and Sheshmani Lamichhane. The MPRF members responsible used a homemade weapon to kill Pant, and they hanged Lamichhane.

On September 16, after the killing by unknown gunmen in Kapilvastu of Moid Khan, a well-known Muslim and anti-Maoist activist, widespread rioting broke out in the region. During violence that lasted 6 days, rioters killed approximately 14 persons.

There were no developments in the 2006 killings of Umesh Chandra Thapa, Rishiram Kumal, Bhimsen Dahal, Tulasi Chetri or Bishnu Pandey.

On March 29, the chief district officer (CDO) of Morang distributed approximately $4,220 (300,000 rupees) as compensation to each of the families of those killed in the 2006 Belbari incidents, including the Gurung family.

On July 4, the National Human Rights Commission (NHRC) recommended the Government take action against NA soldiers who were involved in the extrajudicial killing of Devendra Rai and Manihang Rai. The NHRC also urged the Government to provide compensation to the victims' families after the family filed a complaint. Due to the absence of NHRC commissioners prior to September 18, the case remained pending and the family did not receive compensation.

At year's end there had been no action taken to investigate the July 2005 deaths in custody of Laxmi Yadab, Hari Prasad Yadab, Kari Kapar, and Kari Saha.

During the year there were reports of five injuries from NA-planted landmines protecting military installations and infrastructure. Improvised explosive devices (IEDs) and explosive remnants of war (ERWs) abandoned or stored by the Maoists continued to kill and injure civilians. There were more than 76 civilian casualties, with 13 resulting in death, from accidental explosions of landmines, IEDs, or ERWs during the year. The November 2006 peace agreement and December 2006 agreement on Monitoring of the Management of Arms and Armies called for all landmines to be identified and located within 30 days and removed completely within 60 days. All available minefield records were provided to the U.N. Mine Action Unit. An assessment and safety classification of IEDs and ERWs was completed, but at year's end authorities had not destroyed unsafe items.

b. Disappearance.—The fate of many of those who disappeared during the 10-year Maoist insurgency was unknown. According to NHRC estimates, there were 646 unresolved cases of disappearances at year's end. INSEC reported 828 unresolved

cases while the Nepal Supreme Court listed 1,024. At year's end the Government had not prosecuted any government officials or Maoists for their involvement in disappearances. In June the Government named a three-member commission to probe disappearances in that period, but at year's end, the commission had not started its work.

At year's end the Government had not revealed the whereabouts of 646 persons identified by the NHRC in 2006 as disappeared. According to the 2006 NHRC report, the Government was responsible for the disappearances of 2,032 persons from 2000 until 2006 and had made public the whereabouts of all but 646 by year's end 2006.

The Government did not take steps to respond to the May 2006 report by OHCHR on the status of 49 disappeared persons whom the NA's Bhairabnath Battalion arrested and detained at the Maharajgunj barracks in Kathmandu in 2003 on suspicion of being linked to the Maoists. The Government denied knowledge of their whereabouts. While members of the Bhairabnath Battalion acknowledged arresting 137 persons between September and December 2003, battalion officials claimed that prisoners were released or transferred after short periods of detention. A high-level NA Investigation Task Force forwarded information on 12 of the disappeared to the Ministry of Defense. At year's end authorities were investigating allegations that the disappeared were cremated and their ashes buried in Shivapuri Heights north of Kathmandu.

On November 28, the Interim Parliament adopted a law, "Regarding Abduction or Taking Hostage," which for the first time criminalizes abduction or hostage taking, acts that had previously been treated as civil offenses (similar to a misdemeanor) with minimal punishment. The law deems any capture or abduction carried out with intention to murder, assault, rape, sodomize, sell, enslave, torture, sell into forced labor or prostitution a serious crime, subject to 7 to 15 years' imprisonment and a $800–$3,200 (50,000–200,000 rupees) fine. Other cases of abduction or holding individuals hostage result in 4 to 8 years' imprisonment and a fine of approximately $400–$1,600 (25,000–100,000 rupees). An additional 2-year sentence would be imposed for any violation of the act involving a minor or woman. These crimes are not bailable.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The law prohibits torture, beating, and mutilation; however, security forces engaged in such activities to punish suspects or to extract confessions. The law provides for compensation to victims of torture. The Center for Victims of Torture and Advocacy Forum-Nepal (AF), local NGOs, reported that blindfolding and beating the soles of feet were commonly used methods. Abuse of those in custody also included beatings with plastic pipes, submersion in water, sexual humiliation, restricted movement, and prolonged sensory deprivation. Prisoners were forced to remain day and night in a prone position on a thin mat on the floor with their hands cuffed and shared one bathroom. Prisoners were also threatened with sexual abuse, rape, death, or indefinite detention. Of the 3,908 detainees interviewed by AF since April 2006, AF reported that 28 percent claimed to have been tortured.

NA soldiers from Siraha District allegedly committed one rape during the year. On October 24, according to AF, army personnel abducted a sixth-grade student returning home from a fair and took her to Ranasingh army barracks in Lahan. She alleged that she was kept there for the night, raped by approximately 16 army personnel present in the barracks, and threatened with death if she spoke about the incident. She alleged that army personnel, police, and others raped her again after they took her to her hotel. Allegedly due to the fact that authorities and Maoists threatened the girl not to pursue corrective action, she did not file a first information report (FIR) against the officers. At year's end, neither the NHRC nor other NGOS had confirmed the allegations and the case remained under investigation.

Police constables were alleged to have committed one rape and no acts of illegal detention throughout the year. On June 4, according to AF, a group of four men, including three policemen and a civilian who was a nephew of police constable Janak Mahatara, allegedly raped a 14-year-old mentally ill girl in Kanchanpur district. The girl's family filed a FIR in the District Police Office and at year's end, the case was pending.

The U.N. OHCHR presented no cases of alleged torture or other human rights violations against the NA.

According to AF, the Maoists committed 67 acts of torture, one case of rape, and 96 cases of abduction since the People's Movement of April 2006. The Government failed to conduct thorough and independent investigations of reports of security force or Maoist/YCL brutality and generally did not take significant disciplinary action against those involved. Citizens were afraid to bring cases against the police for fear of reprisals.

On January 21, authorities arrested Puradi Prasad Pandey, a resident of Kalikot District, for the third time in connection with a murder. Police allegedly arrested Pandey because he had been speaking publicly about the fact that they had tortured him during his previous two arrests in December 2006. Police beat Pandey at the time of his arrest with a bamboo stick. With AF's assistance, Pandey filed a claim under the Torture Compensation Act (TCA) in Kalikot District Court. After the court issued a summons, Pandey received death threats from the Assistant Sub-Police Inspector and Superintendent of Police. Four Maoists also threatened Pandey with death unless he withdrew his case, which he did on February 28. At year's end authorities had not taken any corrective action.

On June 19, a bus driver detained Saroj Kumar Chaudhary, a 15-year-old student, after other local children threw stones at the bus. Although Chaudhary was only a bystander to the incident, the bus driver detained Chaudhary and transported him to the Ranashingdal Gulm Rupani Joint Security Base Camp in Saptari District. At the camp, four plain clothed security officers beat Saroj with their fists and plastic pipes and threatened to shoot him. According to INSEC, Chaudhary was released after a few days. The Government had not taken corrective action to resolve this case at year's end.

The NHRC recommended compensation for 35 victims of killings, disappearances, and torture, but at year's end only two victims had informed NHRC of payment. Most of the NHRC recommendations were not acted upon due to the absence of commissioners prior to September 18. By September 9, AF had filed 50 cases on behalf of victims of torture under the TCA. Authorities dismissed nine cases for lack of evidence. In one case, the court granted compensation to Karna Bahadur Thapa, a lawyer who was tortured by police outside of a government facility after he had participated in a peaceful demonstration. The April 2 decision widened the limited jurisdiction for torture under the TCA because Thapa was granted compensation even though he was not detained inside a government facility.

There were no further developments regarding the April 2006 case in which the NA arrested, abused, and killed six individuals, including Berendra Thapa and Wakil Shahi, two suspected Maoists. According to INSEC, the NA beat Thapa and Shahi before shooting Thapa in the waist, chest, and back and Shahi in the chest and mouth. The NA also took Keshab Singh and Ramebak Chaudhari from a house, tied their hands behind their backs, and assaulted them. On the same day, the NA took suspected Maoists Bibek and Rajendra to an artillery battalion, where they were abused. The NA released Rajendra on May 10. According to INSEC, authorities released Bibek afterwards.

After NHRC intervention the 2005 Sunsari rape case by NA soldiers was pending in the Sunsari district court at year's end. The three accused NA soldiers remained in jail at year's end.

There were no developments in the 2005 case of Shiv Bohara.

Prison and Detention Center Conditions.—Prison conditions were extremely poor and did not meet international standards. According to the Director General of the Department of Prisons, 6,952 prisoners remained in jail at year's end.

Due to a lack of adequate juvenile detention facilities, children sometimes were incarcerated with adults or were allowed to remain in jails with their incarcerated parents due to lack of other available options.

The Government generally permitted the NHRC and OHCHR to make unannounced visits to prisons and detainees in army and police custody. Although the NHRC is authorized to request government action, including the provision of compensation, the Government often denied the NHRC the right to intervene.

d. Arbitrary Arrest or Detention.—The law prohibits arbitrary arrest and detention, but arbitrary arrest occurred during the year.

Role of the Police and Security Apparatus.—The November 2006 peace agreement called on the NP and the APF to enforce law and order across the country. Authorities reestablished several police posts, but the Maoists forced some of the reestablished posts to close. The police stood aside during most incidents of violence, particularly events involving Maoists. According to police accounts, government officials instructed police not to intervene in the case of Maoist violence for fear of endangering the peace process. There were multiple events during the year in which police detained Maoist and YCL cadres for illegal acts, only to see them freed by political leadership within the Home Ministry or after intervention by other political leaders.

Both the police and NA have human rights cells to promote human rights and to investigate cases of abuse; however, corruption and impunity remained problems. Police were generally unarmed and had the role of preventing and investigating non terrorist related criminal behavior.

During the year no new complaints were filed against the NA, but the NA continued to investigate previously filed cases and issued clarifications. As of late September, the NA had issued clarifications for 3,054 of the total 3,837 allegations forwarded from the NHRC, OHCHR, International Committee of the Red Cross (ICRC), and other organizations.

Corruption and impunity remained a problem in the police force. Although the authorities removed a few police officials from their posts because of human rights violations, human rights groups reported that these individuals were promoted or reassigned as advisors at the Home Ministry. According to human rights groups, a culture of impunity continued to exist within the police. At the district level, police often operated without significant guidance from superiors, allowing vast discretion in the enforcement of laws. As in the previous year, there were many reports of police abuse and bribery.

Arrest and Detention.—The law stipulates that, except in cases involving suspected security and narcotics violations, the authorities must obtain a warrant for arrest, arraign or release a suspect within 24 hours of arrest, and file a case in court within 7 days of arrest; however, security forces regularly violated these provisions.

If the court upholds a detention, the law authorizes the police to hold the suspect for 25 days to complete an investigation, with a possible extension of 7 days. However, security forces occasionally held prisoners longer. In some cases the Supreme Court ordered the release of detainees held longer than 24 hours without a court appearance. Some foreigners, including refugees, reported difficulty in obtaining bail.

Detainees have the legal right to receive visits by family members, and they are permitted access to lawyers once authorities file charges. In practice the police granted access to prisoners on a basis that varied from prison to prison. There is a system of bail, but bonds were too expensive for most citizens. Pretrial detention often exceeded the period to which persons subsequently were sentenced after a trial and conviction. Of the 3,908 detainees AF interviewed since April 2006, only 5 percent received a notice of arrest, and only 13 percent were permitted to read the statement they provided to the police.

Under the Public Security Act, security forces may detain persons who allegedly threatened domestic security and tranquility, amicable relations with other countries, or relations between citizens of different classes or religions. The Government may detain persons in preventive detention for up to 6 months without charging them with a crime. The detention period can be extended after submitting written notice to the Home Ministry. The security forces must notify the district court of the detention within 24 hours. The court may order an additional 6 months of detention before the Government must file official charges.

Other laws, including the Public Offenses Act, permit detention without charge. This act, and its many amendments, covers crimes such as disturbing the peace, vandalism, rioting, and fighting. Human rights monitors expressed concern that the act vests too much discretionary power in the CDO. Police arrested many citizens involved in public disturbances, rioting, and vandalism and detained them for short periods without charge.

According to AF, incommunicado detention remained a problem throughout the country.

Amnesty.—On April 25, in celebration of Democracy Day, the Cabinet freed 98 prisoners by commuting their remaining prison terms.

e. Denial of Fair Public Trial.—The law provides for an independent judiciary, but courts remained vulnerable to political pressure, bribery, and intimidation.

The Supreme Court has the right to review the constitutionality of legislation passed by Parliament. Appellate and district courts were increasingly independent, although occasionally they remained susceptible to political pressures.

The judicial system consists of three levels: District courts, appellate courts, and the Supreme Court. The Constitutional Council, chaired by the prime minister, nominates the chief justice of the Supreme Court. After an advisory hearing before the Parliamentary Special Hearing Committee, the Constitutional Council may then appoint the new chief justice. After advisory hearings the chief justice, on recommendation of the Judicial Council, appoints other Supreme Court justices. The Council also is responsible for the assignment of judges, disciplinary action, and other administrative matters. A special court hears cases related to narcotics trafficking, trafficking in persons, mainly women and girls, crimes against the state, corruption, and crimes related to foreign currency.

Delays in the administration of justice were a severe problem. As of December 18, the Supreme Court reported a backlog of 13,489 cases, the appellate courts had

7,803, and district courts had 30,819. There was no indication that this backlog improved during the year.

Trial Procedures.—While the law provides for the right to counsel, equal protection under the law, protection from double jeopardy, protection from retroactive application of the law, and public trials, these rights were not equally applied except in a few security and customs cases. Judges decide cases; there is no jury system. All lower court decisions, including acquittals, are subject to appeal. The Supreme Court is the court of last resort.

The law provides detainees with the right to legal representation and a court-appointed lawyer, a government lawyer, or access to private attorneys; however, the Government provided legal counsel only upon request. Consequently, those persons unaware of their rights may be deprived of legal representation.

Military courts adjudicate cases concerning military personnel under the military code, which provides military personnel the same basic rights as civilians. Military personnel are immune from prosecution in civilian courts, except in cases of homicide or rape involving a civilian. Military courts cannot try civilians for crimes, even crimes involving the military services; these cases are handled in civilian courts.

The authorities may prosecute terrorism or treason cases under the Treason Act. Specially constituted tribunals hear these trials in closed sessions, but no such trials have occurred since 1991.

Although the Maoists announced the dissolution of their parallel government structures and courts on January 18, according to police and NGO reporting, they continued to function in some districts, particularly in rural areas. Even in areas where they no longer functioned, the Maoists often expected previous decisions and sentences to be carried out. These courts had no due process, and handled both criminal and civil cases. According to OHCHR, the people's courts did not provide minimum guarantees of due process and fair trial.

Political Prisoners and Detainees.—There were no reported political prisoners or detainees at year's end.

Civil Judicial Procedures and Remedies.—During the year there were no reported government abuses of civil procedures.

Property Restitution.—The Maoists returned some previously seized property but kept most illegally seized lands and properties in their possession; they also seized additional properties.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—Security forces could enter and search houses without warrants. Although illegal, the YCL in practice frequently conducted forced searches of civilian homes and property.

According to INSEC, following three bombings in Kathmandu on September 2, the NP carried out illegal searches and arrested approximately 12 persons. Eight persons were released after the investigation, while four suspects remained in custody facing murder charges at year's end.

Security personnel frequently conducted vehicle and body searches at roadblocks in many areas of the country.

There were no reports of the Government forcing civilians to resettle. Some persons who had resettled to escape Maoist extortion, recruitment, or retaliation could not return home.

g. Use of Excessive Force and Other Abuses in Internal Conflicts.—There was significant internal conflict in the Terai. Numerous armed groups, many ethnically based, clashed with each other and with the local population. Police were given a limited mandate and were not actively encouraged to promote law and order throughout the country. Members of the Maoists, the Maoist-affiliated YCL, and various other splinter groups in the Terai frequently committed acts of violence, extortion, and intimidation throughout the year.

Killings.—INSEC reported that, through December 10, Maoists and members of other armed groups killed between 229 and 234 civilians. OHCHR received reports of more than 130 killings of civilians during the year.

On October 8, cadres of the Janatantrik Terai Mukti Morcha-Goit faction (JTMM–G) shot and killed Ram Babu Sharma Neupane, Secretary of Khutawa Parsauni Village Development Committee. Bara District coordinator of the JTMM–G, Birat claimed responsibility for the killing.

Child Soldiers.—The November 2006 peace agreement forbade the use of children under the age of 18 as soldiers in the armies of either side; however, the Maoists continued to recruit large numbers of children after signing this agreement. At year's end the United Nations Mission in Nepal (UNMIN) was in the process of verifying the status of People's Liberation Army combatants in the cantonments and disqualifying those under 18. On December 22, UNMIN completed the second stage

of verification. According to UNMIN's press release on December 27, 2,973 combatants were judged to be under age 18 on May 25, 2006, and 8,640 combatants did not appear for the second round of verification.

Other Conflict-Related Abuses.—In some areas Maoists demanded that schools follow a calendar devoid of religious holidays. Maoist extortion and pressure forced private schools, orphanages, and other institutions to close or alter schedules in some districts.

Abuses by the YCL continued relatively unabated throughout the year. According to OHCHR, abuses by the YCL were conducted in a manner similar to those carried out earlier by other CPN–M cadres. They include abductions and ill-treatment in captivity, attacks on physical and mental integrity, and the violent disruption of political activities. They also included threats against newly established police posts and violence against several government officials and property. OHCHR also received reports of "donations" ranging from $281 (20,000 rupees) per month to $5,627 (400,000 rupees) representing one-time payments requested in the name of the YCL from business representatives. The businesses often asked OHCHR not to raise the cases for fear of reprisals.

Maoists regularly extorted money from businesses, workers, private citizens, and NGOs. When individuals or companies refused or were unable to pay, Maoist recrimination frequently was violent, or implied the threat of violence.

Maoist-inspired work stoppages, enforced through violence and intimidation, caused particular hardship to workers in many economic sectors.

On August 9, a group led by Maoist cadre members attacked a police post in Nuwakot District, stealing two guns and approximately 100 rounds of bullets from three police officers who were at the post.

On November 1, YCL cadre members beat two persons whom they forcefully captured from the premises of the Ministry of Local Development in Lalitpur District.

On November 18, members of the YCL abducted six persons, including doctors and directors of Nobel Medical College, based in Biratnagar, Kathmandu, and tortured them for 14 hours at an unidentified location near Kamidanda in Kavre District.

On December 5, Maoist cadres beat a foreign tourist at Birethani in Kaski District who did not pay the "donation" that the cadre demanded.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The law provides for freedom of speech and of the press.

After consultation with the parties, the Election Commission agreed upon an Election Code of Conduct for parties and the media for the Constituent Assembly election. The code was enforced as of September 18, but the Government suspended it on October 5 after postponing the election.

On November 16, government officials briefly detained 39 journalists who were staging a sit-in protest in front of the southern gate of Singha Durbar, the main government compound in the capital. The journalists were protesting the failure of the Government to take action against the Maoist cadres who were involved in the killing of journalist Birendra Shah.

The Maoists imposed restrictions on free press through intimidation and labor disputes involving affiliated unions. On July 20, the Maoist trade union federation, headed by Shalikram Jamakattel, threatened and attacked press and distribution staff of The Himalayan Times and Annapurna Post. Unable to stop the printing, they commandeered vehicles leaving the printing office and prevented distribution of the papers. After a few days of growing public pressure and discontent, the Maoist union relented.

The independent media was active and expressed a wide variety of views. Hundreds of independent vernacular and English-language newspapers were available, representing various political viewpoints. Kantipur and The Kathmandu Post (Nepali and English language versions of the same paper) reported independently. Both Gorkhapatra, the government-owned Nepali-language daily, and The Rising Nepal, the third largest English-language daily, reflected government policy that included Maoist views since the April 1 appointment of a Maoist as Minister of Information and Communication. Janadesh, the Maoist-published newspaper, remained a source of Maoist propaganda.

On July 26, authorities fired 49 journalists working for the government-owned Gorkhapatra Corporation, reportedly on the basis of their political views. On August 9, the YCL attacked journalists staging a sit-in demanding their reinstatement.

Foreign publications were widely available, and none were banned or censored during the year. Foreign print media operating in and reporting on the country were allowed to operate freely.

The Broadcast Act allows private television and FM radio broadcasts. The Government owned two television stations, Nepal TV and Nepal TV Metro, and controlled one radio station that broadcast both shortwave AM and FM signals. There were more than 60 independent radio stations that reached over 90 percent of the population. Radio remained the primary source of information for a majority of the population.

The Maoists opposed freedom of expression, and through intimidation and job actions by affiliated unions, attempted to restrict print and broadcast media. Maoists threatened private FM radio stations to force them to broadcast Maoist propaganda, and the Maoists themselves operated both fixed site and small, mobile FM radio stations that broadcast propaganda. Maoist radio stations broadcast widely.

During the first week of August pro-Maoist workers presented the management of Radio HBC FM with a list of demands related to pay and job conditions and padlocked part of the facility. In reaction, the FM management stopped broadcasting. On August 29, 2 days after management advisor Birendra Dahal ended his fast-until-death in support of press freedom, he posted a notice that all journalists and employees were fired. The move drew widespread criticism and staffers protested. In September management conceded the major demands of the protesting employees, and the radio resumed transmission.

On September 26, the Maoist-aligned All Nepal Communication, Press and Publications Trade Union prevented work in the marketing department of Kantipur Publications. As a result, on September 27 Kantipur and The Kathmandu Post appeared without advertising.

According to the Federation of Nepalese Journalists, from January through November 30, Maoists killed one journalist and abducted another, while police officials arrested 39 journalists.

On July 5, a group of Maoists allegedly abducted journalist Prakash Singh Thakuri from Kanchanpur. A team of human rights organizations, including representatives from the International Institute for Human Rights, Environment, and Development (INHURED), INSEC, the Institute of Human Rights Communication Nepal(IHRICON), and AF, initiated a probe on a request by Janaki Thakuri, Prakash's wife. According to the report by the team, Maoists were responsible for the abduction. On July 8, police arrested a local Maoist leader, Pom Lal Sharma, for his alleged involvement in the abduction. He was released after he told police he had only shown the house of Thakuri to some YCL cadres. The YCL denied its involvement.

On October 3, an unknown group abducted Pappu Gurung from Dodhara district. On October 5, Maoists abducted Birendra Shah, a central member of Press Chautari Nepal and correspondent of Kathmandu-based Nepal FM, in Bara district. The International Federation condemned the disappearances. Shah's body was recovered on November 8, and Maoists took responsibility for the killing. The interim government appointed a parliamentary panel headed by Urmila Aryal to investigate the incident in Bara. The panel concluded that local Maoists had been responsible for the attack. At year's end the Government had not taken further corrective action to investigate these cases.

Members of other small ethnically based groups committed numerous acts of violence against journalists throughout the year. For example, on January 28, MPRF activists beat several local journalists, including photojournalist Ram Sarraf, Dhruva Shah of Birgunj Post and Bhuvan Jha. Several journalists left Birgunj after the MPRF cadres announced a list of journalists against whom action would be taken. Shyam Banjara of Narayani Today, Govinda Devkota of Narayni FM radio and Gopal Devkota of Nepal Television were among those who received threats. As a protest, the journalists in Birgunj temporarily stopped publishing their daily newspapers.

On January 30 in Inaruwa, MPRF cadres threatened Kantipur correspondent Bedraj Poudel with death because he had not published a story about the forum's ongoing activities. Following the threats, Poudel abandoned his work, citing security concerns.

On February 4, MPRF cadres in Nawalparasi threatened Kathmandu Post correspondent Chetan Adhikari and two other journalists. They ordered Adhikari, Hari Sharma of the Federation of Nepali Journalists (FNJ), and Tikaram Gaire, chairman of Nepal Press Union (NPU) in the district, to publish news of the MPRF agitation campaign on the front page or to face retaliation. Following the threat, an FNJ team in the district called on the CDO to demand safety for journalists.

On May 18 in Rautahat, a military commander of the Janatantrik Terai Mukti Morcha (JTMM–J) threatened to kill Kathmandu Post correspondent Shiva Puri and five other local journalists, Sanjay Karki, Ashok Pahari, Fani Mahat, Ratna Adhikari and Bipin Gautam because the journalists allegedly had written "reports

against JTMM men." JTMM–J military commander "Prabhu" phoned Puri and threatened to kill him for allegedly broadcasting a news item on Radio Birgunj FM against JTMM–J commander Khaheru Dewan.

On June 16, MPRF cadres in Itahari burned 7,500 copies of Nepal Samacharpatra and 2,500 copies of Jana Bidroha because the newspapers had allegedly not printed MPRF-related news items.

Internet Freedom.—There was no reported monitoring or blocking of Internet sites.

Academic Freedom and Cultural Events.—There were no government restrictions on academic freedom or cultural events.

Maoist groups curtailed academic freedom, regularly extorted money from private schools and teachers, and inflicted punishment on school officials. Despite the Comprehensive Peace Agreement, the country's media continued to report instances of abduction, extortion, and intimidation by Maoists outside the Kathmandu valley, although at a much lower level than in 2006.

b. Freedom of Peaceful Assembly and Association.—The law provides for freedom of peaceful assembly and association; however, the interim government sometimes restricted freedom of assembly. Authorities arrested Badi activists in August after a peaceful protest for housing and jobs outside Singha Durbar.

Freedom of Assembly.—The law provides for freedom of assembly, and it was generally respected. Under domestic law, CDOs are authorized to impose curfews if there is a possibility that peace may be disturbed as a result of demonstrations or riots. The curfews imposed during the September unrest in Kapilvastu were not criticized by the OHCHR or other domestic groups.

The Tibetan community reported it faced fewer restrictions on holding public celebrations during the year.

Freedom of Association.—The law provides for freedom of association, and it was respected. Government officials no longer refused to register any organizations whose titles contained the words, "Jesus, Bible, Christian, or church."There was no change in the status of the Bhota Welfare Society; a Supreme Court hearing was repeatedly postponed.

c. Freedom of Religion.—The law provides for freedom to practice one's own religion and permits the practice of all religions, but prohibits converting others and proselytizing. A conviction for conversion or proselytizing can result in fines or imprisonment, or in the case of foreigners, expulsion from the country; however, there were no incidents of arrest for conversion or proselytizing during the year. Some Christian and Muslim groups were concerned that the ban on proselytizing limited the expression of non-Hindu religious beliefs.

On January 15, the expanded interim Parliament promulgated the Interim Constitution, in which Part 1, Article 4 declares the country a secular state.

Members of minority religions occasionally complained of police harassment. Authorities limited the location of and otherwise restricted many public celebrations by the Tibetan community, especially those with political overtones.

There were some reports that Maoist cadres restricted religious freedom in parts of the country by demanding the use of religious organization facilities for their activities, attacking places of worship, and harassing religious workers.

The Press and Publications Act prohibited the publication of materials that created animosity among persons of different castes or religions.

A conviction for conversion or proselytizing can result in fines or imprisonment, or in the case of foreigners, expulsion from the country; however, there were no incidents of arrest for conversion or proselytizing during the year.

Societal Abuses and Discrimination.—Although prohibited by law, citizens practiced caste discrimination in a wide variety of religious, professional, government, and social environments, and such discrimination strongly influenced society.

On March 25, teachers prevented Dalit students of Fadke Dhunga Primary School, Parvat, to participate in the practical examination for a cooking class. After they were urged to do so by the District Education Office and the court, the teachers and school administration issued a public apology, paid compensation of $550 (35,000 rupees) to all of the students and permitted the Dalit students to take the exam.

On October 24, 13 Dalits of rural Tallosworad (Baitadi) were beaten allegedly by local villagers because they had refused to eat buffaloes slaughtered during a Hindu religious festival. Local villagers also looted goods worth approximately $7,900 (500,000 rupees) from Dalit-owned shops. Local mediation to resolve the case was eventually successful.

Also in Baitadi, following advocacy by OHCHR and Dalit organizations, for the first time the NP registered a FIR under discrimination charges against higher caste individuals for allegedly assaulting 12 Dalits after they refused to participate in traditional discriminatory practices during the Dashain festival.

After the interim government declared the country a secular state, the Maoists no longer forced schools to follow a calendar that did not allow for religious holidays. Instead, they strongly encouraged local authorities and schools to make their holiday schedule based on all religions, not only Hinduism. Maoists forced some Christian churches to close after the churches refused to meet their demands for extortion and support.

There are no known Jewish adherents in the country and there were no reports of anti-Semitic acts.

For a more detailed discussion, see the 2007 International Religious Freedom Report.

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons.—The law provides for freedom of movement.

The Government regularly restricted refugees' right to travel freely inside and outside of the country. Bhutanese refugees, numbering approximately 107,000, were required to live in seven camps in the eastern portion of the country. Tibetan refugees were allowed to travel freely within the country but had difficulty obtaining documentation for foreign travel. Those Tibetans registered as refugees prior to 1989 were able to obtain travel documents with difficulty. Approximately 5,000 Tibetans who reached the age of 18 after 1989, however, had not been issued refugee ID cards and were thus unable to obtain documents for foreign travel.

Numerous politically agitating groups restricted freedom of movement within the country, including forcing transportation strikes, known locally as "bandhs." Maoist and YCL cadres called multiple bandhs throughout the year to force attention to political issues, even after joining the Government. On January 24, to pressure the Government to amend the Interim Constitution, adopt proportional representation, and guarantee a separate "Kirant Republic," the Kirant Workers' Party called for a 1-day strike of shops, schools, factories, and traffic in eastern areas of the country. On July 18, to promote their demand for autonomous states for Limbuwan and Khumbuwan areas, the Aanyukta Limbuwan Rajya Parishad and Khumbuwan Rastriya Morcha shut down schools, businesses, and transportation for 1 day.

The law prohibits forced exile, and it was not used during the year. The Government allowed citizens to emigrate and those abroad to return and was not known to revoke citizenship for political reasons.

Internally Displaced Persons (IDPs).—Although the Government and Maoists agreed to support the safe and dignified return of IDPs to their homes, the agreement was not implemented. Several U.N. agencies, including the U.N. High Commissioner for Refugees (UNHCR), OHCHR, and the U.N. Development Program, continued working with the Government to develop an IDP policy that was consistent with international principles. The UNHCR estimated a current population of between 50,000 and 70,000 IDPs in Nepal. The Government allowed several international organizations, such as the ICRC, Caritas and Action Aid Nepal, to initiate programs to assist IDPs. According to U.N. agencies, the main obstacle preventing most IDPs from returning was fear of Maoist reprisal and refusal by local Maoist commanders to allow IDPs to return home.

On December 30, 244 persons from 46 internally displaced families returned to their home villages in Dailekh and Jajarkot districts.

Protection of Refugees.—The Government has no national legislation to provide for the granting of asylum in accordance with the 1951 U.N. Convention relating to the Status of Refugees and its 1967 protocol. The government, however, has had ad hoc administrative discussions, which have been used to develop policies that provide protection for Bhutanese and Tibetan refugees.

Since 1991 the Government has provided asylum to approximately 107,000 persons who claimed Bhutanese citizenship. Almost all of these refugees lived in camps in the southeastern part of the country. The UNHCR monitored the condition of the refugees, and international organizations and NGOs provided for their basic needs, including education and healthcare. The Government accepted the refugees' presence on humanitarian grounds. Lutheran World Federation administered the camps and the World Food Program provided food assistance; the Association of Medical Doctors of Asia provided medical care and Caritas and others also provided organized assistance to the refugees in the camps. The Government officially restricted the refugees' freedom of movement and work, but those restrictions were not strictly enforced.

During the year the UNHCR completed a census begun in 2006 of the Bhutanese refugee population. In October the Government granted permission to the population defined in the census to seek resettlement to a third country. Security was a problem in the camps throughout the year due to criminal elements in the camps and political disputes over third-country resettlement. The security situation delayed government approval for resettlement. In response, in October, the UNHCR completed construction of facilities to house an APF presence in all seven camps, easing the way for government to announce its approval of third-country resettlement. While the Government approved resettlement, it had not, by year's end, implemented a practical system to allow the refugees to obtain the exit permits necessary for their departure.

Between 1959 and 1989, the Government accepted approximately 20,000 Tibetan refugees as residents. Since that time, most Tibetans arriving in the country have simply transited on their way to India. However, some remained or returned, although the exact number was not known.

Tibetans continued to transit through the country on their way to India in significant numbers and, generally, the Government continued tacitly to sanction that practice. During the year 2,156 Tibetans transited the country. There were credible reports by Tibetan refugees of increased harassment by Chinese border guards. Refugees also reported that border officials frequently tolerated incursions into the country by Chinese border officials pursuing refugees. According to refugee reports, Maoists regularly robbed Tibetan refugees traveling from border areas to Kathmandu.

Many of the Tibetans who live in the country have irregular status. Business ownership, licenses, and most legal transactions must be accomplished with the assistance of local friends or associates. This has made them especially vulnerable to those, primarily Maoists, who extort money from business owners, even very small business owners, and others. Tibetans also reported numerous cases of abduction for the purpose of extortion.

In practice the Government generally provided protection against refoulement, the return of persons to a country where they feared persecution. On July 16, however, the Immigration Office deported a Tibetan refugee accused of crimes in the country to Tibet. The Government responded to protests against the deportation by claiming the refoulement was the result of confusion over the Government's policy and miscommunication.

The Government allowed the UNHCR to provide limited services for the so-called urban refugees, asylum seekers from countries such as Somalia, Nigeria and Iraq, but objected to the UNHCR's mandated practice of making refugee status determinations. In March at the request of the government, the UNHCR suspended refugee status determinations pending further discussions with the Government.

Stateless Persons.—In 1995 the Government estimated that 3.4 million individuals in the country were de facto stateless in the sense that their nationality had not been documented. Acquisition of citizenship in the country was not automatic. Individuals must register formally and apply for nationality at the age of 18, and many individuals did not take the initiative to do so. During the year the Government attempted to register and formally recognize the nationality of these stateless persons. Between January and April "citizenship distribution teams," dispatched to local areas throughout the country by the Ministry of Home Affairs Citizenship Cell, distributed citizenship certificates to 2.6 million persons. By year's end the approximately 800,000 persons who remained stateless were still able to register their citizenship, but the citizenship distribution teams were no longer traveling throughout the country.

All of the refugees in the country, Tibetans, Bhutanese, and urban, are stateless persons. The 20,000 Tibetan refugees who arrived in the country prior to 1989 have Refugee Identity Cards which provide minimal rights and protections, but the Government would not issue cards to the estimated 5,000 Tibetans born in the country after 1989 or to any of the other Tibetans who arrived after that time.

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; however, citizens were not afforded this right in practice. The Parliament elected in 1999, which had been dissolved in 2002 and whose term should have expired in 2004, was reinstated in April 2006, and additional, unelected, members were added in January. The interim government twice postponed elections to a Constituent Assembly.

Elections and Political Participation.—National elections were held three times throughout the country during the 1990s. International observers considered the

1999 elections, the most recent national elections, to be generally free and fair. The most recent local elections, held in 2006, were not considered free and fair.

At year's end the interim Constitution provided that the CA would consist of 601 members, with 240 elected by a first-past-the-post system, 335 by proportional representation, with quotas for Dalits, oppressed caste/indigenous ethnic groups, Madhesis, women, and other underrepresented groups, and 26 nominated by the Cabinet.

There are no specific laws that restrict women, indigenous people, or minorities from participating in government or in political parties, but tradition limited the roles of women and some castes and ethnicities in the political process. Most of the larger political parties had associated youth wings, trade unions, and social organizations. Three women serve in the current Cabinet as ministers.

No specific laws prevented minorities from voting or restricted their participation in government or political parties on the same basis as other citizens. Members of certain castes traditionally held more power than others. Of the 23-member Cabinet, seven members were from ethnic minority communities.

Government Corruption and Transparency.—The law provides for an anticorruption authority, the Commission for the Investigation of the Abuse of Authority (CIAA), which is mandated to investigate official acts of corruption. The CIAA claimed it had an 80 percent success rate concerning corruption cases it filed, but some cases involving politicians were not filed or were defeated in court. The World Bank's worldwide governance indicators suggested that corruption was a severe problem in the country.

On July 18, the interim Parliament passed the Right to Information Bill, which mandated that public organizations provide citizens with information as quickly as possible and inquiries should be met within 15 days following the request. If authorities deny individuals access to information, they must provide a valid explanation. The bill provides five exemptions for withholding information. Authorities are permitted to withhold information in the following cases: If doing so would hamper the investigation and filing of criminal cases, to protect the economic and commercial interest of the country, to preserve banking and commercial secrecy, or to prevent a disruption of communal harmony or a disruption to personal life or security.

Section 4. Governmental Attitudes Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A number of domestic and international human rights groups generally operated without government restriction and were able to investigate and publish their findings on human rights cases. Government officials sometimes were cooperative and responsive to their views.

There were approximately 10 independent, domestic human rights NGOs, including the Human Rights Organization of Nepal, INSEC, the INHURED, and the Human Rights and Peace Society. The Nepal Law Society also monitored human rights abuses, and a number of other NGOs focused on specific areas such as torture, child labor, women's rights, or ethnic minorities.

According to the U.N. Office for the Coordination of Humanitarian Affairs, there were occasional credible claims that Maoists refused to allow human rights NGOs (and journalists) to enter certain districts without party permission.

The Government welcomed and regularly granted visas to international NGOs and other human rights monitors, including members of Amnesty International and Human Rights Watch. Authorities generally gave international observers access to barracks and places of detention. International observers had not been granted access to courts martial and military investigations.

As set out in the November 2006 peace agreement, the OHCHR worked with the interim government to formulate and implement policies and programs for the promotion and protection of human rights.

The OHCHR released 37 press releases and three reports during the year. The first report presented findings of the OHCHR's investigation into the killings in Gaur and surrounding villages; the second covered allegations of human rights abuses by the YCL; the third assessed human rights 1 year after the signing of the November 2006 peace agreement. The media covered all reports freely.

Until a new set of commissioners was sworn in on September 18, the NHRC had limited capacity to implement recommendations. After the commissioners were sworn in, the NHRC began to investigate past and current allegations of abuses. While the commission continued to operate independently, it was unable to move investigations forward without effective leadership. Resource constraints and insufficient manpower restricted the number of cases the commission investigated. Once the NHRC completes an investigation and makes a recommendation, the Govern-

ment has 3 months to respond. The commission received 923 complaints of human rights violations from January to July. The NHRC identified 646 persons who disappeared in government custody and who remained unaccounted for at year's end. The NHRC also investigated illegal detention and arrest of acquitted persons. The NHRC reported open access to government detainees across the country.

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

The law specifies that the Government shall not discriminate against citizens on grounds of race, sex, caste, or ideology; however, a rigid caste system continued to operate throughout the country in many areas of religious, professional, and daily life. Societal discrimination against lower castes, women, and persons with disabilities remained common, especially in rural areas.

Women.—Under Nepali Civil Code, sentencing provisions for rape depend upon the age of the female victim. If a person is convicted of raping a girl under the age of 10, the possible jail sentence ranges from 10 to 15 years; if the girl is above 10 and below 14 years, the jail sentence ranges from 8 to 12 years; if the girl is above 14 and below 16 years, the jail sentence ranges from 6 to 10 years; if the girl is above 16 and below 20 years, the jail sentence ranges from 5 to 8 years; and, if the girl is over 20 years, the jail sentence ranges from 5 to 7 years. The victim's compensation is dependent on the degree of mental and physical torture suffered. Discrimination in legal provisions for rape of a prostitute is considered ultra virus; the victim receives the same legal benefits as other women and the rapist receives the same punishment. The Gender Equality Amendment Act of 2006 broadened the definition of rape to include marital rape, and under this act the husband can be jailed for 3 to 6 months.

Domestic violence against women was a serious problem that received limited public attention. There was a general unwillingness among police, politicians, citizens, and government authorities to recognize violence against women as a problem. Sensitizing programs by NGOs for police, politicians, and the general public continued to lead to a greater awareness of the problem. The women's cell of the police received 1,100 reports of domestic violence between July 2006 and June. However, in the absence of a domestic violence law, police were unable, or unwilling, to file cases against the accused.

Police had 24 women's cells in 20 of the country's 75 districts. The female officers in the cells received special training in handling victims of domestic violence and trafficking. Police also issued directives instructing all officers to treat domestic violence as a criminal offense that should be prosecuted. Nevertheless, according to police officials, this type of directive was difficult to enforce because of entrenched discriminatory attitudes among police. Even if police made arrests, often neither the victim nor the Government pursued prosecution.

More than 20 NGOs in Kathmandu worked on the problem of violence against women and on women's issues in general and provided shelter, medical attention, counseling, and legal advocacy for the victims of violence. Some of these NGOs had branch offices providing similar services in other districts.

Between July 2006 and June, 317 cases of rape and 70 cases of attempted rape were filed in the court, according to the women's police cell. A survey conducted by Saathi in 2003, an NGO addressing the issue of gender based violence, found that 39 percent of rape victims who reported the crime to police were under the age of 19. Of those victims who reported the crime to the authorities, 25 percent said the Government arrested and convicted the perpetrator. According to SAATHI, police and the courts were quick to respond to rape cases.

A study conducted by SAATHI and SNV Nepal in 2001 indicated that the victims of rape endure major physical, psychological, economic, and social impacts. Victims of rape often reported being treated as a social outcast, and endured severe feelings of shame. A few reported having to leave temporarily their homes and community once a rape incident was made public.

Incidents of rape continued to be a problem and went unreported in most cases.

The dowry tradition was strong in the Terai districts bordering India; however, the killing of brides because of defaults on or inadequacy of dowry payments was rare. More often, husbands or in-laws seeking additional dowry physically abused wives, or forced the woman to leave so that the man could remarry.

On November 6, Hasrun Idris, 22, of Nepalgunj was severely burned by her husband and in-laws who were dissatisfied with the dowry her family had paid. Police arrested the husband and in-laws and at year's end, the case was under review.

Traditional beliefs about witchcraft generally involved elderly rural women and widows. Shamans or other local authority figures sometimes publicly beat and physically abused suspected witches as part of an exorcism ceremony. The media or NGOs reported numerous cases of this superstition-related violence during the year,

including a case on April 14 in which authorities evicted Kopila Bishwokarma and her two young children from their house at Begnas Lake in the western part of the country after locals threatened to demolish their dwelling. Neighbors had repeatedly accused Bishwokarma of practicing witchcraft and had prevented her from going to the police. Local officials took no action against the neighbors. In 2003 the NHRC asked the Government to develop a mechanism to prevent such abuses and to provide compensation to the abused. The district administration office in the district where the violence occurred handled all cases of witchcraft violence. At year's end the Government had not taken action on the 2003 NHRC recommendation.

Trafficking in persons, mainly women and girls, remained a serious problem throughout the country, and large numbers of women were forced into commercial sexual exploitation in other countries. Forced prostitution was illegal, but there were no laws banning prostitution by choice.

Although the law provides protections for women, including equal pay for equal work, the Government did not take significant action to implement those provisions, even in many state industries. Women faced systematic discrimination, particularly in rural areas, where religious and cultural traditions, lack of education, and ignorance of the law remained severe impediments to the exercise of basic rights, such as the right to vote or to hold property in their own names. Unmarried, widowed, and divorced women were able to inherit parental property. Since November 2006, citizenship may pass through the mother, and the children of female citizens married to foreign spouses can claim citizenship.

Women may register birth and death information. Women did not need permission from their husband or parents to get a passport. Women did not need the permission of their husband, son, or parents if they wished to sell or hand over ownership of property.

Many discriminatory laws remain even after the Gender Equality Act, passed in September 2006, amended 56 out of 173 discriminatory provisions in various laws. For example, the law on property rights favors men in its provisions for land tenancy and the division of family property. The Foreign Employment Act requires women to get permission from the Government and their guardian before seeking work through a foreign employment agency. The law encourages bigamy by allowing men to remarry without divorcing their first wife if she becomes incapacitated or infertile.

According to the 2001 census, the most recent statistics available, the female literacy rate was 43 percent, compared with 65 percent for men. NGOs focused on integrating women into active civil society and the economy. Most political parties had women's groups that advocated for women's rights and brought women's issues before the party leadership.

Children.—Although the law provides for the welfare and education of children, its implementation was uneven. Education was not compulsory. However, government policy provided free primary education for all children between the ages of 6 and 12 years. The quality of education was often inadequate, and many families could not afford school supplies and clothing. Schools did not exist in all areas of the country. Approximately 60 percent of the children who worked also attended school. However, approximately 70 to 75 percent of boys who worked went to school, compared with only 50 to 60 percent of the girls who worked. Human rights groups reported that girls attended secondary schools at a rate half that of boys. In 2003 the Department of Education issued a report that one-quarter of elementary school-age girls were deprived of basic education. The Government claimed that 86 percent of school-age children were attending public schools. There were a reported 2,500 madrassas functioning throughout the country.

The Government provided basic health care free to children and adults, but government clinics were poorly equipped and few in number, and serious deficiencies remained. Some health clinics in rural areas were forced to close due to Maoist intimidation.

Violence against children was rarely prosecuted, and abuse primarily manifested itself in trafficking of children. Commercial sexual exploitation of young girls remained a serious problem.

Societal attitudes in parts of the country viewed a female child as a commodity to be bartered in marriage, or as a burden. Some persons considered marrying a girl before menarche an honorable, sacred act that increased one's chances of a better afterlife. As a result, although the law prohibits marriage for girls before the age of 18, child brides were common. Social, economic, and religious values promoted the practice of child brides. According to the Ministry of Health, girls' average age of marriage was 16 years of age, and boys' average age was 18. An age difference in marriage often was cited as one cause of domestic violence.

Maoists abducted teenagers and some younger children to serve as porters, runners, cooks, and armed cadres. Most children abducted from their schools for political education sessions were returned within a few days, but some remained with the Maoists, either voluntarily or under compulsion. The NA estimated that 30 percent of Maoist guerillas were under the age of 18, and some were as young as 10. The November 2006 peace agreement expressly forbade the recruitment of children into the armed forces of either side, but the Maoists continued to recruit children in large numbers.

There were three cases of female infanticide reported to the police women's cell between July 2006 and June.

Internal displacement due to the decade-long Maoist conflict, including of children, continued to be a problem, with estimates of the number displaced ranging widely. According to a 2005 report by Caritas, approximately 40,000 children had been displaced due to the armed conflict in the last 10 years. As IDPs, children faced inadequate access to food, shelter, and health care, and had limited access to education.

Trafficking in Persons.—The law prohibits trafficking in persons and prescribes imprisonment of up to 20 years for infractions; however, trafficking in women and children remained a serious problem. On July 18, the interim Parliament passed the Trafficking in Persons and Transportation Control Bill. For the first time the Government celebrated September 6 as National Anti-Trafficking Day. During the year enforcement of antitrafficking statutes improved but remained sporadic. The law prohibits selling persons in the country or abroad.

The country was a source country for trafficking. Young women were the most common targets. Trafficking of boys for commercial sexual exploitation rarely was reported, but girls as young as 9 years of age were trafficked, primarily to neighboring countries, including India. While the vast majority of trafficking was of women and girls for sexual exploitation, men, women, and children were trafficked for domestic service, manual or semiskilled bonded labor, work in circuses, or other purposes. Men were also trafficked for involuntary servitude in Iraq by labor recruiting agencies; they generally were promised jobs in other Gulf countries, but were subsequently transferred to Iraq under threat or deception. There were more reports than in previous years that men were trafficked for labor exploitation to Gulf countries. Pourakhi, a NGO working with returnee migrant workers, estimated 3 percent of more than 5,000 migrant workers per year who departed for destinations other than India were trafficked. Most women and girls trafficked from the country went to India, lured by promises of good jobs or marriage. Internal trafficking for forced labor and sexual exploitation also occurred. Save the Children and Action Aid conducted research linking conflict, migration, and employment. The studies indicated that internal trafficking likely was on the rise due to the lingering effects of the insurgency, as rural women and children left their homes to seek employment and security in urban centers. Despite the cease-fire, many women and children were afraid to return home due to continuing political instability. Persons rescued from trafficking and their families often faced social stigmatism. Maiti Nepal, a domestic NGO, provides transit homes for girls rescued from trafficking. At the shelters in Kathmandu and Ilam, girls can stay up to 6 months and learn income generating skills. In December there were 60 girls in Maiti Nepal's shelter homes in Kathmandu. Other NGOs also provided transit homes.

The Government has a national plan to combat trafficking and a National Rapporteur on Trafficking. However, political instability and security problems hindered the Government's antitrafficking efforts.

According to the Attorney General's office, the Government filed 183 trafficking cases in the district attorneys' offices across the country for 1 year following July 2006. By July 14, of the 183 cases, 37 resulted in full or partial convictions, 22 in acquittal, and 124 remained under investigation.

An estimated 12,000 women and children were trafficked into sexual exploitation in Indian brothels, and an unspecified number were victims of internal sex trafficking. Traffickers posing as labor recruiting agencies sent women to Saudi Arabia, Malaysia, Hong Kong, the United Arab Emirates, and other gulf states for sexual exploitation and domestic servitude.

In 2003 the Government lifted a ban on female domestic labor leaving the country to work in Saudi Arabia and other countries in the gulf. The Government did not monitor adequately labor recruiting agencies to ensure that workers going abroad attended premigration orientation sessions, or that labor contracts were honored after worker arrival in receiving countries. Recruiters in the country who used deception to trick workers into forced labor in Iraq despite a government ban remained largely unmonitored and unpunished. On July 3 and July 23 respectively, the Government signed Memoranda of Understanding (MOU) with the governments

of the United Arab Emirates and the Republic of Korea. These MOU are intended to reduce vulnerability to trafficking via labor migration. On August 12, the interim Parliament passed the Foreign Employment Bill to license and regulate labor recruiting agencies.

Hundreds of women and girls returned voluntarily or were rescued and repatriated to the country after having worked as commercial sex workers in India. Many had been expelled from their brothels after contracting sexually transmitted diseases or tuberculosis. Most were destitute and, according to estimates by local NGOs Maiti Nepal and ABC Nepal, 50 percent were HIV-positive when they returned. Maiti Nepal, the country's largest antitrafficking NGO, operated a hospice for HIV-positive trafficking victims and their children.

Traffickers were usually from the country or India, and had links to brothels in India, but recruiters who sought girls in villages were primarily citizens. In many cases, parents or relatives sold women and young girls into sexual slavery. Corruption was also believed to facilitate trafficking, but there were few reported investigations or prosecutions of complicit government officials. The Government identified 26 high-priority districts as source areas of trafficking and established antitrafficking task forces in each of those districts. Women and youth displaced from homes as a result of the insurgency were especially vulnerable to being trafficked.

While the Government lacked the resources and institutional capability to address effectively its trafficking problem, the National Task Force at the Ministry of Women, Children and Social Welfare (MWCSW), established in 2001, continued to work to coordinate the response to cases of trafficking. From October 2006 to September MWCSW conducted pilot projects at two border crossings, Jhapa in the east and Rupandehi in the west, to combat trafficking. There were programs in place to train police, and the MWCSW worked closely with local NGOs to rehabilitate and otherwise assist victims. Police women's cells in 20 districts worked with NGOs to provide referral services to victims of trafficking and domestic violence. Official corruption related to identity documentation and at ports of entry continued to facilitate the illicit movement of persons across the country's borders.

The Government provided limited funding to NGOs to give assistance to victims with rehabilitation, medical care, and legal services. The MWCSW sponsored job and skill training programs in several poor districts with high rates of commercial sex workers who were sent to India. The Government protected the rights of victims and did not detain, jail, or prosecute them for violations of other laws.

The government, together with NGOs and international organizations, implemented local, regional, and national public awareness campaigns on trafficking in persons; however, the Government failed to budget for adequate police training and resources, and the courts were overburdened. Government welfare agencies worked with NGOs to deliver public outreach programs and assistance to trafficking victims.

Cultural attitudes toward returned victims of trafficking were often negative. There were more than 50 NGOs combating trafficking, several of which provided rehabilitation and skills training programs for trafficking victims. With the Government's endorsement, many NGOs created outreach campaigns using leaflets, comic books, films, speaker programs, and skits to convey antitrafficking messages and education in urban, cross-border, and rural areas. Maiti Nepal stationed rehabilitated trafficking victims as guards with government officials to intercept trafficking victims at border crossings.

Persons with Disabilities.—The law does not prohibit discrimination against persons with physical and mental disabilities, and there was discrimination against persons with disabilities in employment, education, access to health care, and in the provision of other state services. The law mandates access to buildings, transportation, employment, education, and other state services, but these provisions generally were not enforced. Despite government funding for special education programs, the Government did not implement effectively nor enforce laws regarding persons with disabilities. The MWCSW was responsible for the protection of persons with disabilities. Some NGOs working with persons with disabilities received funding from the government; however, most persons with physical or mental disabilities relied almost exclusively on family members for assistance.

National/Racial/Ethnic Minorities.—The law provides that each community shall have the right "to preserve and promote its language, script, and culture" and that each community has the right to operate schools at the primary level in its native language. In practice the Government generally upheld these provisions.

There were more than 75 ethnic groups that spoke 50 different languages. In remote areas school lessons and radio broadcasts often were in the local language. In urban areas, education was almost exclusively offered in Nepali or English.

Discrimination against lower castes and some ethnic groups, particularly Madhesis and Janajatis, was especially common in the Terai and in rural areas in the western part of the country, even though the Government outlawed the public shunning of Dalits and made an effort to protect the rights of the disadvantaged castes. Economic, social, and educational advancement tended to be a function of historical patterns, geographic location, and caste. Better education and higher levels of prosperity, especially in the Kathmandu valley, were slowly reducing caste distinctions and increasing opportunities for lower socioeconomic groups. Better educated, urban-oriented castes continued to dominate politics and senior administrative and military positions, and to control a disproportionate share of natural resources.

Caste-based discrimination, including barring access to temples, is illegal; however, Dalits were occasionally barred from entering temples. Progress in reducing discrimination was more successful in urban areas.

Other Societal Abuses and Discrimination.—The country has no laws that specifically criminalize homosexuality; however, government authorities, especially police, sometimes harassed and abused homosexuals. According to Blue Diamond Society, an indigenous NGO that worked to protect against discrimination against the lesbian, gay, bisexual, and transgender communities, harassment of homosexuals continued.

Between July and September, authorities arrested five transgender persons in Kathmandu. All were released on the same or next day.

On July 2, the NA fired a trainee after keeping her in solitary confinement for 49 days because she was a lesbian. On July 20, the NA fired Bhakti Shat after keeping her for 60 days in solitary confinement for the same offense. Bhakti Shat had served in the NA for 4 years prior to her dismissal. At year's end, her case was pending.

On December 21, the Supreme Court ruled that sexual minorities (lesbian, gay, bisexual, transsexual, and intersex) are "natural persons" and should be allowed to enjoy all the rights defined by national and international human rights law and instruments.

Section 6. Worker Rights

a. The Right of Association.—The law provides for the freedom to establish and join unions and associations, and these rights were protected in practice. The law permitted the restriction of unions only in cases of subversion, sedition, or similar conditions. Trade unions developed administrative structures to organize workers, to bargain collectively, and to conduct worker education programs. The three largest trade unions were affiliated with political parties.

Union participation in the formal sector accounted for approximately 10 percent of the formal work force. The Labor Act of 1992 and the Trade Union Act of 1992 formulated enabling regulations; however, the Government had not fully implemented these acts. The Trade Union Act defines procedures for establishing trade unions, associations, and federations. It also protects unions and officials from lawsuits arising from actions taken in the discharge of union duties, including collective bargaining, and prohibits employers from discriminating against trade union members or organizers.

The Government did not restrict unions from joining international labor bodies. Several trade federations and union organizations maintained a variety of international affiliations.

The Maoist trade union organized workers and intimidated businesses extensively after the May 2006 announcement of the cease-fire.

b. The Right to Organize and Bargain Collectively.—The Labor Act provides for collective bargaining, but the organizational structures to implement the act's provisions were not established. The Government allowed unions to operate freely and without interference. Collective bargaining agreements covered an estimated 10 percent of wage earners in the organized sector; however, in general, labor remained widely unable to use collective bargaining effectively due to legal obstacles to striking and inexperience on the part of labor leaders.

The law provides the right to strike except by employees in essential services, and workers exercised this right in practice. The law empowers the Government to halt a strike or to suspend a union's activities if the union disturbed the peace or if it adversely affected the nation's economic interests. Under the Labor Act, 60 percent of a union's membership must vote in favor of a strike in a secret ballot for the strike to be legal.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor.—The law prohibits forced or compulsory labor, including by children; however, there were reports that such practices occurred. The Department of Labor enforced laws against forced labor in the small formal sector but remained unable to enforce the law outside that sector.

Enforcement of the Kamaiya Prohibition Act by the Government was uneven, and social integration of the Kamaiyas—former bonded laborers—was difficult. By 2004, 12,019 Kamaiyas reportedly had received land, 7,149 families had received approximately $143 (10,000 rupees) for building homes, and approximately 3,000 had received timber to build houses. The Government set up temporary camps for approximately 14,000 other Kamaiyas awaiting settlement.

d. Prohibition of Child Labor and Minimum Age for Employment.—The law stipulates that children shall not be employed in factories, mines, or 60 other categories of hazardous work and limits children between the ages of 14 and 16 years to a 36-hour workweek (6 hours a day and 6 days a week, between 6 a.m. and 6 p.m.). The Child Labor Act applies only to formal sectors of the economy, such as tourism, cigarette or carpet factories, and mines.

Child labor is a significant problem, particularly in the large informal sector, which included such businesses as portering, rag picking, and rock breaking. Resources devoted to enforcement were limited, and NGOs estimated that 2.6 million children, most of them girls, participated in the labor force. Of that number, 1.7 million children worked full time. The agricultural sector accounted for an estimated 95 percent of child laborers.

The law establishes a minimum age for employment of minors at 16 years in industry and 14 years in agriculture, and it mandates acceptable working conditions for children. Employers must maintain records of all laborers between the ages of 14 and 16. The law also established specific penalties for those who unlawfully employ children. However, the necessary implementing regulations have not been passed. In 2006 the Government established the minimum wage for children ages 14 to 16 at approximately $22 (1,560 rupees) per month, with additional allowances of roughly $5 (355 rupees) per month for food and other benefits. Roughly 60 percent of children who worked also attended school.

The Ministry of Labor, responsible for enforcing child labor laws and practices, had a mixed enforcement record. According to the ministry, there were 10 labor inspectors employed during the year.

e. Acceptable Conditions of Work.—The minimum monthly wage for unskilled labor has not increased since 2006, when the Government raised it to approximately $34 (2,200 rupees). The law also set monthly minimum wages for semiskilled labor at approximately $36 (2,250 rupees), skilled labor at approximately $37 (2,360 rupees), and highly skilled labor at approximately $40 (2,550 rupees). Additional allowances for food and other benefits totaled just over $17 (1,100 rupees) per month. Wages in the unorganized service sector and in agriculture often were as much as 50 percent lower. The law calls for a 48-hour workweek, with 1 day off per week, and limits overtime to 20 hours per week. None of these minimum wages were sufficient to provide a decent standard of living for a worker and family.

The Government set occupational health and safety standards, and the law established other benefits such as a provident fund and maternity benefits. Implementation of the Labor Act was slow, as the Government had not created the necessary regulatory or administrative structures to enforce its provisions. Workers did not have the right to remove themselves from dangerous work situations without fear of losing their jobs. Although the law authorizes labor officers to order employers to rectify unsafe conditions, enforcement of safety standards remained minimal.

PAKISTAN

Pakistan is a Federal republic with a population of approximately 168 million. The head of state is President Pervez Musharraf, who assumed power after overthrowing the civilian government in 1999 and was elected president in 2002. He affirmed his right to serve concurrently as chief of army staff in August 2002 through a series of controversial amendments to the 1973 Constitution called the Legal Framework Order. In October an electoral college composed of the Senate, National Assembly, and the four provincial assemblies reelected Musharraf for a second 5-year term. Domestic and international observers found the 2002 National Assembly elections deeply flawed. In October and December, former prime ministers Benazir Bhutto and Nawaz Sharif returned from exile and began campaigning for the Janu-

ary 2008 parliamentary elections. During a campaign rally on December 27, Bhutto was assassinated. In December Musharraf retired as chief of army staff and retook the presidential oath of office as a civilian. The head of government is Caretaker Prime Minister Mohammedmian Soomro, who replaced Shaukat Aziz after the Government was dissolved in November after the completion of its 5-year term. Under the law, when the Parliament finishes its term, the president appoints a caretaker Cabinet that governs through elections until a new government is formed.

The human rights situation worsened during the year, stemming primarily from President Musharraf's decision to impose a 42-day State of Emergency (SOE), suspend the Constitution, and dismiss the Supreme and High Provincial Courts. During the year the judiciary sought to check executive power and reverse President Musharraf's March decision to suspend the chief justice of the Supreme Court. Civil society and the press widely supported the judiciary. The restored chief justice then began a series of legal interventions that received some public support but were considered excessive by the Government. When he believed the Supreme Court was about to rule him ineligible for reelection as president, on November 3 Musharraf declared the SOE and suspended the Constitution, which enabled him to replace the Supreme and High Court justices. Additionally, he demanded, as he had in 1999, that all judges, both replacements and sitting judges, swear an oath of loyalty to his new legal order, which they did in December. Under the SOE, Musharraf suspended basic civil liberties, including freedom of speech and assembly. In December Musharraf lifted the SOE and restored an amended Constitution, which enhanced presidential powers. Regulatory restrictions continued on press activities and freedom of assembly.

During the 42 days of the SOE, the Government imposed curbs on the media and arrested and/or detained over 6,000 lawyers, judges, political party workers/leaders, and civil society activists. By the end of the year, approximately one dozen activists, primarily lawyers and judges, remained under house arrest. The Government restored public cable access to all but two channels of one private television station, but the Government required the media to sign a code of conduct that discouraged criticism of the Government and led to self-censorship. Other major human rights problems included restrictions on citizens' right to change their government, extrajudicial killings, torture, and disappearances. While the civilian authorities generally maintained effective control of the security forces, there were instances when local police acted independently of government authority. Violence from a low-level secessionist movement in Balochistan continued. Lengthy trial delays and failures to discipline and prosecute those responsible for abuses consistently contributed to a culture of impunity. Poor prison conditions, arbitrary arrest, and lengthy pretrial detention remained problems, as did a lack of judicial independence. Corruption was widespread within the Government and police forces, and the Government made few attempts to combat the problem. Rape, domestic violence, and abuse against women, such as honor crimes and discriminatory legislation that affected women and religious minorities, remained serious problems, although implementation of the 2006 Women's Protection Act improved conditions. Widespread trafficking in persons and exploitation of indentured, bonded, and child labor were ongoing problems. Discrimination against religious minorities continued. Child abuse, commercial sexual exploitation of children, discrimination against persons with disabilities, and worker rights remained concerns.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life.—There were numerous reports that the Government or its agents committed arbitrary or unlawful killings. Security forces extrajudicially killed individuals associated with criminal and political groups in staged encounters and during abuse in custody. Through August the Society for Human Rights and Prisoners' Aid (SHARP) reported 23 encounter killings and 37 killings in police custody. Police stated that frequently these deaths occurred when suspects attempted to escape, resisted arrest, or committed suicide; however, human rights observers, family members, and the press reported that security forces staged many of the deaths.

The Government frequently investigated and sometimes convicted police officials for extrajudicial killings. The police inspector general in Punjab stated that 1,254 police had been disciplined by August for a variety of crimes. However, lengthy trial delays and failures to discipline and prosecute those responsible for abuses consistently contributed to a culture of impunity.

On January 18, police arrested Ali Nawaaz and two of his friends in Karachi. Nawaaz died in custody on February 3. Although a doctor reportedly told Nawaaz's

family that he had died of kidney failure, the family claimed they saw marks of torture on his body, including wounds on his head, neck, left kidney, legs, and back. Police initially refused to act on the matter, but after many locals protested and put pressure on the police to ask the father to lodge a case, he registered the case. By year's end no arrests had been made, but authorities transferred two accused officers to separate police departments.

On May 14, unidentified gunmen shot and killed Supreme Court Additional Registrar Syed Hammad Raza in his home. After an initial investigation, police said that the killing was in connection with a robbery; however, Raza's family and his colleagues in the legal community accused security agencies of the murder for Raza's alleged relationship with then-suspended chief justice Iftikhar Chaudhary. According to police, they arrested four suspects in June, and at year's end the trial was ongoing in the Anti-Terrorism Court in Rawalpindi.

On September 25, Malik Zaheer was found dead in Lahore after having been released on bail in May. Zaheer was on trial for the murder of Arif Bhinder, the Punjab assistant advocate general. Investigating officials told the media that Zaheer had been tortured before he died. Malik Zaheer's family alleged that Bhinder's family was responsible for orchestrating his death at the hands of the police and filed an application. According to the Global Foundation, the case of Arif Bhinder's death was ongoing at year's end in the Anti-Terrorism Court in Lahore, where it was last heard in November.

There were no developments in the January 2006 death in custody of Habibur Rehman in Chitral. Prior to his death, a doctor's report stated that Rehman was in shock and critical condition from being beaten. Rehman had been in police custody for alleged car theft.

Authorities charged police constable Mohammad Sarwar with the July 2006 shooting of Salman Ahmed, a 14-year-old boy, and the serious injury of the boy's 15-year-old friend, Muhammad Asghar Ali, in Lahore. Officer Malik Munir, who allegedly ordered the shooting, was placed on suspension and transferred. At year's end the case against Sarwar was pending, and according to SHARP, he was still employed as a constable but was under department investigation.

There were no developments in the 2005 death in custody case of Samiullah Kalhoro, the vice chairman of the Jeay Sindh Muttahida Mahaz.

A district judge found Police Constable Mohammad Aslam and Assistant Sub Inspector Ghulam Shabbir Dasti guilty of torture and sentenced them to 5 years' imprisonment for the 2005 death in police custody of Abu Bakar Panwhar. Officer Mohammad Rafiq Siyal and Sub Inspector Khamiso Khan also were demoted and suspended for 6 months.

Continued clashes between security forces and militants, mostly in the Federally Administered Tribal Areas (FATA), North West Frontier Province (NWFP), and Islamabad, resulted in more than 1,350 deaths, including of civilians, militants, and security forces.

The Pakistan Institute for Peace Studies reported that a total of 1,442 terrorist attacks left 3,448 persons dead and 5,353 injured in the FATA and throughout the country; this included 60 suicide attacks.

On July 3, an exchange of fire between police and militants inside Islamabad's Red Mosque (Lal Masjid) escalated to a military assault on the compound after heavily armed militants barricaded themselves inside the compound. The Government claimed that there were 106 casualties: 73 militants, 10 security forces, one police officer, and several civilians. In August the Supreme Court ordered the Ministry of the Interior to explain the legality of the raid. By year's end the Government had not responded.

On August 19, a helicopter gunship attack on suspected militant positions killed seven persons, including three women and two children, and injured eight others in three villages in Mirali, North Waziristan, according to local residents. A government spokesman countered that the attack killed 15 militants, most of whom were foreigners, and that two women who were killed were inside militant compounds.

In Balochistan, deaths from the ongoing insurgency decreased from the previous year; however, violence remained a problem throughout the province. According to nongovernmental organizations (NGOs) and media reports, at least 57 militants, 49 civilians, and 51 members of the security forces died as a result of the ongoing insurgency between the beginning of the year and late November. The Government last released official figures in April 2006, recording the total number of deaths at 158.

On March 30, security forces reportedly attacked Langu and Sagari with helicopter gunships and heavy artillery. Four women and 12 children died during the operation, according to press reports.

On June 14, unidentified gunmen opened fire on a van in Quetta, killing seven soldiers, one police constable, and one passer-by. The gunmen also shot two policemen on a motorcycle. One later died, and the other was injured seriously. Police arrested three persons in September in connection with the killing, including two alleged members of the Balochistan Liberation Army.

In August 2006 Baloch nationalist leader Nawab Bugti, along with 35 accomplices and five military personnel, were killed following a suicide bombing. According to the media, Bugti and his followers were killed when the Government air force bombed Bugti's hideout. The Government stated the officers were trying to reach Bugti to speak to him when an unexplained explosion, perhaps perpetrated by Bugti himself in an effort to avoid detainment, caused the cave in which he was hiding to collapse. No police investigation was conducted into his death.

Mir Balach Marri, the son of another prominent Baloch leader, Nawab Khair Bux Marri, was killed in December; however, it was not known whether he was killed in the country or Afghanistan.

There were reports of politically motivated killings perpetrated by political factions.

On May 12, unidentified gunmen in Karachi shot and killed more than 40 political activists from multiple political parties during demonstrations planned to coincide with the arrival of the then-suspended chief justice of Pakistan. Many observers blamed the Muttahida Qaumi Movement (MQM) party—a member of the ruling coalition that controlled the Sindh provincial government—for the violence, since there were multiple reports that the Government had ordered police not to deploy to demonstration areas. MQM officials denied responsibility for the violence, claiming that 18 of the deaths were MQM members. Authorities later accused MQM of organizing demonstrations to disrupt the trial, which was ongoing at year's end.

In Karachi, MQM sources accused Jamaat-e-Islami (JI) activists of killing seven MQM active members during the year in ongoing violence between the two parties over political control of the province; JI accused MQM of killing five JI activists. Human rights observers reported that the total politically motivated death toll was 132 by year's end.

Taliban militants and their foreign supporters mounted suicide attacks and engaged in vigilantism, including murder, in the tribal areas as well as in settled districts of the NWFP, Balochistan, and Islamabad. During the year they killed security forces, government officials, tribal elders, religious leaders, and persons they accused as spies. They also bombed girls' schools, barber shops, hotels, and video shops.

On April 28, a suicide bomb attack at a political rally in Charsadda, NWFP, killed an estimated 28 persons and injured Interior Minister Aftab Khan Sherpao and his son, NWFP Provincial Assembly member Iskander Sherpao. Authorities registered a case against the unknown assailants. By year's end no one had been arrested in connection with the attack.

On July 15, a suicide bomber entered a police recruitment and training center in Dera Ismail Khan and detonated a bomb, killing 28 persons including recruits and approximately 14 police officers. As many as 56 additional persons sustained injuries. Police in Dera Ismail Khan initially arrested 17 suspects, later releasing 13 but holding four for observation. Authorities registered a case against the unknown assailants, but no one had been brought officially before a court by year's end.

On July 18, a suicide bomber killed 11 police officers and eight civilians and injured 50 at an Islamabad political rally. Police arrested three persons in September. The case was in process at the Anti-Terrorism Court at year's end.

On October 18, two suicide bombers killed 11 police officers and more than 130 civilians in Karachi during a procession to welcome former prime minister Benazir Bhutto's return. At year's end no one had been arrested.

On December 27, following an address at a campaign rally in Rawalpindi, Pakistan People's Party (PPP) leader Benazir Bhutto was assassinated while riding in a vehicle leaving the rally. She died in a local hospital hours later. Authorities reported 30 other deaths, including those of policemen and party members.

Earlier on December 27, Nawaz Sharif, leader of the Pakistan Muslim League—Nawaz (PML–N), held a rally in Karal Chowk where violence broke out in the crowd, resulting in the death of seven attendees. Unidentified assailants fled the scene, and no one was arrested; there were unconfirmed allegations of interparty violence.

Attacks on houses of worship, religious gatherings, and religious leaders linked to sectarian, religious extremist, and terrorist groups resulted in the deaths of at least 529 persons during the year. This included the deaths of approximately 300 persons killed in Sunni-Shi'a sectarian disputes in Parachinar.

On September 15, unknown gunmen in Peshawar shot and killed Maulana Hassan Jana, a prominent and well-respected Deobandi religious scholar who had declared suicide attacks "un-Islamic." Police arrested 13 suspects, but the case remained open at year's end.

Three members of Lashkar-e-Jhangvi, a banned Sunni-Deobandi militant organization, were on trial at year's end for the February 2006 suicide bombing attack on a Shi'a congregation marking the Ashura festival in Hangu. The bombing killed 29 individuals and injured more than 50.

On July 4, Karachi police arrested another suspect in the April 2006 suicide bombing at a Sunni (Brelvi sect) birthday celebration in Karachi of the Prophet Mohammed. The bombing killed 59 persons and injured more than 100. The suspect, who reportedly confessed to his involvement in the crime, was a suspected member of Lashkar-e-Jhangvi. The case was ongoing at year's end.

Honor killings continued to be a problem, with women as the principal victims. During the year local human rights organizations reported between 1,200 and 1,500 cases. Most took place in Sindh and Punjab. Many more likely went unreported.

In September 2006 two assailants in the Muslim Bazaar of Sargodha in Punjab killed prominent Shi'a leader and former district president Syed Bashir Hussain Bukhtari of the outlawed Shi'a group, Tehreek-e-Jaferia Pakistan (TJP). According to Taangh Wasaib Tanzeem, a Sargodha-based NGO, no one was arrested in connection with the death.

The Government had not conducted investigations into sectarian violence reported in 2005, including the 2005 bombing that killed 40 and wounded more than 100 at the shrine of Pir Syed Rakheel Shah, the May suicide bombing that killed 20 and wounded more than 100 at the Bari Imam shrine, or the May suicide bombing that killed five and injured 30 at a Shi'a mosque in Karachi. No one was arrested for these actions.

b. Disappearance.—Politically motivated disappearances occurred during the year. Police and security forces held prisoners incommunicado and refused to provide information on their whereabouts. The Human Rights Commission of Pakistan (HRCP) estimated that approximately 1,600 persons were missing. Although some disappearances were associated with terrorism and national security cases, human rights organizations reported that many missing individuals were Sindhi and Baloch nationalists.

On April 4, Rafiq Khoso, a prominent activist and member of the Jamhoori Watan Party, and two student activists, Shabbir Jan Rind and Bashir Rind, allegedly were detained by security forces for their presumed involvement in the Balochistan Liberation Organization.

On June 7, security forces removed Waheed Kambarani and Sherdil Khan from a restaurant in Khuzdar, Balochistan. They appeared in a Khuzdar detention center in December. At year's end they remained incarcerated, and the details of the charges against them were unavailable.

During the year the Supreme Court ordered the Government to release or regularize the detention status of prisoners held incommunicado by security agencies. Then-chief justice Chaudhry heard a petition filed earlier in the year by HRCP and 41 other petitions on behalf of 198 persons and in August ordered the Government to find and release all the missing persons. In response, the Deputy Attorney General advised the Court in October that the Government had located half of the 425 reportedly missing persons. They were picked up on suspicion of involvement in terrorism and released shortly thereafter. The rest were kept in different places in the country.

One of those located was Safdar Sarki, who appeared in court in October in southern Balochistan. At that time, he was able to meet with his sister and with his diplomatic representative. Sarki subsequently was moved to a prison in Zhob, a remote area of northern Balochistan. He complained of health problems related to his time in prison. According to Amnesty International, Sarki, a U.S. citizen with dual nationality and secretary general of the Jeay Sindh, a Sindhi nationalist political organization advocating for the rights of Sindhi citizens, had disappeared in February 2006 after he was seized by a group of 16 men, presumed to be plainclothes security officers.

On August 21, the Supreme Court ordered the release of Hafiz Abdul Basit and Aleem Naseer, ruling that the Government had held the men too long without charge. After his release, Basit testified in court that he was malnourished and forcibly deprived of sleep. Naseer claimed that a government agent beat him with a hard rubber paddle to obtain his confession. Police had arrested Basit in 2004 on suspicion of his involvement in a 2003 assassination attempt against President Musharraf. Naseer was arrested on June 18 on suspicion of ties to al-Qa'ida.

On September 10, the Balochistan High Court ordered Muneer Mengal's release, saying that his detention was illegal. Police immediately rearrested him and charged him under the Maintenance of Public Order Act. Security forces detained Mengal, managing director of the first Baloch satellite television channel, in April 2006 for his efforts to publicize issues pertaining to inequities in Balochistan. By year's end Mengal had been moved to a Quetta district jail and produced before a court several times to discuss his case.

There was no update on the February 2006 disappearance of Abdul Rauf Sasoli or Saeed Brohi, members of the Baloch nationalist Jamhoori Watan Party; security forces reportedly had detained the two after their February 2006 arrest.

There was no update on the July 2006 disappearance of Bilal Bugti, the younger brother of Jamhoori Watan Party Secretary General Agha Shahid Bugti, or Murtaza Bugti, the son of Balochistan's first finance minister, Ahmed Nawaz Bugti.

Abid Raza Zaidi, who disappeared in October 2006 soon after he gave testimony about his illegal arrest, 110-day detention, and alleged abuse by army and police officers, was released in or around June.

There was no update on the December 2006 disappearance of Balochi political leader Ghulam Mohammed, who was arrested during a protest in Karachi following the death of Baloch leader Akbar Bugti during a military operation.

There were no developments in the 2005 disappearance of 18 members of the Pakistan Petroleum Workers' Union from Balochistan who had gone to Karachi for negotiations with their management, or the 2005 disappearance of Dr. Haneef Shareef, a writer, medical doctor, and member of the Balochistan Student Organization.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The law prohibits torture and other cruel, inhuman, or degrading treatment; however, there were persistent reports that security forces, including intelligence services, tortured and abused persons. Under provisions of the Anti-Terrorist Act, coerced confessions are admissible in Anti-Terrorism courts. Allegations that security personnel used abuse and torture of persons in custody throughout the country continued. Human rights organizations reported that methods included beating, burning with cigarettes, whipping soles of the feet, prolonged isolation, electric shock, denial of food or sleep, hanging upside down, and forced spreading of the legs with bar fetters. Security force personnel reportedly raped women during interrogations. The Government rarely took action against those responsible.

On January 2, a group of approximately 15 men armed with small arms attacked and cut off the ears and nose of Multan-based Muhammad Iqbal and his brother Muhammad Yaseen after Iqbal married Shehnaz Bibi, a woman from the tribe of the attackers. Police arrested five suspects, and bail was refused for the suspects. The case was ongoing at year's end, and the suspects remained in prison.

On January 13, police in Khairpur, Sindh arrested Muhammad Ali for stealing a motorcycle. While he was in custody, police allegedly beat and tortured him for 10 days, damaging his leg muscles. He lost consciousness January 23, and police transferred him to a hospital. A police investigation found that Ali was not involved in the robbery, and police released him from custody January 31, according to the Asian Human Rights Commission (AHRC). Ali's family withdrew the case against police officials. No action was reported against the staff of the police station.

On January 22, police in the Larkana district of Sindh arrested Hazoor Buksh Malik for not possessing a national identity card while he was in a market. The Station House Officer (SHO), Mohammad Tunio, allegedly tortured Malik by severing Malik's genitalia.

On February 20, five policemen stopped a vehicle at a checkpoint in Lahore and took one of the female occupants to a room near the post, allegedly to search her. All the officers raped the female while her family remained in the vehicle. The family pursued the case in the Lahore Police Administration. All five officers were found guilty and arrested under the Women's Protection Bill. At year's end the case was ongoing, and the officers were being held at the Kot Lakhpat Jail.

On July 1, police in Lahore arrested Mubarik Ali after he submitted a complaint about the behavior of a local police official. While he was in custody, police beat him with iron rods and clubs, causing loss of eyesight and the loss of his left leg. After the case garnered media attention, police investigated and suspended three police personnel. The accused police personnel disappeared in August, however, and the family alleged that police allowed the escape. By year's end the men had not been apprehended.

During the year the NGO Lawyers for Human Rights and Legal Aid recorded 410 cases that they labeled torture in police custody through August. The AHRC reported approximately 1,100 cases of torture during the year. Alleged torture occasionally resulted in death or serious injury.

No charges had been brought against SHO Sadaat Ali for his alleged involvement in torturing Arif Ali and Irfan Ali in Multan in February 2006.

No action was taken against the police officers involved in the alleged beating and torture of Gul Waiz in Adiala Jail in July 2006 or the June 2006 sexual assault by police in Islamabad against Shahnaz Fatima and Javeria Alam.

By year's end a departmental inquiry found policeman Liaqat Ali guilty of rape, dismissed him from the service, and jailed him. Ali was arrested in July 2006 for allegedly raping a woman who went to a police check point in Islamabad to report being attacked.

Before the 2006 Women's Protection Bill, the Hudood Ordinances provided Koranic punishments for violations of Shari'a (Islamic law), including amputation and death by stoning. Authorities did not use such punishments.

Punishments for honor crimes included stripping women naked, mutilations, and rape.

Prison and Detention Center Conditions.—Prison conditions did not meet international standards and were extremely poor, except for those cells of wealthy or influential prisoners. Overcrowding was widespread. According to SHARP, there were 90,000 prisoners occupying 87 jails originally built to hold a maximum of 36,075 persons. The number increased from the previous year because of an increase in the number of political prisoners held under the Maintenance of Public Order Act after President Musharraf declared an SOE on November 3, according to SHARP. Under the SOE, approximately 6,000 individuals were arrested and held in temporary detention for a few hours to a few weeks.

Inadequate food in prisons led to chronic malnutrition for those unable to supplement their diet with help from family or friends. Access to medical care was a problem. Foreign prisoners often remained in prison long after their sentences were completed because there was no one to pay for deportation to their home countries.

Police reportedly tortured and mistreated those in custody and at times engaged in extrajudicial killings. Christian and Ahmadi communities claimed their members were more likely to be abused. Non-Muslim prisoners generally were accorded poorer facilities than Muslim inmates. They often suffered violence at the hands of fellow inmates.

On May 17, a man who was on trial for liquor possession died under mysterious circumstances in Adiala Jail in Rawalpindi. While jail officials claimed the man died of a heart attack, the man's family accused jail officials of torture. A district court ordered the man's body exhumed, and medical officials who examined the body found signs of torture. By year's end the accused jail officials and the family reportedly had settled the matter out of court.

On June 14, a political activist died of a heart attack while in police custody in Lahore. Police arrested the man in his home on June 6 in a wave of arrests before a political rally. According to media reports, his family told police he had a heart condition at the time of his arrest, and the man complained to police of chest pains. According to media reports, hospital officials stated that the man was dead on arrival when jail officials brought him to the hospital on June 14.

Child offenders generally were kept in the same prisons as adults, albeit in separate barracks. Police often did not segregate detainees from convicted criminals. Mentally ill prisoners usually lacked adequate care and were not segregated from the general prison population.

There were reports of prison riots, largely due to the poor living conditions inside prisons.

On September 29, prisoners at Mach prison near Quetta rioted during a search operation for illegal drugs. The inmates set fire to a prison building and took 24 prison wardens hostage, according to media reports. Prison officials said that the prison, which held 1,100 inmates, was built to hold 600 and that prisoners had complained of mistreatment.

In 2005 authorities established special women's police stations with all female staff in response to complaints of custodial abuse of women, including rape. The government's National Commission on the Status of Women claimed the stations did not function effectively, in large part due to a lack of resources. Court orders and regulations prohibit male police from interacting with female suspects, but male police often detained and interrogated women at regular stations. According to the International Human Rights Observer, a local NGO, there were 3,200 to 3,500 women in jails nationwide as of October.

Authorities subjected children in prison to the same harsh conditions, judicial delay, and mistreatment as the adult population. Local NGOs estimated that approximately 1,900 to 2,000 children were in prison at the end of the year. Child offenders could alternatively be sent to one of two residential reform schools in Karachi and Bahawalpur until they reached the age of 18. Abuse and torture reportedly

also occurred at these facilities. Nutrition and education were inadequate. Family members were forced to pay bribes to visit children or bring them food.

The appeal against a December 2004 Lahore High Court ruling that struck down the Juvenile Justice System Ordinance remained pending. The ordinance was a separate procedural code for accused juveniles that provided numerous protections for juvenile offenders not found in the normal penal code. The ordinance remained poorly implemented; in September, however, a new Juvenile Justice Court became operational in Faisalabad.

Landlords in Sindh and Punjab, as well as tribes in rural areas, operated illegal private jails. On May 21, approximately 20 men, women, and children escaped a private jail run by Tahir Khan Khosa, a feudal landlord in rural Sindh. The escapees claimed that they had been in detention for the past 3 years after they were unable to repay debts to Khosa on time. Khosa denied the allegations, but the escapees appealed to Sindhi government authorities to investigate the case. By year's end the escapees reportedly accepted an out-of-court group settlement of approximately $1,650 (100,000 rupees) and forgiveness of their outstanding loans.

There were media reports that militant paramilitary groups also maintained private jails where detainees were physically and mentally tortured. In March after security forces clashed with militants in Kaloosha, South Waziristan, local tribesmen reportedly discovered a private jail that Uzbek militants used to hold and torture enemies.

Persons held for political offenses or on national security grounds were reported to be held in different conditions than the general prison population and often in separate facilities. The Government permitted visits to prisoners and detainees by human rights monitors, family members, and lawyers, with some restrictions. Visits by local human rights monitors occurred during the year. Local NGOs, including Global Foundation, SHARP, and HRCP, frequently visited jails, subject to some restrictions. While the International Committee of the Red Cross (ICRC) had access to jails, the Government denied the ICRC access to alleged terrorist detainees.

d. Arbitrary Arrest or Detention.—The law prohibits arbitrary arrest and detention; however, the authorities did not always comply with the law.

Role of the Police and Security Apparatus.—Police have primary internal security responsibilities for most areas of the country. Under the Police Order (Second Amendment) Ordinance promulgated in 2005, control of the police falls under elected local district chief executives known as nazims. Paramilitary forces such as the Rangers, the Frontier Constabulary, and the Islamabad Capital Territory Police fall under the Ministry of the Interior. Provincial governments control these forces when they assist in law and order operations. During some religious holidays, the Government deployed the regular army in sensitive areas to help maintain public order.

Corruption within the police was rampant. Police charged fees to register genuine complaints and accepted money for registering false complaints. Bribes to avoid charges were commonplace. Individuals paid police to humiliate their opponents and avenge personal grievances. Corruption was most prominent among police SHOs, some of whom reportedly operated arrest-for-ransom operations and established unsanctioned stations to increase illicit revenue collection.

Police force effectiveness varied greatly by district, ranging from reasonably good to completely ineffective. Some members of the police force committed numerous, serious human rights abuses. Failure to punish abuses created a climate of impunity. Police and prison officials frequently used the threat of abuse to extort money from prisoners and their families. The inspector general, district police officers, district nazims, provincial interior or chief ministers, the Federal interior or prime minister, or the courts can order internal investigations into abuses and order administrative sanctions. Executive branch and police officials can recommend and the courts can order criminal prosecution, and these mechanisms were sometimes used.

The Punjab provincial government initiated regular training and retraining of police at all levels, both in technical skills and human rights. The Karachi city government reportedly gave the city's human rights officers facilities in which they could hold training. At least two NGOs, Sahil and SHARP, worked with police for the purpose of training. In 2005 President Musharraf reissued and amended the 2002 Police Order, which transfers oversight responsibility of police from provinces to districts and calls for the establishment of local oversight bodies. In the Punjab and NWFP, public safety commissions were established and functioned; however, according to SHARP and the Global Foundation, the commissions existed but operated under a vague mandate. During the year district public safety commissions in Punjab, Sindh, and a majority of districts in NWFP and Balochistan were established but their effectiveness was undermined because of inadequate staffing.

By August the Government had converted 25 of Balochistan's 27 districts from "B areas" controlled by local levy forces who obeyed local tribal chiefs to "A areas" controlled by the police. Nearly 3,000 of the 3,560 levy forces in 2006 were converted to police, and nearly 1,500 local youth were inducted into the newly formed police force.

Police often failed to protect members of religious minorities—particularly Christians, Ahmadis, and Shi'as—from societal attacks.

Arrest and Detention.—A First Information Report (FIR) is the legal basis for all arrests. Police may issue FIRs when complainants offer reasonable proof that a crime was committed. A FIR allows police to detain a named suspect for 24 hours, after which only a magistrate can order detention for an additional 14 days, if police show such detention is material to the investigation. In practice authorities did not fully observe these limits on detention. Authorities frequently issued FIRS without supporting evidence as harassment or intimidation, or they did not issue them when adequate evidence was provided unless the complainant could pay a bribe. Police routinely did not seek magistrate approval for investigative detention and often held detainees without charge until a court challenged them. Incommunicado detention occurred. When requested, magistrates usually approved investigative detention without reference to its necessity. In cases of insufficient evidence, police and magistrates colluded to continue detention beyond the 14 day period provided in the law through the issuance of new FIRs.

Police sometimes detained individuals arbitrarily without charge or on false charges to extort payment for their release. Some women continued to be detained arbitrarily and were sexually abused. Police also detained relatives of wanted criminals to compel suspects to surrender. Courts appointed attorneys for indigents only in capital cases. In some cases persons had to pay bribes to see a prisoner. Foreign diplomats could meet with prisoners when they appeared in court and could meet with citizens of their countries in prison visits, although not in all cases. Consular access was not always provided. Local human rights activists reported few restrictions to their access to prisons.

The district coordinating officer may order preventive detention for up to 90 days; however, human rights monitors reported instances in which prisoners were held in preventive detention for up to 6 months. Human rights organizations charged that a number of individuals alleged to be affiliated with terrorist organizations were held indefinitely in preventive detention. In corruption cases, the National Accountability Bureau (NAB) may hold suspects indefinitely provided that judicial concurrence is granted every 15 days.

The law stipulates that detainees must be brought to trial within 30 days of their arrest. Under both the Hudood and standard criminal codes, there are bailable and nonbailable offenses. Bail pending trial is required for bailable offenses and permitted at a court's discretion for nonbailable offenses with sentences of less than 10 years. In practice judges denied bail at the request of police, the community, or on payment of bribes. In many cases trials did not start until 6 months after the filing of charges, and in some cases individuals remained in pretrial detention for periods longer than the maximum sentence for the crime for which they were charged. Human rights NGOs estimated that 50 to 52 percent of the prison population was awaiting trial.

As in previous years, the Government used preventive detention, mass arrests, and excessive force to quell or prevent protests, political rallies, or civil unrest.

On June 15, Amnesty International expressed concern regarding a series of arbitrary arrests of opposition party workers and other political activists that had occurred over a 2-week period. According to media reports, police arrested approximately 800 to 1,200 persons, primarily in Punjab, to prevent mass demonstrations protesting the suspension of the chief justice in March.

In early September police arrested hundreds of party workers from the PML–N in an effort to prevent welcome rallies for the return of exiled former prime minister Nawaz Sharif.

Following President Musharraf's declaration of an SOE on November 3, the Government jailed or placed under house arrest approximately 6,000 lawyers, judges, political party activists, and civil society leaders. Most of those detained remained in prison for a few hours or up to a few days. At year's end 11 judges and three attorneys remained under house arrest. This included the former chief justice and those members of the Supreme and High Courts who refused to take an oath of allegiance to the Provisional Constitution Order, as well as attorneys Aitzaz Ahsan, president of the Pakistan Supreme Court Bar Association, Tariq Mehmood, and Ali Ahmed Khan. Authorities released attorney Munir Malik, former president of the Supreme Court Bar Association, from detention and provided him medical treatment for kidney failure following charges of mistreatment.

Following the imposition of the SOE, Aitzaz Ashan was detained under orders of violating the Maintenance of Public Order. At year's end Ashan remained under house arrest despite promises by government officials that he would be released by the end of the SOE on December 15. Ashan's wife was able to visit him, and he was allowed to submit his nomination papers for the election. He was released briefly for the 3 days of Eid al-Adha, and the caretaker human rights minister was looking into how he was rearrested following his Eid pardon. Munir Malik was arrested on November 3 after appearing on a talk show to discuss the political situation. Security forces held him in Adiala Jail, Rawalpindi, and moved him to Attock Jail, a remote facility in Punjab. According to human rights organizations, Malik reportedly fainted inside the jail after allegedly being severely beaten and began urinating traces of blood after being moved to a government hospital. He was prevented from seeing his family members. Others believed that Munir's health problems resulted from his chronic liver condition, which he had prior to his incarceration. Malik was charged with sedition but was released on November 24 with all charges dropped.

On November 3, Ali Ahmed Kurd, former vice president of the Pakistan Bar Council, was arrested and taken to Adiala Jail. On November 5, according to AHRC, he allegedly was removed by security forces but reportedly was kept in incommunicado detention and tortured.

On November 3, Asma Jahangir, a founding member of the HRCP and the U.N. Special Rapporteur on Freedom of Religion, was placed under arrest at her home in Lahore. Jahangir and 50 members of the HRCP were detained in what the Government termed a "sub-jail." They were released on November 15.

Within hours of the president's November 3 suspension of the Constitution and imposition of emergency, former chief justice Iftikhar Chaudhry convened a seven-justice bench to issue an order against the action. Shortly after the order's announcement, the military entered the Supreme Court building and detained Chaudhry and the other justices. Although the SOE ended, the deposed Chaudhry and several other justices remained under house arrest at year's end. The Government issued an eviction notice to Chaudhry to leave his government-owned home, and his children were not allowed to attend school.

According to human rights monitors, 80 percent of the female prison population was awaiting trial on adultery-related offenses under the Hudood Ordinances. However, with the enactment in December 2006 of the Women's Protection Bill, women are not supposed to be arrested under the Hudood Ordinance nor required to produce four witnesses to prove a charge of rape, as required under the zina laws (laws regarding extramarital sexual intercourse). Family members had previously used the Hudood Ordinances to control their children from making their own choices in marriage. Abusive husbands sometimes invoked the ordinances, or neighbors invoked the ordinances to settle personal scores. After the passage of the Women's Protection Bill, authorities released from prison approximately 300 to 500 women due to the less-harsh guidelines in the bill. In July the president promulgated the Law Reforms Ordinance, allowing women held under the Hudood Ordinance to be eligible for bail. According to the Progressive Women's Association, approximately 1,300 to 1,500 additional women were released upon the passage of the Law Reform Ordinance. This bail eligibility process, however, was stalled when the Supreme Court decided on a petition by a male prisoner who claimed gender discrimination because he was being held under similar charges and was not being granted bail eligibility because of his gender.

Special rules apply to cases brought by the NAB or before antiterrorist courts. Suspects in NAB cases may be detained for 15 days without charge (renewable with judicial concurrence) and, prior to being charged, were not allowed access to counsel. Despite government claims that NAB cases were pursued independently of an individual's political affiliation, opposition politicians were more likely to be prosecuted. The NAB prosecuted no serving members of the military or judiciary.

Accountability courts may not grant bail; the NAB chairman has sole power to decide if and when to release detainees. Antiterrorist courts do not grant bail if the court has reasonable grounds to believe the accused is guilty. Security forces may without reference to the courts restrict the activities of terrorist suspects, seize their assets, and detain them for up to 1 year without charges.

On October 5, the president promulgated a National Reconciliation Ordinance (NRO) that provides a mechanism for amnesty for public office holders who were charged—but not convicted—for cases filed between 1986 and 1999 for political reasons. The ordinance was challenged in court, and by year's end no cases officially had been withdrawn, as the Supreme Court had not ruled on the NRO's legality.

There were no developments in the July 2006 arbitrary arrest of Naveed Ahmed, a local reporter for the Daily Koshish, a Sindhi language newspaper, while Ahmed was recovering from gunshot wounds in the hospital. According to the AHRC,

Ahmed was implicated falsely in a kidnapping case. The AHRC claimed that Ahmed was a vocal and prominent journalist in the district who reported on police atrocities and on cases of financial corruption by local authorities. He was released in December.

e. Denial of Fair Public Trial.—The law provides for an independent judiciary; however, in practice the judiciary remained subject to executive branch influence at all levels. In nonpolitical cases, the high courts and Supreme Court generally were considered credible. However, the president's decision to use a Provisional Constitution Order to replace the Supreme and High Court benches called this credibility into question. Lower courts remained corrupt, inefficient, and subject to pressure from prominent religious and political figures. The politicized nature of judicial promotions enhanced the Government's control over the court system. Unfilled judgeships and inefficient court procedures resulted in severe backlogs at both trial and appellate levels. Ordinary cases take 5 to 6 years, while cases on appeal can take 20 to 25 years. In an April 15 speech, the then-chief justice stated that the backlog of cases pending before the Supreme Court had been reduced to 10,000, but a June statement from the AHRC estimated there were 20,000 pending cases.

There were several court systems with overlapping and sometimes competing jurisdictions: Criminal, civil and personal status, terrorism, commercial, family, military, and Shariat. The Federal Shariat Court, according to Article 203 of the Constitution, can be used to examine and decide whether any law is repugnant to the injunctions of Islam. Therefore, the passage of the Women's Protection Bill does not negate the possibility of Federal Shariat Court oversight in certain cases. Federal Shariat Court could be used for any issue that involves those parts of the Hudood Ordinance not moved to the secular law provisions, including gambling, liquor possession and drinking, and fornication in the false promise of marriage.

Feudal landlords in Sindh and Punjab and tribal leaders in Pashtun and Baloch areas continued to hold jirgas (local councils), at times in defiance of the established legal system. Such jirgas, particularly prevalent in rural areas, settled feuds and imposed on perceived wrongdoers tribal penalties that could include fines, imprisonment, or even the death penalty. In Pashtun areas, such jirgas were held under the outlines of the Pashtun Tribal Code. Under this code, a man, his family, and his tribe are obligated to take revenge for wrongs real or perceived to redeem their honor. Frequently these disputes arose over women and land and often resulted in violence. In the tribal areas, the settling of many family feuds, particularly over murder cases, involved giving daughters of the accused in marriage to the bereaved.

Many tribal jirgas instituted harsh punishments such as the death penalty or watta-satta (exchange of brides between clans or tribes) marriages.

Former prime minister Nawaz Sharif established military courts in 1998 to dispense "quick justice." A 1999 Supreme Court decision invalidating military courts was not implemented. The human rights and legal community continued to press the Supreme Court to nullify military court decisions involving civilians, but this was difficult since the 1999 Provisional Constitutional Order forbids court review of actions taken by the chief executive (President Musharraf's title at the time) or his designees.

In November the president signed an ordinance amending the Army Act of 1952 so that it can be applied to civilians for certain crimes under the Explosive Substances Act, the Security of Pakistan Act, the Arms Ordinance Act, and the Anti-Terrorism Act. Human rights groups denounced the new amendment; the Government claimed it was designed only to apply to terrorists. Many human rights organizations spoke out against the change, saying civilians would face unusually severe penalties for crimes ranging from libel to murder.

Trial Procedures.—The civil, criminal, and family court systems provide for an open trial, the presumption of innocence, cross examination by an attorney, and appeal of sentences. There are no jury trials. Due to the limited number of judges, heavy backlog of cases, lengthy court procedures, and political pressure, cases routinely took years, and defendants had to make frequent court appearances. Cases start over when an attorney changes.

The Anti-Terrorist Act allows the Government to use special streamlined courts to try violent crimes, terrorist activities, acts or speech designed to foment religious hatred, and crimes against the state. Cases brought before these courts are to be decided within 7 working days, but judges are free to extend the period as required. All judges are appointed. Under normal procedures, the high court and the Supreme Court hear appeals from these courts. Human rights activists criticized this expedited parallel system, charging it was more vulnerable to political manipulation.

Special accountability courts try corruption cases brought by the NAB, including defaults on government loans by wealthy debtors. The NAB has not targeted gen-

uine business failures or small defaulters. Accountability courts are expected to try cases within 30 days. In accountability cases, there is a presumption of guilt.

Despite government claims that NAB cases were pursued independently of an individual's political affiliation, opposition politicians were more likely to be prosecuted. The NAB prosecuted no serving members of the military or judiciary, which rely on courts martial and Supreme Judicial Council venues, respectively.

Courts routinely failed to protect the rights of religious minorities. Judges were pressured to take strong action against any perceived offense to Sunni orthodoxy. Discrimination cases dealing with religious minorities were rarely brought before the judiciary.

Laws prohibiting blasphemy continued to be used against Christians, Ahmadis, and members of other religious groups including Muslims. Lower courts often did not require adequate evidence in blasphemy cases, which led to some accused and convicted persons spending years in jail before higher courts eventually overturned their convictions or ordered them freed.

Bail in blasphemy cases usually was denied by original trial courts, arguing that since defendants faced the death penalty, they were likely to flee. Many defendants appealed the denial of bail, but bail was often not granted in advance of the trial. Lower courts frequently were intimidated, delayed decisions, and refused bail for fear of reprisal from extremist elements. The Federal Shariat Court is the court of first appeal in all Hudood cases that result in a sentence of more than 2 years. The Supreme Court, however, determined that in cases where a provincial high court decides to hear an appeal in a Hudood case, even in error, the Federal Shariat Court lacks authority to review the provincial high court's decision. The Shari'a bench of the Supreme Court is the final court of appeal for Federal Shariat Court cases. A 2005 ruling allows the full Supreme Court to bypass the Shari'a bench and assume jurisdiction in such appellate cases in its own right. The Federal Shariat Court may overturn legislation that it judges to be inconsistent with Islamic tenets, but such cases are appealed to the Shari'a bench of the Supreme Court and ultimately may be heard by the full Supreme Court.

The law allows for the victim or the family to pardon criminal defendants in exchange for monetary restitution (diyat) or physical restitution (qisas). While diyat was invoked, particularly in NWFP and in honor cases in Sindh, qisas were not used.

There is a separate legal system in the FATA, the Frontier Crimes Regulation, which recognizes the doctrine of collective responsibility.

Tribal leaders are responsible for justice in the FATA. They conduct hearings according to Islamic law and tribal custom. The accused have no right to legal representation, bail, or appeal. The usual penalties consisted of fines. Federal civil servants assigned to tribal agencies oversee proceedings and may impose prison terms of up to 14 years.

Human rights NGOs expressed concern with the concept of collective responsibility, as authorities used it to detain members of fugitives' tribes, demolish their homes, confiscate or destroy their property, or lay siege to a fugitive's village pending his surrender or punishment by his own tribe in accordance with local tradition.

Reports of religious extremists and militants forming parallel administrations, including justice administrations, in FATA increased during the year. Public executions were the most visible manifestation of this trend.

On February 19, an Afghan national was beheaded publicly for his alleged spying for a foreign government near Miranshah in North Waziristan. The victim also had his hands and feet chopped off.

On March 14, a woman and two men from the Kukikhel tribe were publicly stoned to death by a tribal jirga in Bara on charges of adultery.

Political Prisoners and Detainees.—Some political groups claimed their members were marked for arrest based on their political affiliation.

On August 5, PML–N leader Javed Hashmi was released on bail pending a Supreme Court review of his case. In 2004 Hashmi had been sentenced to 27 years on sedition charges after reading a letter in the cafeteria of the National Assembly critical of the military.

According to Baloch nationalist political leaders and human rights organizations, military intelligence and security forces had detained more than 500 Baloch nationalist political prisoners since the military operation began in the province in 2004. The exact number of prisoners was not available. The Government denied imprisoning persons because of their political beliefs, but it was widely believed there were hundreds of Sindhi and Baloch nationalist leaders and activists imprisoned without formal charges.

In November 2006 police arrested Baloch nationalist leader Sardar Akhtar Mengal 3 days before he planned to lead a 500-mile march across Balochistan to

protest the August 2006 killing of Nawab Akbar Khan Bugti by military forces. In December 2006 Mengal was charged in a Karachi Anti-Terror Court for an alleged April 2006 kidnapping of two military intelligence personnel. The HRCP complained that they were banned from attending Mengal's trial after they protested that he was confined behind iron bars in the courtroom and had been denied access to his family. On September 13, Mengal demanded an open public trial but by year's end, no decision was granted on his request.

Civil Judicial Procedures and Remedies.—Persons may petition high courts to seek redress for human rights violations, and courts often take such actions. Persons may seek redress in civil courts against government officials, including on grounds of denial of human rights in civil courts. However, observers reported that civil courts seldom or never issued official judgments in such cases and that most cases were settled outside of court. Although there were no official procedures for administrative redress, informal reparations were common.

f. Arbitrary Interference With Privacy, Family, Home, or Correspondence.—The law requires court-issued search warrants for property but not for persons. Police routinely ignored this requirement and at times stole items during searches. Police were seldom punished for illegal entry. In cases being pursued under the Anti-Terrorist Act, security forces were allowed to search and seize property related to the case without a warrant.

The Government maintained several domestic intelligence services that monitored politicians, political activists, suspected terrorists, the media, and suspected foreign intelligence agents. Despite a Supreme Court order, credible reports indicated that the authorities routinely used wiretaps and intercepted and opened mail without the requisite court approval. On July 2, the Supreme Court ordered the military Intelligence Bureau to remove all listening devices from the court and judges' homes. According to media reports, the order was given in response to a complaint by an attorney defending the suspended chief justice that the intelligence agencies were spying on judges, according to media reports.

In accordance with the Anti-Terrorist Act, the Government banned the activities of and membership in several religious extremist and terrorist groups. However, some of the groups the Government banned changed their names and remained active. Examples included Lashkar e Taiba (new name: Jamatud Dawa); Jaish e Muhammad (new name: Tehrikul Furqan & Al Rehmat Trust); Tehrik e Ja'afria Pakistan (new name: Tehrik e Islami Pakistan); and Sipah e Sihaba Pakistan (new name: Millat e Islamia Pakistan).

While the Government generally did not interfere with the right to marry, local officials on occasion assisted influential families to prevent marriages the families opposed. The Government also failed to prosecute vigorously cases in which families punished members (generally women) for marrying or seeking a divorce against the wishes of other family members. Upon conversion to Islam, women's marriages performed under the rites of their previous religion were considered dissolved, while the marriages of men who converted remained intact.

According to the Daily Mashriq, a government official in the northern district of Swat warned female teachers and students on September 25 to wear Islamic garb, citing threats from Taliban extremists active in the area.

In some cases authorities detained relatives to force a family member who was the subject of an arrest warrant into surrendering. NGOs alleged that intelligence personnel often harassed family members of Baloch nationalists.

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 citizens generally were free to discuss public issues; however, the Government often impeded criticism by monitoring political activity and controlling the media. Journalists and their families were arrested, beaten, and intimidated. Many journalists practiced self-censorship. Newspapers and periodicals had to receive permission from the Kashmir Council and Ministry of Kashmir Affairs to publish within the territory. According to many observers, these bodies were unlikely to grant permission to publications sympathetic to an independent Kashmiri cause.

There were numerous independent English and Urdu daily and weekly newspapers and magazines. The Ministry of Information controlled and managed the country's primary wire service, the Associated Press of Pakistan, which is the official carrier of government and international news to the local media. The military has its own press wing, as well as two sections to monitor the press. The few small privately owned wire services practiced self-censorship. Foreign magazines and newspapers were available, and many maintained in-country correspondents who operated freely, although some had difficulty receiving visas that would allow them to work as journalists.

The Government directly owned and controlled Pakistan Television and Radio Pakistan, the only non-fee national electronic broadcasters. Both reflected government views in news coverage. Private cable and satellite channels GEO, ARY, Aaj, Dawn, Indus, and Khyber broadcast domestic news coverage and were critical of the Government. Following the president declaration of the SOE on November 3, the Government ordered cable operators not to carry any private television stations and blocked a number of private radio stations from broadcasting. When some viewers managed to follow GEO and ARY broadcasts via satellite or the Internet, the Government persuaded authorities in the United Arab Emirates to order GEO and ARY to stop broadcasting from their studios in Dubai. The Government broadcasting authority required private broadcasters to sign a code of conduct before they would be allowed back on air. Among other provisions, the code forbade ridicule of the Government or government officials. In addition, live call-in shows were banned. Some stations were also pressured to remove political shows. By the end of the year, all were allowed to operate with the exception of two of GEO network's channels, including its news and current affairs channels. Although GEO had indicated willingness to sign the code of conduct, it did not accede to the Government demand to cancel two public affairs talk shows that frequently criticized the Government.

Private radio stations existed in major cities, but their licenses prohibited news programming. Some channels evaded this restriction through talk shows, although they were careful to avoid most domestic political discussions. When the SOE was imposed, two private FM stations were shut down, and the broadcast equipment from one station was seized but later returned. International radio broadcasts, including from the BBC and the Voice of America, were available.

There was an increase in government arrests, harassment, and intimidation of journalists during the year.

According to Internews, an NGO that monitored the state of the media in the country, there were 163 attacks against the media and journalists during the year. By the end of the year, at least seven journalists had been killed and 100 abducted. All of the abductees later were released with no charges filed against their abductors. In addition, seven publications, all private television channels, two FM radio stations, and 11 Web sites temporarily were banned and 15 media organizations were raided. Approximately 100 journalists and media organizations had on-going cases; seven journalists were prevented from covering official functions; and nine media organizations were denied state-sponsored advertising from public funds due to their criticism of government policies.

According to the NGO Reporters Without Borders (RSF), approximately 30 journalists were injured seriously during the year and at least 120 were arrested. For the year, RSF named the country the most dangerous Asian country for the media.

On March 16, according to BBC news, police forcefully entered the Islamabad office of GEO television, where they beat employees, smashed glass doors, broke equipment, and fired tear gas. The same day, the Minister of Information and President Musharraf issued a statement condemning the incident. The Government suspended 14 low-ranking officers.

On May 18, two unidentified men assaulted and beat South Asia News Agency editor in chief Shakeel Ahmed Turabi in Islamabad. Turabi reported that the men warned him against antigovernment coverage of the Supreme Court chief justice crisis. Before the incident, Turabi had written an article contesting the Government's claim that policemen—not plainclothes intelligence officials—had manhandled the chief justice. Police registered a case against the unknown assailants, but by year's end no arrests had been made.

On September 10, two television journalists covering former Prime Minister Nawaz Sharif's return to the country claimed that security personnel at the Islamabad airport severely beat them and used unnecessary force against other journalists at the scene.

On September 14, an unidentified man beat Turabi's 14-year-old son, Hassan Sharjil, in Islamabad after he was dropped off at school. Hassan suffered injuries to his head and back and was hospitalized. According to the Committee to Protect Journalists (CPJ), the man told Hassan, "We warned your father to stop writing lies, but he wouldn't listen. This will teach him a lesson." By year's end, no arrests had been made.

In February police released Mehruddin Mari, a reporter for the Sindhi-language newspaper the Daily Kawish, without charge. Police had arrested Mari in July 2006 after he reported on human rights abuses at a police roadblock near Golarchi in southern Sindh.

There were no developments in the investigation of the September 2006 murder of journalist Maqbool Hussain Siyal in Dera Ismail Khan. Siyal worked for the Pakistani Online News Network and was on his way to interview a leader of the PPP.

The CPJ was investigating whether Siyal's death was related to his work as a journalist.

There were no developments in the March 2006 Mukhesh Rupeta or Sanjay Kumar cases or the 2005 Hayatullah Khan case.

Newspapers frequently criticized the government, political leaders, and military operations. However, media outlets that did not self-censor were at times the targets of retribution and censorship.

Pakistan's Electronic Media Regulatory Agency (PEMRA) intervened a number of times during the year to restrict news broadcasts critical of the government, particularly after the chief justice's suspension in March.

On April 23, PEMRA served a show-cause notice to Aaj TV for airing news, talk shows, and other programs on the judicial crisis and threatened it with closure. PEMRA also warned all private TV channels not to air programs damaging the "integrity of the armed forces of Pakistan."

In May PEMRA used a recently promulgated presidential order to issue notices to all private TV channels to stop live news coverage. The notices authorized live transmissions only from stations with appropriate licenses. Later, the Federal Ministry of Information, Broadcasting, and Media Development merged PEMRA into the ministry to "monitor the usage of derogatory language against the army and government institutions," according to then-information minister Mohammed Durrani. Channel owners protested the decision and the Executive Body of the Private Channels called on the minister to discuss the issue. The live programming ban was reversed in August but reimposed briefly during anti-Musharraf protests on October 5 and during the SOE.

On December 11, PEMRA sent a letter to radio and TV station owners banning them from broadcasting news programs and talk shows live and brandishing the threat of fines, prison sentences, and bans for those stations that broadcast criticism of the Government before the elections.

According to RSF, 34 journalists in the southern province of Sindh, of whom 19 worked for the Daily Kawish or the television station KTN, were accused of taking part in the rioting that followed Benazir Bhutto's assassination. At least 10 of the 34 journalists were arrested. According to the PPP, approximately seven were arrested from Kawish during the general crackdown of protesters after the assassination. They were released 3 days later.

During the year media outlets, journalists, and their families were the targets of attacks and intimidation by political parties and other nongovernmental armed groups.

On January 2, unknown kidnappers abducted Sohail Qalandar, a Peshawar-based journalist and his companion. They were released after 50 days in captivity and told human rights observers that they had been mistreated, malnourished, and drugged. The Khyber Agency Political Agent arrested 44 tribesmen in connection with the kidnapping and subsequently released them after the intervention of a parliamentarian. According to an April media report, one of the men in custody identified the kidnappers, but by year's end, no further arrests had been made.

On January 13, Makhdoom Hashmi, editor of a Sindhi-language newspaper, Daily Nijat, was shot and killed. Hashmi was critical of many local feudal landlords and opposed their political practices. Before his death he claimed he had received threats and that provincial authorities had denied his requests for protection. By year's end no arrests had been made.

On March 6, according to the AHRC, a journalist who had produced a documentary on disappearances in Balochistan was threatened by security services. After local community members protested, police promised to charge the security officer; however, no charges were brought against him.

On May 12, unidentified gunmen attacked, ransacked, and fired on an Aaj television station and its adjacent parking lot in Karachi as the station broadcast violent protests live. The president of the Karachi Union of Journalists blamed the MQM, a member of the ruling coalition, for the attack. MQM officials denied it, claiming the station was caught in the crossfire of competing protesters. On May 22, the MQM Coordination Committee reportedly identified 12 "enemy journalists," including those who covered the May 12 violence.

The Anti-Terrorist Act prohibits the possession or distribution of material designed to foment sectarian hatred or material obtained from banned organizations. As part of the Government's crackdown on extremists, the president ordered police to take action against radical publications. There were no reported cases of such crackdowns during the year.

Foreign books must pass government censors before being reprinted. Books and magazines may be imported freely but are subject to censorship for objectionable sexual or religious content.

Obscene literature, a category broadly defined by the government, was subject to seizure. Television stations broadcast dramas and documentaries on previously taboo subjects, including corruption, social privilege, narcotics, violence against women, and female inequality.

Internet Freedom.—While there were no reports that the Government limited public access to the Internet, it attempted to control some extremist and Baloch separatist Web sites based in the country. Telecommunications authorities claimed there were more than 12 million Internet users in the country, and service existed in nearly all of the country's urban and semiurban areas.

Local sources reported that four Baloch Web sites that advocated an independent Balochistan were banned in April. The Government also banned the Web sites belonging to the Red Mosque (Lal Masjid) for distributing extremist propaganda before the July military operation.

Academic Freedom and Cultural Events.—The Government generally did not restrict academic freedom; however, the atmosphere of violence and intolerance fostered by student organizations, typically tied to political parties, continued to limit academic freedom. On some university campuses in Karachi, well-armed groups of students, most commonly associated with the All Pakistan Mutahidda Students Organization (affiliated with the MQM) and the Islami Jamiat Talaba (affiliated with the JI), clashed with and intimidated other students, instructors, and administrators over issues such as language, syllabus content, examination policies, grades, doctrines, and dress. These groups frequently facilitated cheating on examinations, interfered with the hiring of staff, influenced admissions to the universities, and sometimes also influenced the use of institutional funds. Such influence generally was achieved through a combination of protest rallies, control of the campus media, and threats of mass violence. In response, university authorities banned political activity on many campuses, but with limited effect. The religious party coalition (MMA) government in NWFP banned the use of music in public transportation. Daewoo Bus Service, a major line, shut down its in-bus movies and music when it crossed the Attock river into NWFP. During the year MMA also directed that billboards not feature women.

The Ministry of Culture operated the Central Film Censor Board, which previewed all foreign and domestic films before exhibit in the country.

There was no government interference on art exhibitions or other musical/cultural activities.

b. Freedom of Peaceful Assembly and Association.—The law provides for freedom "to assemble peacefully and without arms subject to any reasonable restrictions imposed by law in the interest of public order," and freedom of association; however, the Government did not observe these rights.

The Government restricted freedom of assembly during and beyond the 42-day SOE by invoking laws that limit the assembly of groups larger than four without government permission. Following suicide attacks against former prime minister Bhutto and others, the Government continued to restrict large gatherings, including political rallies.

Freedom of Assembly.—While the law provided for this right, in practice the Government placed selective restrictions on the right to assemble and often refused permits for processions in urban areas. Ahmadis have been prohibited from holding any conferences or gatherings since 1984.

Unlike in the previous year, there were no reports that the Government permitted banned religious extremist organizations to hold rallies.

Police often used preventive detention and excessive force against demonstrators, members of civil society, political activists, and journalists.

Following the March 9 dismissal of Chief Justice Ifthikar Chaudhry, thousands of lawyers, members of civil society, and political party activists protested nationwide. Protesters in Lahore, Karachi, Islamabad, and smaller cities clashed with police on March 12 and 14. Protesters blocked major thoroughfares and threw rocks at police, who responded with batons, causing many injuries.

On September 20, riot police in Islamabad beat, threw rocks at, and teargassed lawyers and journalists who were protesting the reelection of the president. According to media reports, approximately 60 individuals were injured.

During a Lahore protest over the November 15 arrest of Imran Khan, chairman of the Pakistan Tehrik-e-Insaf party, police allegedly manhandled his party workers, including women. Police arrested 20 female and 34 male protesters but subsequently released them.

On November 20, police attacked a peaceful demonstration of journalists at the Karachi Press Club with tear gas and batons, arrested hundreds of journalists and members of civil society, and injured more than one dozen. The journalists were pro-

testing the imposition of the SOE; all were released within 24 hours on the special executive instructions of the Sindh governor.

On May 12, in preparation for the arrival of then-suspended chief justice Iftikhar Chaudhry, several opposition parties attempted to gather at the Sindh High Court; however, city officials ordered that the roads to the court and the airport be closed, resulting in violence in the streets. Upon arrival at the airport, Chaudhry was warned of the danger and was ultimately prevented from leaving the airport. Reportedly upon orders by the local government, the security forces were prevented from interfering with the street violence, and approximately 40 persons were killed during the riot. The Sindh High Court began an investigation into the incident, but the case was unresolved at year's end.

During the SOE, police and demonstrators frequently clashed around the country. The most notable incidents included the November 5 demonstrations in Islamabad, where police used batons and tear gas against protesters and approximately 100 lawyers were arrested, and in Rawalpindi, where nearly 50 political opposition leaders and 30 lawyers were arrested during home raids by the police.

Freedom of Association.—The law provides for the right of association subject to restriction by government ordinance and law. NGOs were required to register with the Government under the 1960 Cooperative Societies and Companies Ordinance. No prominent NGO reported problems with the Government over registrations during the year. Some continued to operate without registering and were not prosecuted.

According to a Human Rights Watch (HRW) report on freedom of expression and civil liberties in Azad Kashmir, individuals and political parties who did not support Kashmir's accession to the country were barred from participating in the political process, thus excluding individuals who supported Kashmir's independence. HRW noted that individuals who did not support Kashmir's accession to the country were subject to abuse by the intelligence agencies and the military.

c. Freedom of Religion.—The Constitution states that adequate provisions shall be made for minorities to profess and practice their religions freely; however, the Government limited freedom of religion in practice. Islam is the state religion, and the Constitution requires that laws be consistent with Islam. According to the Constitution, Shari'a can be applied to a situation that is deemed to be in contradiction to the Koran, and therefore citizens who are normally governed by secular law can be subject to these laws based on these loose criteria. Shari'a is applied in some tribal areas. All citizens were subject to certain provisions of Shari'a and the blasphemy laws. Reprisals and threats of reprisals against suspected converts from Islam occurred. Members of religious minorities were subject to violence and harassment, and police at times refused to prevent such actions or charge persons who committed them, leading to an atmosphere of impunity. The Constitution stipulates that the president and the prime minister must be Muslim. The prime minister, Federal ministers, and ministers of state, as well as elected members of the Senate and National Assembly (including non-Muslims), must take an oath to "strive to preserve the Islamic ideology," the basis for the creation of Pakistan.

Religious groups must be approved and registered; there were no reports that the Government refused to register any group.

The law declares the Ahmadi community, which considers itself a Muslim sect, to be a non-Muslim minority. The law prohibits Ahmadis, who claimed approximately 2 million adherents, from engaging in any Muslim practices, including using Muslim greetings, referring to their places of worship as mosques, reciting Islamic prayers, and participating in the Hajj or Ramadan fast. Ahmadis were prohibited from proselytizing, holding gatherings, or distributing literature. Government forms, including passport applications and voter registration documents, require anyone wishing to be listed as a Muslim to denounce the founder of the Ahmadi faith. In 2005 the Government reinstated the religion column for machine readable passports. The Ahmadi community claimed that between July 2006 and June 30, 28 Ahmadis faced criminal charges under religious laws or because of their faith.

The penal code calls for the death sentence or life imprisonment for anyone blaspheming the Prophet Muhammad. The law also provides for life imprisonment for desecrating the Koran and up to 10 years in prison for insulting another's religious beliefs with the intent to offend religious feelings. The latter was used only against those who allegedly insulted the Prophet Muhammad. Groups such as the Khateme Nabuwwat Movement, which considered anyone who questioned the finality of Prophet Muhammad to be a heretic, were known to insult Ahmadi beliefs; however, the law was not used against them.

On January 27, an Intelligence Bureau district officer ordered the arrest of five Ahmadis, including two minors ages 8 and 11, after a teacher discovered the minors

carrying an Ahmadi children's magazine, Tashhizul Azhan, in their schoolbags. The case received wide press coverage and the charges were dropped; however, the case was refiled on February 3 against two adults. By year's end no movement on the case had occurred.

On March 1, a retired police officer shot and killed a recent Ahmadi convert in a restaurant in Seerah, Mandi Bahauddin District. The retired officer later surrendered to police and admitted to the killing, claiming the act was justified under Islamic apostasy laws. The trial was ongoing at year's end.

In late October journalist Abdul Dogar was released after agreeing that he would not "indulge in any religious activity against Islam." Dogar was arrested in September 2006 on anti-Ahmadi provisions of the law, maintenance of public order, and the Anti-Terrorism Act.

In the case of human rights lawyer Parvez Aslam Chaudhry, a case was registered in Punjab against the unknown assailant, but no one was arrested. Chaudhry, a prominent human rights lawyer and chairman of the NGO Legal Aid for Destitute and Settlement, was attacked in January 2006 and beaten by extremists who tried to intimidate him because of his work defending blasphemy cases. Chaudhry continued to receive threats while contesting the case of Shahid Masih, who was charged with burning the Koran in Sangla Hills in September.

In August 2006 police had refused to register a theft case against Shahid Masih and Mohammad Ghaffar and lodged a false case against them for allegedly burning the Koran. On September 11, police arrested Masih after Muhammad Arshad filed a case of blasphemy against him in Faisalabad, charging him with theft of a Koran and its burning. A district court later granted Masih bail.

No one was arrested or charged in the November 2006 attack on an Ismaili place of worship.

Police arrested 20 persons for the February 2006 attacks on the Sindh-based St. Mary's Church, the St. Xavier Church, and the St. Mary's School. Sindh Chief Minister Arbab Ghulam Rahim announced that the state would pay for the costs to reconstruct the damage to the buildings. By year's end the Government had paid for the costs to reconstruct the damage.

In May officials released on bail Martha Bibi, a Christian accused of blasphemy. She had been in prison since her arrest in January. She was accused of making derogatory remarks against the Koran, but she claimed the charges originated from Muslim contractors who did not want to pay for materials sold to them by Bibi's husband.

In May authorities arrested Walter Fazal Khan for blasphemy. Walter was an 84-year-old Christian accused of burning a Koran. The family claimed he was a victim of Muslim businessmen who wanted to buy land Khan was selling for much lower than the asking price. After his arrest, local religious leaders forced Khan's 86-year-old wife to convert to Islam.

Complaints under the blasphemy laws were used in business or personal disputes to harass religious minorities or other Muslims. Most complaints were filed against the majority Sunni Muslim community. Most blasphemy cases ultimately were dismissed at the appellate level; however, the accused often remained in jail for years awaiting the court's decision. Trial courts were reluctant to release on bail or acquit blasphemy defendants for fear of violence from religious extremist groups. In 2005 the president signed a bill into law revising the complaint process and requiring senior police officials to review such cases in an effort to eliminate spurious charges. However, according to human rights and religious freedom groups, this was not effective because senior police officers did not have the resources to review these cases. During the year the courts convicted two persons and acquitted two others under the blasphemy laws; 70 cases were ongoing.

There were no legal restrictions on Christian or Hindu places of worship. District nazims had to authorize the construction after they assessed whether a new church or temple was required. All religious minority groups experienced bureaucratic delays and requests for bribes when attempting to build houses of worship or obtain land. According to Jamaat-e-Ahmadiya, Islamabad, the Government prevented Ahmadis from building houses of worship.

According to the National Commission for Justice and Peace (NCJP), two churches, three Ahmadi mosques, and one Hindu temple were burned, attacked, or destroyed in different parts of the country, with most occurring in Punjab. The NCJP reported that 51 Ahmadis and 98 Christians faced trials or were in prison on charges for desecrating the Koran. According to the AHRC, there were 13 reported cases of forcible conversion of religious minorities in Punjab and seven in Sindh. Sattar Masih was arrested on April 13 in Kotri, Sindh Province, after being attacked by a mob who accused Masih of writing blasphemous words against the Prophet. A local imam announced that the mosque had found the piece of paper in

the donation box and showed the congregation Sattar Masih's photograph and address. He remained incarcerated at year's end.

The Hindu community faced harassment and demands for bribes from security forces. The All Sindh Hindu Panchayat (Sindh Hindu Council) reported that 11 Hindu girls allegedly were forced to convert to Islam in Sindh.

In January 17-year-old Deepa Besham Das from Sindh reportedly was kidnapped and then forcibly converted to Islam by her tutor, Ashraf Khaskheli. No case was filed against Ashraf.

Islamiyyat (Islamic studies) was compulsory for all Muslim students in state-run schools. Students of other faiths were exempt from such classes; however, in practice teachers induced many non-Muslim students to complete Islamic studies.

Societal Abuses and Discrimination.—Sectarian violence between Sunni and Shi'a extremists continued during the year, and at least 139 deaths and 142 injuries were attributed to attacks on mosques and religious gatherings. More than 500 persons were killed during the year due to sectarian-related violence, with the majority of the violence (approximately 300 victims) concentrated in Parachinar in the FATA. Shi'as, Christians, and Ahmadis were the targets of religious violence. In April more than 100 Shi'a and Sunnis died and many more were injured in sectarian violence that lasted for 2 weeks. The fighting began in Parachinar and spread throughout the Kurram Tribal Area. A fragile ceasefire existed at year's end.

On June 17, approximately 40 Muslim men armed with guns, axes, and wooden sticks attacked a Salvation Army church in Faisalabad, injuring seven Christians and one Muslim, according to media reports. The attack reportedly occurred after the Christians refused to cancel an evangelical meeting. After the event, both sides filed complaints with the police. One of the mob leaders later apologized, and both sides withdrew their complaints.

In August Christians and Hindus in NWFP received dozens of letters threatening them with death if they refused to become Muslims. Police provided security around churches and temples. Although the deadline for conversion passed and no one was harmed, the letters created a climate of fear.

In 2005 gunmen killed Arshad Masih and injured seven others while they were worshipping at a church in Lahore. The Punjab government paid compensatory money to the family of Masih and the wounded. No one was arrested.

In the case of Pastor Shamoun Babar, police reportedly arrested a man and a woman in connection with his 2005 killing, but the charges were dropped due to a lack of evidence. At year's end there was an ongoing investigation.

In the 2005 Sangla Hills case, the Punjab government rebuilt the church at the expense of the state, and it resumed its services a month later.

Three suspects were on trial by year's end under the Anti-Terrorist Act for the 2005 attack in Mongh, Mandi Bahauddin District, that killed eight Ahmadis and wounded 14. According to the Ahmadi community, judges feared for their lives if they accepted such cases.

Ahmadi leaders charged that militant Sunni mullahs and their followers sometimes staged marches through the streets of Rabwah, a predominantly Ahmadi town and spiritual center in central Punjab. Backed by crowds of between 100 and 200 persons, the mullahs reportedly denounced Ahmadis and their founder, creating a situation that sometimes led to violence. The Ahmadis claimed that police generally were present during these marches but did not intervene to prevent violence.

The Ahmadi, Christian, Hindu, and Shi'a Muslim communities reported significant discrimination in employment and access to education, including at government institutions.

Although there were few Jewish citizens in the country, anti-Semitic sentiments appeared to be widespread, and the press commonly published anti-Semitic press articles.

For a more detailed discussion, see the 2007 International Religious Freedom Report.

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons.—The law provides for freedom of movement within the country, foreign travel, emigration, and repatriation; however, the Government limited them in practice. The Government required that foreigners have special permission to enter certain restricted areas, including parts of the FATA and Balochistan.

The law prohibits travel to Israel, although the law was not enforced in practice. Government employees and students must obtain no objection certificates before traveling abroad, although this requirement rarely was enforced against students. Persons on the publicly available Exit Control List (ECL) were prohibited from foreign travel. At year's end there were approximately 913 names on the ECL, according to media reports, a decrease from 3,740 the previous year. According to human

rights lawyers, the number of persons on the ECL dropped sharply after the courts took notice of the list. While the ECL was intended to prevent those with pending criminal cases from traveling abroad, no judicial action was required to add a name to the ECL, and it was sometimes used to harass human rights activists or leaders of opposition and nationalist parties. Those on the list had the right to appeal for removal of their name.

The law prohibits forced exile. Former prime minister Nawaz Sharif signed a negotiated agreement with the Government to go into exile in 2001 in exchange for avoiding imprisonment related to his conviction on hijacking and corruption charges. Sharif returned to the country on September 10 but was returned to Saudi Arabia. He appealed the deportation to the Supreme Court, which had not ruled on the case before the Government allowed Sharif's return on November 25. Benazir Bhutto returned from self-imposed exile on October 18 after reaching a deal with the Government prohibiting her prosecution on pending corruption charges.

During the year authorities restricted the domestic movements of opposition political party leaders.

Sindh government officials denied Imran Khan entry at Karachi airport on September 12. Earlier, Khan had stated publicly that MQM leader in exile Altaf Hussain (whose party controlled Karachi) should be held accountable for the outbreak of violence in Karachi on May 12. Khan was arrested on November 14 and released on November 22.

Internally Displaced Persons (IDPs).—According to press reports, there were approximately 1.5 million displaced Kashmiris from Indian-held Kashmir in the country. The law entitles Kashmiris to the same rights as citizens.

In March the Internal Displacement Monitoring Center said that fighting between local and foreign militants had displaced an unknown number of persons in and around Wana, South Waziristan. In July military operations began after a cease-fire breakdown with militants. The ensuing conflict reportedly displaced thousands of persons in North Waziristan, particularly in and around Miramshah and Mir Ali. The fighting continued through the end of the year. According to reported estimates, the total number of the displaced persons ranged from 10,000 to 15,000.

According to the U.N. office for the Coordination of Humanitarian Officers (OCHA), while there were no accurate numbers of displaced persons in the Swat Valley due to fighting between militants and the government, thousands had been displaced. The majority of these displaced returned after security forces regained control of Swat City and the valley.

According to the provincial Balochistan government, nearly 20,000 persons were displaced because of fighting between the militants and the military in the month of November 2006. Approximately 17,000 returned after the situation normalized, while the remaining 3,000 were considered traditional Baloch gypsies who traveled throughout the winter.

According to the government, approximately 30,000 victims remained displaced from the 2005 earthquake that struck the northern part of the country, displacing 3.3 million.

In 2006 the U.N. Children's Fund (UNICEF) estimated that approximately 84,000 Baloch civilians were displaced as the result of clashes between government forces and Baloch nationalists. According to AHRC, more than 200,000 individuals migrated to different areas of the country from areas affected by military operations. Newspapers reported many of the displaced lived in substandard conditions with no safe drinking water and no medical help. The media and human rights organizations, including the AHRC and the International Crisis Group, reported that the Government prevented access to displaced populations by aid organizations and journalists in Balochistan.

Protection of Refugees.—The law does not provide for the granting of asylum or refugee status in accordance with the 1951 U.N. Convention relating to the Status of Refugees and its 1967 protocol; however, the Government has a system to protect refugees. The Government did not grant refugee status or asylum. In practice, the Government provided protection against refoulement, the return of persons to a country where there is reason to believe they feared persecution.

Since 1979 the Government has provided temporary protection to millions of refugees from neighboring Afghanistan. According to the U.N. High Commissioner for Refugees (UNHCR), approximately 2.1 million registered Afghan refugees remained in the country. The Government continued to work closely with the UNHCR to provide support to this population. As of mid-October, approximately 346,000 refugees had taken advantage of UNHCR assistance to repatriate, including more than 200,000 who had not been registered officially.

Four Afghan refugee camps were scheduled for closure during the year; however, only one—Kacha Garhi camp in NWFP—closed.

Police in some cases demanded bribes from Afghan refugees. There were credible reports that members of the intelligence services harassed refugees during their search for al Qa'ida. Some female refugees who accepted jobs with NGOs reported harassment from Taliban sympathizers in their own community. Refugees faced societal discrimination and abuse from local communities, which resented economic competition, and blamed refugees for high crime rates.

Although refugees did not have access to courts, access to basic health and education services was provided, especially for Afghan refugees. Every refugee who registered with both the UNHCR and the Government Commissionerate of Afghan Refugees was granted admission to public education facilities after filing the proper paperwork. Single women, female-headed households, and children working on the streets were particularly vulnerable to abuse, including trafficking.

On September 5, the Government of Bangladesh allowed Biharis born after the time of Bangladesh's independence to become Bangladeshi citizens. According to Refugees International, the decision would benefit nearly half of the Bihari population. After the granting of citizenship by Bangladesh, the Biharis were no longer campaigning for citizenship in Pakistan. No reports of violence or discrimination against Biharis were observed 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; however, this right was restricted in practice. In 1999, General Musharraf overthrew the elected government of Prime Minister Nawaz Sharif in a military coup and was elected president in 2002 in deeply flawed elections. Musharraf was elected to a second term by an electoral college composed of the Senate, National Assembly, and four provincial assemblies on October 6. However, opposition candidates filed several petitions in the Supreme Court regarding his eligibility to hold office while still serving as Chief of Army Staff. Before the Supreme Court ruled, Musharraf issued a Proclamation of Emergency and Provisional Constitution Order (PCO) on November 3 and reconstituted the Supreme Court bench with judges who upheld the PCO. On November 22, the new Supreme Court ruled that the petitions were invalid, and on November 23, the Court ruled that Musharraf was justified in imposing emergency rule. On November 28 and 29, Musharraf retired from the military and took the presidential oath for a second term as a civilian.

Elections and Political Participation.—Domestic and international observers found the 2002 national assembly elections, the most recent national elections, and the 2005 local elections, deeply flawed. International and domestic observers identified serious problems in the election framework and found tampering of results, widespread fraud and coerced voting in certain districts.

The 17th amendment to the Constitution, promulgated in 2003, affirmed Musharraf's presidency until 2007 and his right to serve concurrently as chief of army staff until the end of 2004. In 2004 the National Assembly, over objections from the opposition parties, approved a bill extending Musharraf's exemption to hold two offices through the end of the year. Opposition parties said the amended Constitution legitimized the powerful role of the military in politics and transferred significant powers from the office of the prime minister to the previously ceremonial presidency.

On August 10, the Supreme Court ordered the Election Commission to add 30 million names to the rolls of eligible voters within 30 days and to drop requirements for citizens to produce proof of identity before registering. The order came in response to a petition filed by an opposition political party alleging that millions of voters had been disenfranchised because they were not included in the current draft voter list. The court ordered the commission to increase the rolls by adding names from the 2002 voters list, although previously, opposition parties had proclaimed the 2002 list contained numerous fraudulent entries.

The Government permitted all existing political parties to function.

According to the law, the Election Commission is responsible for promulgating an electoral code of conduct to govern campaigning. Opposition parties complained they were not consulted adequately before the code was issued in November; the commission reported that the opposition parties boycotted meetings scheduled to discuss the code. The code does not restrict campaign spending but bans bribing or intimidating voters, false accusations and speeches designed to arouse violence or sectarian conflict, and prohibits government ministers from combining campaign and official duties. It requires parties to coordinate with security authorities 24 hours before holding a meeting and 2 days before scheduling a rally. The restriction was

enhanced when the Ministry of Interior issued its own restrictions on political rallies in the wake of suicide bombings against Benazir Bhutto and other high-profile leaders.

The Election Commission rejected the nomination papers of both Nawaz Sharif and his brother Shahbaz on the basis that they had been convicted of crimes and were ineligible to run for office.

According to the PPP, they faced increased intimidation following the assassination of Benazir Bhutto on December 27. The PPP reported that 1,627 cases were registered against 510,351 of their activists in one district of Hyderabad.

The Government ban on political party activities in the FATA continued. According to the Frontier Crimes Regulation Act, the Political Parties Act does not apply to the FATA, and no political party can legally campaign or operate an office there. Two secular political parties, the Awami National Party and the PPP, complained that this rule was void, since religio-political parties such as Jamiat e Ulema e Islam and Jamaat e Islami openly campaigned in the FATA.

Inhabitants of the northern areas (Gilgit, Hunza, and Baltistan) were not covered under the Constitution and had no representation in the Federal legislature. An appointed civil servant administered these areas and an elected Northern Areas Council served in an advisory capacity. Members of the Azad Jammu Kashmir assembly and government are required to claim allegiance to Pakistan before they can stand in elections. Some Kashmiri political parties advocating an independent Kashmir were not allowed to stand in elections.

There were 73 women in the 342 seat National Assembly, two women in the Federal Cabinet, and none on the Supreme Court. Women had 60 reserved seats in the National Assembly. Women also had 128 reserved seats of the 758 seats in provincial assemblies and one-third of the seats in local councils. Provincial chief ministers named women to serve in their cabinets. In some districts social and religious conservatives prevented women from becoming candidates. Women participated in large numbers in elections, although some were dissuaded from voting by their families, religious, and tribal leaders. According to press reports, in Upper Dir and Battagram districts, NWFP, local community and religious leaders prevented women from voting or holding official office during the 2005 local elections.

The PML–Q and PPP prohibited their local leaders from entering agreements that would prevent women from standing for or voting in the local elections; however, there were reports of a consensus agreement among political leaders in Bannu, NWFP, that women would not be allowed to vote during a March 29 by-election.

On February 20, Molvi Sarwar shot and killed Zill-e-Huma Usman, a female Punjab provincial minister for social welfare. Sarwar later told police that he had objections to Huma's un-Islamic role in society. An antiterrorist court found Sarwar guilty of murder and sentenced him to death.

On May 20, Tourism Minister Nilofer Bakhtiar resigned after weeks of controversy surrounding photographs that showed her hugging her parachute instructor after a charity jump event in France to raise money for victims of the country's 2005 earthquake. In April a group of Muslim clerics issued a fatwa (religious degree) declaring Bakhtiar's behavior un-Islamic and called for President Musharraf to "punish and fire her from the Government." Prior to submitting her resignation, Bakhtiar was asked to leave as head of the ruling PML–Q Women's Wing.

There were 10 religious minority members in the 342-seat legislature, one on the former Supreme Court, and one in the Cabinet. All minority members of the National Assembly held reserved religious minority seats. Such seats are apportioned to parties based on the percentage of seats each wins in the assembly. Previous direct elections for minority seats were abolished. Under the law, minorities held reserved seats in the provincial assemblies. The Government required voters to indicate their religion when registering to vote.

Government Corruption and Transparency.—The law provides criminal penalties for official corruption; however, the Government did not implement the law effectively, and officials frequently engaged in corrupt practices with impunity. Public perception of corruption was widespread. The Worldwide Governance Indicators of the World Bank reflected that corruption was a severe problem.

The NRO prohibits those convicted of corruption by the NAB from holding political office for 10 years. The NAB disproportionately targeted opposition politicians for prosecution and did not prosecute active duty members of the military; however, the Government promulgated a national reconciliation ordinance on October 5 that provided a mechanism for withdrawing cases against some public office holders whose charges were politically motivated. The NRO was challenged both in the Supreme Court and the Sindh High Court. According to media reports in late October, the Federal Minster of Interior, Aftab Ahmed Khan Sherpao, applied at a National Accountability Court in Rawalpindi for amnesty against the corruption cases pend-

ing against him, claiming that the cases were outdated and lacked evidence. The Government maintained that the NRO was promulgated to promote national harmony and political reconciliation among all political parties. According to the ordinance, no legislator could be arrested by law enforcement organizations, and if charges against a legislator were brought, a parliamentary committee would determine the validity of the charges before the case would proceed or be dismissed. Civil society activists and political observers viewed this measure as creating another privileged class. At year's end the Supreme Court had not ruled on challenges to the NRO.

The Freedom of Information Ordinance is fairly restrictive in defining citizens' entitlement to information. The ordinance's effectiveness was unclear, and there were no reports of citizens using the act to obtain information during the year.

Section 4. Governmental Attitudes Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A wide variety of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. However, during the SOE, police arrested human rights activists, including the leaders of the HRCP.

On November 4, police raided the HRCP's office in Lahore and arrested approximately 60 human rights activists, including the Chairman of HRCP, I.A. Rahman. All were brought before a judicial magistrate and were sent to Kot Lakpat Jail, Lahore. They were released on November 7.

The Government sought NGO technical cooperation, especially from international NGOs, in the fields of women's empowerment, election training, election commission capacity building, and other areas. They were required to be registered, although this requirement was not generally enforced. Human rights groups reported that they generally had good access to police stations and prisons. The HRCP investigated human rights abuses and sponsored discussions on human rights issues during the year.

According to OCHA, 16 NGOs suspended operations in the quake-hit area of Battagram after militants attacked the local Strengthening Participatory Organization's office, injuring eight staff members.

International observers were permitted to visit the country. The Government generally cooperated with international governmental human rights organizations. However, following the SOE, international NGOs faced greater difficulties in receiving visas.

The Senate and National Assembly Standing Committees on Law, Justice, and Human Rights held hearings on a number of issues, including honor crimes, police abuse of the blasphemy law, and the Hudood Ordinance. While the committees served as useful fora to raise public awareness of such issues, their final actions generally adhered to government policy. The Parliamentarians' Commission for Human Rights, an interparty caucus of parliamentarians, lobbied effectively for reform in key areas. The proposed National Human Rights Commission remained stalled between the Ministry of Law and Justice and the Speaker's Secretariat. The issue was not resolved before the National Assembly ended its current session.

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

The law provides for equality for all citizens and broadly prohibits discrimination based on race, religion, caste, residence, or place of birth; in practice, however, there was significant discrimination based on each of these factors.

Women.—Rape, other than by one's spouse, is a criminal offense. One cannot be prosecuted for marital rape or for rape in cases where a marriage between the perpetrator and victim has been contracted but not solemnized. Although rape was frequent, prosecutions were rare. It was estimated that victims reported less than one-third of rape cases to the police.

There were no reliable statistics on rape, but the AHRC believed that 3,000 rapes occurred during the year. The NGO Women Against Rape estimated that the 217 rape cases reported in the media represented less than 5 percent of actual incidents that occurred in Karachi.

The punishment for rape can include the death penalty or 10 to 25 years in prison and a fine. The penalty for gang rape is the death penalty or life imprisonment; however, sentences were usually much lower.

Police were at times implicated in rape cases. Police often abused or threatened the victim, telling her to drop the case, especially when bribed by the accused. Police requested bribes from some victims prior to lodging rape charges, and investigations were often superficial. Medical personnel were generally untrained in collection of

rape evidence. Women accused of adultery or fornication were forced to submit to medical exams against their will, although the law requires their consent.

According to local sources, no woman has been charged of adultery or fornication if she appeared before a court under these charges after the passage of the Women Protection Bill. Families and tribes at times killed rape victims or encouraged them to commit suicide.

In December 2006 Parliament passed the Women's Protection Bill. The bill reversed the most negative aspects of the Hudood Ordinances, which contained provisions for the punishment for rape and adultery and was generally used by family members to control their children's marriage choices, by abusive husbands to control their wives, or by neighbors to settle personal scores. The new law brought the crime of rape under the jurisdiction of criminal rather than Islamic courts. While sex outside a marriage remained a crime, police lost the authority to investigate such claims under the new law, implementation of which was a problem because of the lack of training of police and lack of awareness of the bill's technicalities. After the passage of the law, police were not allowed to arrest or hold a woman overnight at a police station without the permission of a civil court judge.

In February a judge in Rawalpindi dismissed a fornication case against a couple who were arrested in a police raid on a home. The judge ruled that the Women's Protection Law did not allow such raids to occur unless directed by a judge.

After the passage of the Women's Protection Bill, all cases against women were cited under it and not the Hudood Ordinances.

In an attempt to bypass difficulties rape victims faced at police stations, a provision in the Women's Protection Bill called for a sessions judge to hear all rape complaints. Women's rights NGOs complained, however, that the new law introduced barriers to rape victims who did not have the money or access to the courts and reported that some police stations no longer would record rape complaints because of the new law.

On January 10, four men allegedly raped a 17-year-old girl in Shadara Town, Lahore. After police reportedly refused to register the family's complaint, local human rights organizations complained to the Punjab chief minister's office. The chief minister reportedly offered financial assistance to the family and ordered that the police station house officer be dismissed. By year's end no arrests had been made.

On January 27, 11 men reportedly gang-raped 16-year-old Nasima Labano and forced her to walk around the village naked in Habib Labano, Sindh. The rape was punishment because Nasima's male cousin had been seen with a woman from the same tribe as the men who raped Nasima. Police initially refused to register the case but did so after female legislators and the HRCP intervened. The girl became pregnant as a result of the rapes and was rejected by her community. Police arrested six of the suspects in March and two more in July. At year's end the case was ongoing in an antiterrorism court in Hyderabad.

After the Lahore High Court overturned the conviction and death sentence of five of the six persons convicted in the gang rape of Mukhtar Mai and commuted the sixth to 25 years in prison, the Supreme Court assumed jurisdiction of the case. In 2005 the court ordered the five convicted to be rearrested and held without bail. Mai was living in her village with police escort, and her alleged rapists were in prison. Mai's appeal was under process in the Supreme Court.

There were no developments in the 2005 rape case of Shazia Khalid at the Sui gas field in Balochistan. Baloch nationalists claimed she was raped by Frontier Corps personnel; the Government claimed DNA evidence indicated otherwise. Khalid was condemned to death by a tribal jirga for dishonoring the tribe. She and her husband left the country in 2005. According to human rights organizations, the Government pressured Khalid to leave the country.

Domestic violence was a widespread and serious problem. Husbands reportedly beat, and occasionally killed, their wives. Married women were at times abused and harassed by their in-laws. Dowry and family related disputes often resulted in death or disfigurement through burning or acid.

According to an HRCP report in August, 82 percent of wives in rural Punjab feared violence from their husbands over minor matters and 52 percent of wives in most developed urban areas admitted to being beaten by their husbands. By November there were 34 reported cases of "stove deaths"—incidents in which women are doused in kerosene and lit on fire. Many of the cases related to disputes with in-laws. According to the Progressive Women's Association, it had become increasingly difficult to compile statistics on acid burn victims, as many hospitals no longer accepted them.

The National Commission on the Status of Women advocated on behalf of specific domestic violence legislation. In the absence of a specific domestic violence law, abusers may be charged with assault, but cases rarely were filed. Police and judges

were reluctant to take action in domestic violence cases, viewing it as a family problem. Abused women usually were returned to their abusive family members. Women were reluctant to pursue charges because of the stigma attached to divorce and their economic and psychological dependence on relatives. Relatives were reluctant to report abuse for fear of dishonoring the family.

On February 3, a man set his 21-year-old wife on fire with the assistance of his two brothers in Rawalpindi. Police responded to her screams and arrested her husband and one brother in connection with the crime. The second brother reportedly fled to Dubai. The woman suffered burns to 90 percent of her body and died on February 8. A murder case was registered against the husband and the brother, and at year's end the case was being processed in Rawalpindi District Court. According to the Progressive Women's Association, the family of the victim was socially pressured to withdraw the charges in exchange for blood money, but they refused.

The Government operated Crisis Centers for Women in Distress, which referred abused women to NGOs for assistance. There were 276 district-run emergency centers for women in distress providing shelter, access to medical treatment, limited legal representation, and some vocational training. In some cases, women were abused in the shelters. There were three NGO-run shelters, one each in Islamabad, Lahore and Karachi.

Honor killings and mutilations occurred during the year. Women often were the victims at the hands of their husbands or male relatives. No accurate statistics existed on the number of honor crimes committed during the year; however, according to SHARP, 434 of the 613 recorded honor crimes by mid-year were against women. In 2006 official statistics stated an average of 1,000 persons were murdered each year in the name of honor. Human rights groups believed that such incidents were common in Sindh, in Punjab, and among tribes in Balochistan, NWFP, and FATA.

In 2005 President Musharraf signed a bill into law that provides for additional penalties for all crimes involving honor and criminalizes the practice of giving women in marriage as restitution for crimes. However, human rights groups criticized the legislation because it allows for the victim or the victim's heirs to negotiate physical or monetary restitution with the perpetrator of the crime in exchange for dropping charges. Since honor crimes generally occurred within families, perpetrators were able to negotiate nominal payments and avoid more serious punishment.

Religious militants in the tribal areas and settled areas of the NWFP attacked and harassed women during the year. They threatened girls' schools, ordered women to wear conservative Islamic dress, and committed murder, according to press reports.

On September 7, unidentified assailants beheaded two women, Meena and Maliki, in the northwestern part of the country. The women's bodies were found on the outskirts of Bannu, near the Afghan border, a day after their abduction. A note left with the corpses accused the women of being involved in prostitution with the support of local officials and warned women like them that they would be punished in the same way. There were no developments in the September 2006 fatal shooting of Shahida Bibi by her husband in Kohi Barmol village, Mardan District, NWFP. There were no developments in the October 2006 murder of Ms. Zadi and Barocho Shambani by Shambani's stepbrother, who suspected that the two were having an affair and declared them "karo kari" (adulterers). There were no developments in the November 2006 murder of Fahmida Shar and her alleged lover, Anwar Ali, by Shar's father, who confessed to the crime. There were no developments in the November 2006 killing of Mohammad Ayub Mahar's three daughters and his daughter-in-law, Safia Mahar, in the Abdoo village in Shikarpur District, for allegedly having illicit affairs with other men.

Nazir Ahmed of Multan was convicted and sentenced to death for the 2005 murder of his step-daughter and his three young daughters in the name of his family's honor.

Despite laws barring child marriages, there was evidence that many took place. In March the Family Planning Association of Pakistan estimated that 32 percent of marriages in the country are child marriages. They cited poverty, tradition and the low status of women as reasons for the practice. At a July human rights seminar in Islamabad, participants noted that a 12-year-old girl could be purchased for 90,000 to 200,000 rupees ($1,500–$3,500) in parts of Sindh and NWFP.

Despite bans on the handing over of women as compensation for crimes committed by rival tribes (also known as vani or swara), the practice continued in Punjab and NWFP.

Parliament outlawed forced marriages in February; however, implementation of the law remained a problem. According to the Progressive Women's Association, in April, Ruqqiya Bibi was forced to marry against her will to a man twice her age in the district of Jhelum in Punjab. Shortly after the marriage ceremony, Ruqqiya

escaped from her home and reported the case to a women's police station in Islamabad. She was sent to a government-run shelter, and a case was registered against the family member who formed the forced union. The family member was later pardoned in July by the complainant. Ruqqiya did not return to her home.

On July 9, according to the HRCP, a mentally ill 15-year-old girl was kidnapped and forced to marry Allah Wasayo. The girl's father lodged a complaint, and the case was ongoing at year's end.

The World Bank released a study in February indicating that approximately one third of marriages in rural areas were "watta satta," or exchange marriages in which men marry each other's sisters. The study indicated that the reciprocal nature of the practice provided some measure of protection for women. According to the study, "women in watta satta marriages have substantially and significantly lower probabilities of marital estrangement, domestic abuse, and major depressive episodes." However, human rights groups such as HRCP criticized the practice, noting "these marriages treat women as a commodity, and tension within one household also affects the other. Sometimes women simply suffer in silence to avoid their brother's marriage being affected."

In rural Sindh landowning families continued the practice of "Koranic marriages" in an effort to avoid division of property. Property of women married to the Koran remains under the legal control of their father or eldest brother, and such women are prohibited from contact with any male over 14 years of age. These women were expected to stay in the home and not maintain contact with anyone outside of their family.

The estimated 100,000 Bohra Muslims practiced female genital mutilation (FGM), which was prohibited by law. While no statistics on the current prevalence of FGM among the Bohras existed, the practice reportedly declined.

Prostitution was not legal. Most prostitutes were victims of either domestic or international trafficking and were held against their will. Police generally ignored the activity as long as they were bribed. Police raided brothels during the year but many continued to operate underground, particularly in larger cities. Trafficking in women for sexual exploitation was a problem.

Sexual harassment was a widespread problem. There was no law to protect women at the workplace. Press reports indicated that harassment was especially high among domestic workers and nurses. While the Penal Code prohibits harassment, prosecution was rare.

The law prohibits discrimination on the basis of sex; however, in practice this provision was not enforced. Women faced discrimination in family law, property law, and in the judicial system.

Family law provides protections for women in cases of divorce, including requirements for maintenance, and lays out clear guidelines for custody of minor children and their maintenance. Many women were unaware of these legal protections or unable to obtain legal counsel to enforce them. Divorced women often were left with no means of support and were ostracized by their families. While prohibited by law, the practice of buying and selling brides continued in rural areas. Women are legally free to marry without family consent, but women who did so were often ostracized or were the victims of honor crimes.

Inheritance law discriminates against women. Female children are entitled to only half the inheritance of male children. Wives inherit only one-eighth of their husband's estate. Women often received far less than their legal inheritance entitlement.

Women faced significant discrimination in employment and were frequently paid less than men for similar work. In many rural areas of the country, strong societal pressure prevented women from working outside the home. Some tribes continued the traditional practice of sequestering women from all contact with males other than relatives.

Numerous women's rights NGOs such as the Progressive Women's Association, Struggle for Change, and Aurat Foundation were active in urban areas. Their primary concerns included domestic violence, the Hudood Ordinance, and honor crimes.

Children.—The Government made some progress during the year in defending children's rights and welfare through its laws and programs, but problems remained. Juveniles accused of terrorism or narcotics offenses were not protected under the Juvenile Justice System Ordinance. The Society for the Protection of the Rights of the Child (SPARC) reported that children as young as 12 have been arrested under the Anti-Terrorism Act. Children convicted under this act were subject to the death penalty.

Local laws do not mandate free public education, and schools generally charge tuition. While some state governments such as Punjab passed laws requiring free public education, many public schools continued to charge tuition and fees for books,

supplies, and uniforms. Public schools, particularly beyond the primary grades, were not available in many rural areas, leading parents to use the parallel private Islamic school, the madrassa system. In urban areas many parents sent children to private schools due to the lack of facilities and poor quality of education offered by the public system.

According to UNICEF, 56 percent of primary school-age children were in school, although school enrollment rates dropped to 31 percent for boys and 23 percent for girls by the time children reached secondary school. The national literacy rate of 50 percent showed a significant gap between males (64 percent) and females (35 percent) due to historical and societal discrimination against educating girls. In the FATA, literacy rates were significantly lower, with literacy rates for females as low as 3 percent compared to the overall rate of 17 percent. While anecdotal evidence suggested increasing female participation in education, such discrimination continued, particularly in rural areas.

Madrassas, which fall under the Ministry of Religious Affairs rather than the Ministry of Education, served as an alternative to the public school system in many areas. Many madrassas failed to provide an adequate education, focusing solely on Islamic studies. Graduates were often unable to find employment. Some madrassas reportedly continued to teach religious extremism and violence. The Government continued its efforts to modernize madrassa education during the year. In 2005 an agreement was reached with the country's five independent madrassa boards to register the 85 percent of madrassas under their control and to introduce a modern educational curriculum in those madrassas that were registered. At year's end approximately 10,000 of the estimated 15,000 madrassas were registered.

At the vast majority of madrassas, students were well treated. However, press reports claimed that there were madrassas, primarily in isolated parts of NWFP and interior Sindh, where children were confined illegally, kept in unhealthy conditions, and physically or sexually abused.

Child health care services remained seriously inadequate. According to the National Institute of Child Health Care, more than 70 percent of deaths between birth and the age of 5 years were caused by easily preventable ailments such as diarrhea and malnutrition. While boys and girls had equal access to government facilities, families were more likely to seek medical assistance for boys. There were 919 hospitals and 4,632 dispensaries in the country. In addition, there were 907 maternity/child welfare centers.

Child abuse was widespread. According to child rights NGOs, abuse was most common within families. NGOs that monitor child abuse reported there were 2,650 cases of child abuse (70 percent female and 30 percent male) during the year. In rural areas, poor parents sold children as bonded laborers, and daughters were sometimes sold into marriage. The legal age of marriage is 18 for males and 16 for females. There are no provisions to allow marriages at a lower age with parental consent. No credible statistics were available on the frequency of child marriage, but NGOs agreed that it was a problem, especially in the Dir and Swat districts of the NWFP, where the sale or trading into marriage of girls as young as 11 reportedly was common practice among the Pashtun subtribes as acts of retribution and to settle scores between tribes.

Trafficking and commercial sexual exploitation were problems. According to SAHIL, an NGO that focuses on child sexual exploitation, sexual exploitation of children without the intervention of a third party was rare.

Child labor was a significant problem.

NGOs such as Sahil, SPARC, and Rozan worked on child labor, child sexual abuse, and child trafficking. NGOs played an important role in providing counseling and medical services to victims and in raising awareness of these problems. SPARC estimated that approximately 125,000 children lived on the streets in urban cities. Many were runaways from the interior of Punjab and Sindh provinces or were Afghan refugees.

There were reports during the year that religious militants forcibly recruited child soldiers. The BBC reported that children as young as 11 were kidnapped by pro-Taliban militants in Tank and Dir. Children as young as 12 reportedly were being trained as suicide bombers.

On March 28, police and Taliban militants clashed in Tank after officials at a boy's high school resisted militants' efforts to recruit students from the school. According to press reports, the militants later kidnapped the principal, whom they suspected of alerting the police, and attacked Tank. The ensuing clash reportedly left 25 militants and one paramilitary officer dead.

Trafficking in Persons.—The law prohibits international trafficking in persons but remains silent on internal trafficking; however, both forms of trafficking were serious problems. All forms of international trafficking are prohibited under the Preven-

tion and Control of Human Trafficking, Ordinance 2002, and maximum penalties range from 7 to 14 years' imprisonment plus fines. The Federal Investigation Agency's (FIA) antitrafficking unit had primary responsibility for combating trafficking. An interministerial committee on human trafficking and smuggling coordinated Federal efforts. The Government assisted other countries with international investigations of trafficking.

FIA increased its efforts to stop human smugglers and traffickers. Approximately 1,550 cases were registered during the year; however, this included figures for smuggling since the FIA did not distinguish between trafficking and smuggling. During the year a total of 9,089 persons were prevented from leaving the country on fake papers and via other illegal means/routes. The FIA arrested 137 "agents" who were involved in false attempts to send these individuals abroad. The FIA also issued a "red book" that included the names and addresses of the agents who either had gone underground or absconded. While journalists and officials could see it, it was not available to the public at large.

Although no accurate statistics on trafficking existed, the country was a source, transit, and destination country for trafficked persons. Women and girls were trafficked from Bangladesh, Afghanistan, Iran, Burma, Nepal, and Central Asia for forced commercial sexual exploitation and bonded labor in the country based on deceptive promises of legitimate jobs. The NGO Ansar Burney Welfare Trust estimated that approximately 250,000 Bangladeshi women and 250,000 Burmese women were trafficked into the country and forced to engage in prostitution. In a similar fashion, men and women were trafficked from the country to the Middle East to work as bonded laborers or in domestic servitude. Upon arrival, traffickers and employers confiscated both groups' passports and forced them to work to pay off their transportation debt.

In 2005 the United Arab Emirates (UAE) banned the use of children as camel jockeys and signed agreements with UNICEF and major source countries, including Pakistan, to provide a mechanism for restoration and rehabilitation for victims. NGOs had unconfirmed reports that children from impoverished districts of the southern Punjab and interior Sindh continued to be recruited as camel jockeys. UNICEF reported that by June, 695 former camel jockeys returned to the country.

Women and children from rural areas were trafficked internally to urban centers for commercial sexual exploitation and labor. Bonded labor of children in brick kilns, rice mills, and textile factories remained a serious issue. In some cases families sold these victims into servitude or believed they were marrying off their children or sending them for legitimate employment, while in other cases they were kidnapped. Women were trafficked from East Asian countries and Bangladesh to the Middle East via the country. Traffickers bribed police and immigration officials to facilitate passage. During the year authorities reportedly prosecuted governmental officers and arrested FIA inspectors for facilitating trafficking. According to an Islamabad based NGO, 27 officials of the FIA were punished under departmental laws.

On July 22, police in Swat, NWFP, raided a brothel and recovered seven women and a 13-year-old girl. The girl's father reportedly sold her for approximately $660 (40,000 rupees) to a woman who brought her from Peshawar to Swat. The investigation revealed that the woman had obtained a false marriage certificate for the girl and forced her to work in the brothel. The investigation also revealed that after the raid, a police constable had pressured the girl to falsify a statement to a medical officer. The police dismissed the constable and sentenced her to 3 months in prison. According to SPARC, in August the chief justice of Peshawar High Court, Tariq Pervaz Khan, ordered a full investigation. The report was submitted to the court on August 13, and the owner of the brothel was subsequently arrested. The case concluded in November with the female constable being dismissed from service; the brothel owner served his term, and the victim's father was arrested and sent to jail for selling his daughter.

The Government rescued some kidnapped victims. The Overseas Pakistani Foundation and the Ansar Burney Welfare Trust repatriated nearly 17 camel jockeys from the UAE and Qatar. In 2005 the central government opened one model shelter specifically for trafficking victims. There were 276 additional district-run emergency centers for women in distress where trafficking victims could be sheltered and given access to medical treatment, limited legal representation, and some vocational training. The Government provided temporary residence status to foreign trafficking victims. The FIA and the International Organization for Migration held training and seminars on trafficking for government officials and NGOs during the year. Very few NGOs dealt specifically with trafficking; however, many local and provincial NGOs provided shelter to victims of trafficking and those at risk for trafficking.

Foreign victims, particularly Bangladeshis, faced difficulties in obtaining repatriation to their home countries. Women trafficked abroad and sexually exploited faced societal discrimination upon their repatriation.

The owner of a Khanpur brothel, Gul Sher, was in prison for 5 years for falsely marrying Aisha Parveen and forcing her into prostitution.

Several NGOs held workshops on trafficking during the year, and the Government and NGOs worked to publicize the plight of camel jockeys through press campaigns to discourage the continuation of the practice.

Persons with Disabilities.—The law does not discriminate against persons with disabilities; there are employment quotas at both Federal and provincial levels. The Government has not enacted legislation or otherwise mandated access to buildings or government services for persons with disabilities. Families cared for the vast majority of persons with physical and mental disabilities. However, in some cases these individuals were forced into begging, and organized criminals took much of the proceeds. The law requires public and private organizations to reserve at least 2 percent of their jobs for qualified persons with disabilities.

Organizations that do not wish to hire persons with disabilities instead can give a certain amount of money to the Government treasury, which uses funds for persons with disabilities. This obligation was rarely enforced. The National Council for the Rehabilitation of the Disabled provided some job placement and loan facilities as well as a degree of subsistence funding. The Council also operated the "Pakistan Society for the Rehabilitation of the Disabled" which provided rehabilitation, vocational training and some medical support to the disabled.

There are no restrictions on the rights of the disabled to vote or participate in civil affairs.

Other Societal Abuses and Discrimination.—Homosexual intercourse is a criminal offense; however, the Government rarely prosecuted cases. Homosexuals rarely revealed their sexual orientation, and there were no cases brought during the year of discrimination on the basis of sexual orientation.

According to a December 7 report by OCHA, health experts estimate there were 85,000 HIV-positive persons in the country, with approximately 50 percent of them in Sindh Province. The report stated that "entrenched age-old social attitudes, practices, and stereotyping, which often lead to violence against women, coupled with unequal access to economic resources, are hampering progress towards dealing with the spread of HIV/AIDS."

In cooperation with donors and the U.N., the Government established the National AIDS Control Program (NACP), which managed an aggressive campaign to educate its citizens regarding AIDS. NACP held rallies, public campaigns and spoke about birth control and AIDS awareness in mosques. Those suffering from HIV/AIDS faced broad societal discrimination.

The Shi'a, Christian, Hindu, and Ahmadi communities faced discrimination and societal violence. The Government removed religiously sensitive material on religious differences and on how to worship from new text books. Other religions can opt out of these readings and read the more generic "Book of Ethics."

Section 6. Worker Rights

a. The Right of Association.—The Industrial Relations Ordinance (IRO) provides industrial workers a limited right to form trade unions. The IRO allows only one union to serve as the collective bargaining agent within a given establishment, group of establishments, or industry. In cases where more than one union exists, the IRO establishes a secret balloting procedure to determine which union shall be registered as agent. Agricultural workers, nonprofit workers, and teachers, among others, are not afforded the right to unionize. According to government estimates, union members were approximately 10 percent of the industrial labor force and 3 percent of the total estimated work force; however, unions claimed that the Government underestimated the number of union members. The large number of workers in the informal sector (70 percent of a total labor force of 51 million) was not represented by unions.

The August 2006 ban by the Sindh Registrar of Trade Unions on the Karachi Shipyard and Engineering Works remained in place. Union representatives challenged the ban's legality in the Sindh High Court on August 2. The case was pending at year's end.

On November 5, Liaqat Ali Shah was arrested in Karachi along with four other labor and political leaders. They were charged for violating Clause 144 that prohibits the assembly of more than four persons. Police confiscated their pamphlets, which criticized the involvement of the army in political matters. Authorities released the five in late November.

b. The Right to Organize and Bargain Collectively.—A few sectors are exempted from the IRO: The police, armed forces, ministry of defense, Pakistan Security Printing Corporation, civil defense, fire services, and oil installations. The Essential Services Maintenance Act (ESMA), which applies to the security forces, most of the civil service, health care workers, and safety and security personnel at petroleum companies, airports, and seaports, was often invoked to limit or ban strikes or curtail collective bargaining rights. In the rest of the economy, the Government allowed unions to conduct their activities without interference, except for those employees within the Export Processing Zones (EPZs). The IRO protects the right to collective bargaining, subject to restrictions, but limits the right of unions to strike.

Legally required conciliation proceedings and cooling off periods constrain the right to strike, as does the Government's authority to end any strike that may cause "serious hardship to the community," prejudice the national interest, or has continued for 30 days. The Government can and has prohibited all strikes by public utility services under the IRO. The law prohibits employers from seeking retribution against leaders of a legal strike and stipulates fines for offenders. The law does not protect leaders of illegal strikes.

In September during a union strike at the Unilever factory, police arrested the president of the Federation of Food, Beverages & Tobacco Workers union in Punjab on charges of disrupting the public order, threatening management, and coercing the workforce not to work. By year's end Unilever had fired approximately 350 employees and deployed the police to end the strike.

In late December 2006 the Pakistan Railways Stationmasters and Assistant Stationmasters formed a strike. The matter was amicably resolved in January, and the railways department increased the members' grades and salaries.

National labor laws require the Government to determine every 6 months whether collective bargaining is to be allowed. In cases where collective bargaining was prohibited, special wage boards decided wage levels. Such boards were established at the provincial level and were composed of representatives from industry, labor, and the provincial labor ministry. Unions generally were dissatisfied with the boards' findings. Disputes were adjudicated before the National Industrial Relations Commission.

The estimated 12,500 employees working in the country's three EPZs are exempt by the ESMA from the protection and right to form trade unions provided by the IRO. The EPZ Authority drafts labor laws within the EPZs.

c. Prohibition of Forced or Compulsory Labor.—The law prohibits forced or bonded labor, including by children; however, the Government did not enforce these prohibitions effectively, and there were reports that such practices occurred. The Bonded Labor System Abolition Act outlaws bonded labor, cancels all existing bonded debts, and forbids lawsuits for the recovery of such debts. The act makes bonded labor by children punishable by up to 5 years in prison and up to $825 (50,000 rupees) in fines.

Estimates by NGOs SPARC and SHARP suggested that between 1.5 and 2 million persons were involved in some form of bonded labor, primarily in Sindh Province. Bonded labor was most common in the brick, glass, carpet, and fishing industries. In rural areas, particularly in the Tharparkar District of Sindh, bonded labor in the agricultural and construction sectors was fairly widespread. A large proportion of bonded laborers were low caste Hindus, or Muslim and Christian descendants of low caste Hindus.

Bonded laborers often were unable to determine when their debts were fully paid. Those who escaped frequently faced retaliation from former employers. Some bonded laborers returned to their former status after being freed due to a lack of alternative livelihoods. Although the police arrested violators of the law against bonded labor, many such individuals bribed the police to release them. Human rights groups reported that landlords in rural Sindh maintained as many as 50 private jails housing approximately 4,500 bonded laborers. Ties between such landlords and influential politicians hampered effective elimination of bonded labor.

On January 26, the Lahore High Court in Rawalpindi freed 21 former bonded laborers, including women and children. They had been held captive in a bonded labor camp in Rawalpindi. Police registered the case against the owner of the brick kiln, Malik Yaqub, but he fled. The victims, who had been held for the last year, reported that Yaqub was violent in his dealings with the laborers.

On February 22, the Lahore High Court in Rawalpindi recovered 40 bonded laborers, including women, children, and elderly persons, from a brick kiln in Loi Bhair, near Rawalpindi.

On November 22, the HRCRP intervened to recover 30 bonded laborers who had not been given their share of the crop for the past year by local landlord Lalo Baloch.

Children were forced to work in the brick kiln and carpet weaving industries as well as agriculture tied to their family's obligation to their feudal overlord.

d. Prohibition of Child Labor and Minimum Age for Employment.—The Government adopted laws and promulgated policies to protect children from exploitation in the workplace; however, enforcement of child labor laws was lax, and child labor was a serious problem. According to HRCP, there were approximately 10 million child laborers. The media reported that 70 percent of non-agricultural child labor took place in very small workshops, complicating efforts to enforce child labor laws as, by law, inspectors may not inspect facilities that employ fewer than 10 persons. Child labor in agriculture and domestic work was common. In 2001 the Ministry of Labor identified 35 hazardous forms of child labor, including street vending, surgical instrument manufacturing, deep sea fishing, leather manufacturing, brick making, production of soccer balls, and carpet weaving, among others.

The Employment of Children Act prohibits the employment of children under age 14 years in factories, mines, and other hazardous occupations and regulates their conditions of work. For example, no child is allowed to work overtime or at night and should be guaranteed 1 day off per week; however, there were few child labor inspectors in most districts, and the inspectors often had little training, insufficient resources, and were susceptible to corruption.

Authorities obtained hundreds of convictions for violations of child labor laws, but low fines levied by the courts ranging from an average of $6 (364 rupees) in the NWFP to an average of $121 (7,344 rupees) in Balochistan were not a significant deterrent. The Employment of Children Act allows for fines of up to $333 (20,200 rupees). Penalties often were not imposed on those found to be violating child labor laws.

The International Labor Organization-International Program for the Elimination of Child Labor (ILO–IPEC) continued programs in the carpet weaving, surgical instrument, rag-picking, and deep sea fishing industries as well as a Time Bound Program for the Elimination of the Worst Forms of Child Labor. Working with industries and the government, ILO–IPEC used a combination of monitoring, educational access, rehabilitation, and family member employment to transition children out of these industries.

The Government cooperated with the ILO and shared part of the cost. A few members of the Ministry of Labor provided technical assistance to ILO in implementing this program.

e. Acceptable Conditions of Work.—The national minimum wage for unskilled workers was $41 (2,500 rupees) per month. It applied only to industrial and commercial establishments employing 50 or more workers. The national minimum wage did not provide a decent standard of living for a worker and family. Significant parts of the work force (such as those in the informal sector, domestics and migrant workers) were not covered. Additional benefits required by the Federal Labor Code include official government holidays, overtime pay, annual and sick leave, health care, education for workers' children, social security, old age benefits, and a worker's welfare fund.

Federal law provides for a maximum workweek of 48 hours (54 hours for seasonal factories) with rest periods during the workday and paid annual holidays. These regulations did not apply to agricultural workers, workers in factories with fewer than 10 employees, domestic workers, and contractors.

Health and safety standards were poor. There was a serious lack of adherence to mine safety and health protocols. For example, mines had only one opening for entry, egress, and ventilation. Workers could not remove themselves from dangerous working conditions without risking loss of employment.

Provincial governments have primary responsibility for enforcing all labor regulations. Enforcement was ineffective due to limited resources, corruption, and inadequate regulatory structures. Many workers were unaware of their rights.

SRI LANKA

Sri Lanka is a constitutional, multiparty republic with a population of approximately 21 million. President Mahinda Rajapaksa, elected in 2005 and the Parliament, elected in 2004, both for 6-year terms, share constitutional power. International observers generally characterized these elections as free and fair. However, in September Parliament launched an investigation into allegations of a 2005 agreement between the current president and the Liberation Tigers of Tamil Eelam (LTTE) to enforce an election boycott in the north and east, depriving Tamils of their right to vote. In 2002 the Government and the LTTE signed a formal Cease-

Fire Accord (CFA) to end the two-decade-old armed conflict. Renewed hostilities broke out between the Government security forces and the LTTE in 2006 and have since escalated. In August 2006 following the European Union's (EU's) designation of the LTTE as a terrorist organization, Sweden, Finland, and Denmark announced their withdrawal from the Sri Lanka Monitoring Mission (SLMM) in response to LTTE demands. Subsequently, 37 monitors departed, leaving approximately 30 Norwegian and Icelandic civilian monitors in the country. By mid-year, although the CFA technically remained in force, the SLMM ceased citing specific violations due to a lack of any response to previous complaints. In August government security forces expelled LTTE troops from the east. Military confrontations also occurred regularly in the northern districts of Mannar, Vavuniya, and Jaffna. While civilian authorities generally maintained effective control of the security forces, the Government also worked closely with Tamil paramilitary groups responsible for gross human rights violations.

The government's respect for human rights continued to decline due in part to the escalation of the armed conflict. While ethnic Tamils composed approximately 16 percent of the overall population, the overwhelming majority of victims of human rights violations, such as killings and disappearances, were young male Tamils. Credible reports cited unlawful killings by government agents, assassinations by unknown perpetrators, politically motivated killings and child soldier recruitment by paramilitary forces associated with the government, disappearances, arbitrary arrests and detention, poor prison conditions, denial of fair public trial, government corruption and lack of transparency, infringement of religious freedom, infringement of freedom of movement, and discrimination against minorities. There were numerous reports that the army, police, and progovernment paramilitary groups participated in armed attacks against civilians and practiced torture, kidnapping, hostage-taking, and extortion with impunity. The situation deteriorated particularly in the government-controlled Jaffna peninsula. By year's end extrajudicial killings occurred in Jaffna nearly on a daily basis and allegedly perpetrated by military intelligence units or associated paramilitaries. There were few arrests and no prosecutions as a result of these abuses, although a number of older cases continued to make slow progress through the judicial system. Government security forces used the broad 2005 emergency regulations to detain civilians arbitrarily, including journalists and members of civil society.

The LTTE, which maintained control of large sections of the north, continued to attack civilians and engage in torture and arbitrary arrest and detention; denied fair, public trials; arbitrarily interfered with privacy; denied freedoms of speech, press, and assembly and association; and forced recruitment, including of children. The LTTE was also active in areas it did not control and during the year carried out at least one politically motivated killing in Trincomalee, a politically motivated suicide attack in Colombo, a suicide attack against a government army base near Batticaloa, a bombing of civilian shoppers in a suburb of Colombo, and bombings of civilian buses in the south.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life.—There were numerous, credible reports that the Government or its agents committed arbitrary or unlawful killings.

During the year approximately 1,000 of the estimated 3,200 deaths associated with the hostilities between government security forces and the LTTE were civilians, according to public sources. International organizations have documented approximately one-third of these. The casualties occurred in part as a result of artillery fire into populated areas, aerial bombings, land mines, and other military action, but international organizations noted that most of the civilian casualties occurred in "individual incidents," such as extrajudicial killings. Reliable statistics on such killings were not available, since this crime often goes unreported by families who fear reprisals if they file complaints. The numbers reported by different organizations therefore vary widely. In addition, it is likely that the majority of those reported as "disappeared," about whom there has been no further information, died.

The Consortium of Humanitarian Organizations (CHA), an umbrella group of indigenous nongovernmental organizations (NGOs), reported that the killings occurred disproportionately in predominantly Tamil areas. For example, CHA recorded 35 civilian conflict-related deaths in Colombo, which comprises approximately 8 percent of the country's population with roughly equal numbers of Sinhalese, Tamils, and Muslims. In comparison, there were an estimated 200 such deaths in Tamil-dominated Jaffna, which accounts for only 3.5 percent of the population.

There were numerous killings of those employed by NGOs and other humanitarian assistance workers. U.N. Under-Secretary-General for Humanitarian Affairs John Holmes estimated that approximately 30 NGO workers died in the past 2 years, although NGO sources estimated the figure to be approximately 44. On June 3, for example, men dressed in police uniforms abducted two Tamil employees of the Sri Lanka Red Cross from the Colombo train station, a high security area. The Red Cross employees' bodies were discovered the following day approximately 100 kilometers away in Ratnapura. The Criminal Investigation Department (CID) arrested Nishantha Gajanayake, a retired Air Force squadron wing commander and former executive assistant of former Air Force commander (and current chief of defense staff) Donald Perera. As Sri Lankan media widely reported, opposition politicians alleged in Parliament that Gajanayake acted under the direction of Defense Secretary Gothabaya Rajapaksa and Colombo Police Deputy Inspector General (DIG) Abeywardena. Gajanayake's arrest led to the arrests of several others, including four police officers and two military officers. The Government charged Gajanayake and the others with conducting political abduction, kidnapping-for-ransom, and murder. There was no government investigation of the allegations against involvement by senior officials. At year's end there was no progress towards a trial. On December 14, unidentified gunmen abducted and killed a 43-year-old Sri Lanka Red Cross member Sooriyakanthy Thavarajah in Jaffna. On December 16, his decapitated body was found.

The Government used paramilitary groups to assist its military forces in fighting the LTTE and intimidate its critics in the media and in Parliament. The Tamil Makkal Viduthalai Pulikal (TMVP or Karuna group), led by breakaway-LTTE eastern commanders Karuna Amman and Pillaiyan, operated mostly in the east. The Eelam People's Democratic Party (EPDP), led by government Minister of Social Services and Social Welfare Douglas Devananda, operated in Jaffna. In September the Government allegedly provided Karuna Amman with false identity documents to facilitate his entry into the United Kingdom, where he was arrested for illegal immigration on November 2. The Government denied involvement in the episode. Reports indicated that in Karuna Amman's absence, his deputy Pillaiyan assumed operational control of the Karuna group. On November 18, the Government withdrew police security from the homes of several opposition Tamil members of Parliament (MPs) from the east, while cadres loyal to Pillaiyan broke into their homes, abducted a relative of an MP, and threatened to kill the hostage if the MP voted against the Government's budget. Pillaiyan reportedly personally telephoned one of the MPs and repeated the death threats hours before the budget vote. On December 11, the Pillaiyan group abducted three family members and associates of Tamil MPs in Batticaloa, again threatening to kill the hostages if the MPs voted against the budget. The three MPs concerned abstained in the budget vote, in which the Government's survival was at stake, and the hostages were later released. However, the Government publicly denied its involvement with paramilitary groups. A culture of impunity enabled paramilitaries to operate, often against civilians suspected of being LTTE sympathizers.

During the year there were numerous killings of civilians by unknown actors suspected of association with the Karuna group or the EPDP.

On April 1, Karuna cadres, according to press accounts, killed six Sinhalese aid workers building an orphanage near Batticaloa. The Karuna group denied involvement. The Government did not conduct a formal investigation.

On July 23, unknown gunmen believed to be associated with the paramilitary group EPDP shot 16-year-old Mariyanayagum Aloysius, a Tamil employee of the international NGO the Danish Refugee Council. EPDP denied involvement in the killing. No investigation ensued into Aloysius' death.

Politically motivated killings targeted the pro-LTTE Tamil National Alliance (TNA). On June 28, unknown assailants killed TNA Party Chairman for Ampara district Thillainathan Uthayakumar with a grenade. Ampara TNA MP Chandranehru told the media that 2 weeks earlier Karuna cadres threatened him at gunpoint if he did not resign his seat in Parliament. Chandranehru asserted that Karuna cadres killed Uthayakumar, who was also Chandranehru's campaign manager, in retaliation for Chandranehru's unwillingness to abandon his seat. On August 20, unknown gunman believed to be associated with the Karuna group killed S. Thiyagachandran, the brother of TNA Member of Parliament Jeyananthamoorthy, in Oddamaavadi, Batticaloa District. No witnesses came forward, and the police did not conduct investigations into either killing.

In September 2006 President Rajapaksa established a Commission of Inquiry (CoI) led by the president's associate and retired high court judge Mahanama Tilakaratne to investigate "abductions, disappearances, extrajudicial killings, and unexplained killings." The 2006 Tilakaratne CoI released two interim reports and

a final report in May, concluding that the majority of the reported human rights abuses were false. In May this CoI was disbanded.

In December 2006 President Rajapaksa established another presidential CoI and charged it with investigating 16 high-profile killings from 2005. In February, in response to international concern over escalating human rights abuses, President Rajapaksa also invited the International Independent Group of Eminent Persons (IIGEP) to assist the CoI and monitor its progress. The CoI began interviewing witnesses in three cases but did not hold public formal hearings by year's end. According to IIGEP, the investigations were delayed by the lack of effective witness protection and the role of the attorney general's office in steering the inquiry. The IIGEP concluded that the "persistent disregard for its observations and recommendations" by both the Government and the CoI tended to make the IIGEP's continued role "irrelevant." The IIGEP called for an international human rights monitoring mechanism. The attorney general and the CoI publicly objected to the IIGEP's observations.

The August 2006 execution-style killing of 17 members of a French NGO Action Contre La Faim fell under the CoI's mandate. The SLMM asserted that state security forces were responsible for the killings, a charge the Government denied. By year's end no arrests were made. The CoI continued its investigation but made little progress.

Two cases listed as abductions in 2006 were reclassified as killings: The first was the August 2006 abduction of human rights activist and Reverend Thiruchchelvan Nihal Jim Brown and Wenceslaus Vinces Vimalathas of St. Mary's Church at Allapitty on Kayts Island. On March 14, a decapitated and mutilated body was found on a beach in Jaffna bound with barbed wire in a large army duffle bag. Those close to Father Brown identified the body as his. Media reports indicated that a DNA test confirmed that the body belonged to Brown, but the Government announced in June that according to its DNA test it belonged to neither Brown nor Vimalathas. Detailed reports show that the Government used the Judicial Services Commission to suppress the investigation by removing judges on the case and interfering with the judicial process. No further investigation was conducted. The second case was the September 2006 abduction of Eastern University Vice-Chancellor Raveendranath, who disappeared while attending a conference in a high security zone in Colombo. The Government did not acknowledge Raveendranath's death. It also did not conduct a formal investigation into his abduction.

In August the Supreme Court held that the public and the international community are generally not entitled to obtain information about pending human rights cases. Therefore, the Government rebuffed efforts to obtain official information on the status of 2006 killings allegedly involving police, military personnel, or pro-government paramilitary groups. Among the cases were the January killing of five Tamil youths in the Trincomalee High Security Zone (HSZ), allegedly by the police Special Task Force (this case is being investigated by the CoI); the March beating to death of Nallawarige Sandasirilal Fernando by two police officers; the April killing of TNA parliamentary candidate V. Vigneswaran by gunmen allegedly from the Karuna group; the April beating death of Don Wijerathna Munasinghe by police officers; the April discovery of five beheaded Tamil farmers near Batticaloa; the May Jaffna killing of Tamil-language newspaper Uthayan Marketing and Circulation Manager B. G. Saeadas and night supervisor R. Ranjith, allegedly by EPDP cadres working in concert with state military intelligence; the May killing of a family of 13 Tamils in their home on Kayts Island allegedly by the Sri Lanka Navy (SLN); the May killings of eight civilians in the home of Sellathurai Amalathas on Kayts Island allegedly by the SLN; the May killings of an elderly man and two members of his family along with a tea shop owner in Jaffna; the June killing of one Tamil civilian by uniformed men who fired into a church in Pesalai, Mannar, where Tamil civilians sought refuge from aerial bombardment; the August aerial bombardment of Trincomalee in which approximately 50 civilians were killed and 200 were wounded; the August aerial bombardment of Mullaitivu in which 51 teenage girls were killed and more than 100 injured; the October killing by unknown gunmen of a TNA local government member for Serunuwara, Trincomalee district-Eastern Province, Gopala Krishnan Padmanathan; the November assassination of a TNA MP Nadaraja Raviraj in Colombo (this case is being investigated by the CoI); and the November killing of two brothers while in the custody of the Ambalangoda police after they surrendered to the Special Investigative Unit in Galle.

The Government made no progress in the investigations of the 2005 assassinations of former TNA MP A.C. Nehru or MP Joseph Pararajasingham while he was attending midnight mass in a Batticaloa HSZ. The CoI was charged with investigating Pararajasingham's assassination. There was also no progress made in the

investigation of the killing of E. Kausalyn, political head of the Batticaloa-Ampara division of the LTTE.

During the year media reports and observers implicated the LTTE in attacks on high-profile political opponents and civilians. For example, on July 16, suspected LTTE cadres shot Chief Secretary of the Eastern Provincial Council Herath Abeyweera.

The LTTE is suspected of having used claymore mines to attack buses in Sinhalese areas, including some carrying civilians. On March 27, the LTTE used a suicide bomber driving a tractor with an attached trailer to attack the Chenkallady Army Base in Batticaloa district, killing three soldiers and five civilians and wounding one soldier, two policemen and 18 civilians. The SLN reported that the LTTE used suicide boats to attack naval outposts and vessels.

There was a drastic reduction in deaths and injuries resulting from land mines and unexploded ordnance, with only one death and one injury reported this year.

b. Disappearance.—The Sri Lanka Human Rights Commission (SLHRC), reportedly acting on instructions from senior government officials, did not provide statistics on the number of disappearances in the current year, but it reported 345 instances countrywide of politically motivated disappearances in 2006 by the state security forces, progovernment paramilitary groups, or the LTTE. According to NGOs, the number of disappearances sharply increased during the year. For example, the Foundation for Coexistence reported 880 disappearances.

Witnesses and potential victims identified the perpetrators of abductions as Tamil-speaking armed men using white vans without license plates. The Government generally failed to investigate allegations of abductions by armed men in white vans on the grounds that white vans are too common for these incidents to be effectively investigated.

In response to a list of 350 abductees in the previous 12 months presented to President Rajapaksa in March, the Government reported by year's end that authorities had traced 21 persons who were still alive and identified the remains of four other victims whose cases were now considered murders. The Government had not been able to resolve the remaining 325 cases and requested foreign government assistance in obtaining details of 105 cases which had not been reported to police. Human rights organizations have noted that the relatives of human rights victims, particularly in Jaffna, often did not contact the police for fear of reprisals against other family members.

On February 2, unknown men in Jaffna abducted Ranjan Sellanthurai, the son of the widow Ranganathan Visalakshmi. Despite her repeated attempts to get information and intervention by a foreign Embassy, no information had been received from Jaffna Army Commander Chandrasiri or the Tilakaratne Commission.

On March 2, four men in a white van abducted Protestant Pastor Victor Emmanuel Yogarajan, his two sons Daniel and David Yogarajan, and a third Tamil youth near Negombo. Three bodies were found in Wennappuwa (near Negombo) in October. Following the practice for unclaimed bodies in mortuary beyond 3 months, the Wennappuwa Magistrate ordered burial. The DIG of Vavuniya stated that clothes found with the bodies were identified as belonging to the pastor and his two sons. The Negombo Magistrate ordered DNA tests carried out. At year's end the SLHRC had not set a date for police to initiate the DNA tests.

In May a group of parliamentary security guards abducted a wealthy Muslim businessman from Colombo. They lured him to a Kandy hotel with the promise of a business deal, transported him to a secret safe house in Kandy, and extorted from his family a ransom of $200,000 (22.5 million rupees) before releasing him. On June 6, opposition MP Lakshman Seniviratne publicly accused government Defense Spokesman and Minister of Foreign Employment Promotion and Welfare Keheliya Rambukwella's body guards of committing the act. Rambukwella denied responsibility. There was no investigation into the incident.

There was no progress on disappearances from 2006, including the May disappearance of eight Tamil men from a Hindu Temple in Jaffna District while security personnel were seen at the temple. There were no indictments, investigations, or prosecutions of security force personnel for past disappearances. The Government disbanded the 2004 Presidential CoI dealing with 16,305 past cases of disappearance.

During the year the LTTE continued to detain civilians, often requiring individuals to fight government security forces against their will. Credible sources also alleged that the LTTE required individuals to purchase the right to leave LTTE-controlled territory.

In addition to politically motivated abductions, there were dozens of kidnappings-for-ransom, with payment demands ranging from $20,000 (2.25 million rupees) to $750,000 (60.6 million rupees). Although initially the problem appeared limited to

the Tamil business community, in June and July dozens of Muslim businessmen were kidnapped for ransom, the vast majority of whom were released after ransom was paid. However, less than half of Tamil businessmen kidnapped for ransom were released after the ransom was paid.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The law makes torture a punishable offense but does not implement several provisions of the U.N. Convention Against Torture. If convicted of torture, the law mandates a sentence of not less than 7 years' imprisonment. However, in the few publicized torture convictions since 2004, the individuals were released on bail pending an appeal rather than serving the minimum 7-year sentence. Human rights groups maintained that while torture is prohibited under specific circumstances, it was allowed under others. According to credible sources, including U.N. Special Rapporteur (UNSR) on Torture Manfred Nowak, the use of torture by police and security forces to extract admissions and confessions was endemic and conducted with impunity. In addition, the emergency regulations make confessions obtained under any circumstance, including by torture, sufficient to detain a person until the individual is brought to court. On October 29, following his 1 week assessment mission to the country, Nowak attributed the lack of convictions for torture to the absence of effective investigation, inadequate protection for victims and witnesses of torture, and an excessive minimum sentence for torture. He stated also that the police used threats of violence or fabrication of criminal cases to prevent the victims of torture by police officers from filing complaints. Nowak added that detainees reported that the magistrates did not provide them an opportunity to complain about police torture while the perpetrators often accompanied the victims to courts and remained present during medical examinations.

Methods of torture and abuse reportedly included beatings, often with sticks, iron bars or hose; electric shock; suspending individuals by the wrists or feet in contorted positions; burning with metal objects and cigarettes; genital abuse; blows to the ears; asphyxiation with plastic bags containing chili pepper or gasoline; and near-drowning. Detainees reported broken bones and other serious injuries as a result of their mistreatment. UNSR Nowak singled out the Terrorist Investigative Department facility in Boossa for including the "fullest manifestation" of torture methods.

On October 27, an Asian Human Rights Commission (AHRC) study of 48 police torture cases in the south revealed that the reasons for torture included obtaining bribes, favoring a second party, preventing a complaint that may lead to a criminal inquiry, failing to comply with traffic rules, and asking a police officer a question.

In the conflict-affected north and east, military intelligence and other security personnel, sometimes working with armed paramilitaries, carried out documented and undocumented detentions of civilians suspected of LTTE connections. The detentions were followed by severe interrogations, frequently including torture. When the interrogations failed to produce evidence, detainees were often released with a warning not to reveal information about their arrests and threatened with re-arrest or with death if they divulged information about their detention. Some were killed by masked gunmen on motorcycles immediately after leaving these military facilities on foot. As UNSR Nowak reported, the military denied holding detainees at its facilities and did not grant him access to investigate claims of torture by military forces.

The Government instructed SLHRC officials not to provide information to foreign Embassies or other inquirers concerning alleged human rights violations. As a result, there were no accurate, publicly available statistics on reported torture cases, and no public information of any torture cases under investigation. The Government did not publish a report of pending charges, convictions, or sentences of those accused of committing torture.

On January 3, military intelligence officers abducted and tortured Arunakirinathan Niruparajh, a Tamil student-faculty member of Jaffna University, for 10 days before releasing him. Doctors at Jaffna University Teaching Hospital operated on Niruparajh to repair damage to his hands and back, but his left arm remained paralyzed. He fled to India. No charges were filed against any military intelligence officer.

On May 11, army officers arrested Jaffna University art student Sivaraja Pakeerathan and held him without trial or bail for several months under the emergency regulations and the Prevention of Terrorism Act (PTA). Pakeerathan alleged that army officers and police in Jaffna beat him, Kankesanthurai police personnel shackled him continuously for 14 days, and Colombo police tortured him. The Government acknowledged Pakeerathan's arrest, denied he was tortured, and did not launch an investigation.

There was no reported progress on torture cases from 2006, including the arrest and torture of farmer Suddage Sirisena at the Kekirawa Police Station; the 2005

trial of three police officers indicted by the Kurunegala High Court for the 2002 alleged torture and sexual abuse of Nandini Herat; and the 2005 torture cases against police involving the victims Hevana Hennadige Priyadarshana Fernando and Jayasekara Vithanage Saman Priyankara.

On November 3, 111 Sri Lankan troops working in Haiti on a U.N. peacekeeping mission were sent home on disciplinary grounds. Even though the high-level Sri Lankan investigation of the allegations continues and U.N. Headquarters has not released a final report, 108 of the troops were accused of "transactional" sexual exploitation or sexual involvement with minors.

Prison and Detention Center Conditions.—Prison conditions did not meet international standards due to acute overcrowding and lack of sanitary facilities. Prisons designed for 8,200 inmates held as many as 28,000 prisoners, according to the October assessment by UNSR Nowak. In some cases juveniles were not held separately from adults. Pretrial detainees were not held separately from those convicted. While visiting police stations, Nowak observed prisoners sleeping on the concrete floor and often without natural light and sufficient ventilation. Female prisoners are held separately from male prisoners and in generally better conditions. However, some rights groups alleged that isolated incidents of degrading treatment, including overcrowding, maltreatment, or abuse of female prisoners occurred.

The Government permitted visits by independent human rights observers, including UNSR Nowak and the International Committee of the Red Cross (ICRC). The ICRC reported receiving unrestricted access to government and LTTE-controlled prison facilities and detention centers, while the Government granted Nowak unrestricted access only to government prisons and police detention facilities. However, the Government did not provide access to any detention facilities operated by military intelligence, stating that none existed. There were widespread reports of secret government safe houses where suspected LTTE sympathizers were taken, tortured, and often killed. The Government denied the existence of such facilities and denied that civilians were tortured or killed. The ICRC was also not allowed to visit illegal detention facilities operated by the Karuna group, including at its main base at Welikanda, near Polonnaruwa. According to Nowak's assessment, "the combination of severe overcrowding and antiquated infrastructure of certain prison facilities places unbearable strains on services and resources, which for detainees in certain prisons, such as the Colombo Remand Prison, amounts to degrading treatment." Nowak noted the absence of an independent institution responsible for monitoring conditions in detention facilities, holding private interviews and conducting medical evaluations of detainees.

d. Arbitrary Arrest or Detention.—The law prohibits arbitrary arrest and detention; however, such incidents occurred in practice. Under the relaxed arrest and detention standards imposed by the emergency regulations, the law is unclear as to what constitutes an arbitrary arrest. The Government refused to release statistics on the number of arrests made during the year under the emergency regulations. Several thousand individuals were detained at least temporarily, the majority of whom were released within 24 hours of their arrest.

Role of the Police and Security Apparatus.—Following the 2005 presidential election, the Government eliminated the Ministry of Internal Security and placed control of the 65,000-member police force, including the 5,850-strong paramilitary Special Task Force, under the Ministry of Defense. Senior officials in the police force handled complaints against the police. Few police officers serving in Tamil majority areas were Tamil and generally did not speak Tamil or English. Impunity, particularly for cases of police torture and disappearances of civilians within HSZs, was a severe problem. Several NGOs claimed that corruption was also a problem in the police force. An October assessment by the AHRC revealed the Government's tolerance of the pervasive corruption and incompetence of the police force as a major reason for the institution's incapacity to investigate and prosecute cases effectively.

Arrest and Detention.—Under the law, authorities must inform an arrested person of the reason for arrest and bring that person before a magistrate within 24 hours, but in practice,detained persons generally appeared within a few days before a magistrate. A magistrate may authorize bail or continued pretrial detention for up to 3 months or longer. Police do not need an arrest warrant for certain offenses, such as murder, theft, robbery, and rape. In the case of murder, the magistrate must remand the suspect, and only the High Court may grant bail. In all cases suspects have the right to legal representation. Counsel is provided for indigent defendants in criminal cases before the High Court and the Courts of Appeal, but not in other cases.

Under the emergency regulations, in addition to police forces, the armed forces also had the legal authority to arrest persons, but they were required to turn sus-

pects over to the police within 24 hours. Police can detain a person for a period of not more than 1 year under detention orders issued by a deputy inspector general of police or by the secretary of defense. Numerous NGOs and individuals complained that the armed forces and their paramilitary allies arrested suspected LTTE sympathizers, especially in Jaffna, and did not turn them over to the police, blurring the line between arrests and abductions. Credible reports alleged that security forces and paramilitaries often tortured and killed those arrested rather than follow the legal safeguards. Under the emergency regulations, individuals arrested may be detained for up to a year without trial.

Between November 30 and December 3, in response to two LTTE bomb attacks in and around Colombo, the police conducted random cordon and search operations and arrested nearly 2,500 Tamils in the capital and an estimated 3,500 countrywide. The detained, mostly male Tamil civilians were reportedly arrested based solely on their Tamil surnames. The vast majority of the detainees were soon released. The Supreme Court ordered the Government to release the detainees on bail if they were no longer required for questioning. By year's end only 12 of the 372 arrestees held in the Boossa detention camp were still in custody.

In the majority of cases in which security force personnel possibly committed human rights abuses, the Government did not identify those responsible or bring them to justice. Human rights organizations noted that some judges were hesitant to convict on cases of torture because of a 7-year mandatory sentence. At year's end there was no functioning witness protection program. According to human rights organizations, obtaining medical evidence of torture was difficult, since there were fewer than 25 forensic specialists, and medical practitioners untrained in the field of torture assessment examined most torture victims. In some cases police intimidated doctors responsible for collecting the evidence.

The SLHRC investigated the legality of detention in cases referred to it by the Supreme Court and by private citizens.

e. Denial of Fair Public Trial.—The law provides for an independent judiciary, and the Government generally respected this provision in practice.

The president appoints judges to the Supreme Court, the High Court, and the Courts of Appeal. A judicial service commission, composed of the Chief Justice and two Supreme Court judges, appoints and transfers lower court judges. Judges may be removed for misbehavior or incapacity but only after an investigation followed by joint action of the president and the Parliament.

Trial Procedures.—In criminal cases, juries try defendants in public. Defendants are informed of the charges and evidence against them, and they have the right to counsel and the right to appeal. The Government provides counsel for indigent persons tried on criminal charges in the High Court and the Courts of Appeal, but it does not provide counsel in other cases. Private legal aid organizations assisted some defendants. The legal aid commission offered legal aid to assist those who could not afford representation; however, some sources reported that its representatives extorted money from beneficiaries. Juries are not used in cases brought under the PTA. Defendants are presumed innocent, and confessions obtained by various coercive means, including torture, are inadmissible in all criminal proceedings except PTA cases. Defendants bear the burden of proof to show that their confessions were obtained by coercion. Defendants in PTA cases have the right to appeal. Subject to judicial review in certain cases, defendants may spend up to 18 months in prison on administrative order waiting for their cases to be heard. Once their cases came to trial, decisions were made relatively quickly.

Despite the law calling for court proceedings and other legislation to be available in English, Sinhala, and Tamil, most court proceedings outside of Jaffna and the northern parts of the country were conducted in English or Sinhala, which, due to a shortage of court-appointed interpreters, restricted the ability of Tamil-speaking defendants to recieve a fair hearing. Trials and hearings in the north were in Tamil and English. While Tamil-speaking judges existed at the magistrate level, only four High Court judges, one Appeals Court judge, and one Supreme Court justice spoke fluent Tamil. Few legal textbooks existed in Tamil, and the Government did not comply with legislation requiring that all laws be published in English, Sinhala, and Tamil.

During the year the LTTE continued to operate its own court system composed of judges with little or no legal training. LTTE courts operated without codified or defined legal authority and essentially as agents of the LTTE rather than as an independent judiciary.

Political Prisoners and Detainees.—On March 17, officials arrested former deputy minister and outspoken government critic Sripathi Sooriyarachchi on charges stemming from the use of his government vehicle for 2 weeks after being dismissed from

his ministerial post in February. However, government critics alleged that the Government arrested Sooriyarachchi because of his public allegations that President Rajapaksa bribed the LTTE to suppress Tamil votes in the 2005 presidential election. Police held Sooriyarachchi for several weeks before releasing him; thereafter, he resumed his position in Parliament as a member of the opposition. However, the charges against Sooriyarachchi remained pending.

On May 30, the Terrorism Investigation Division arrested Tiran Alles, a prominent Sinhalese businessman and a long-time supporter of President Rajapaksa. The Government charged that Alles supported the LTTE by providing large sums of money to them during the 2005 presidential campaign. Alles' friends, Sooriyarachchi and former Foreign Minister Mangala Samaraweera, alleged that Alles' arrest was politically motivated and intended to keep him from revealing the role of President Rajapaksa's brother Basil in the election bribery scandal. Authorities released Alles after approximately 1 month. Charges against him remained pending at year's end.

The LTTE reportedly held political prisoners, although the number was impossible to determine because of the secretive nature of the organization; the LTTE refused to allow the ICRC access to these prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The law provides for the right to privacy, and the Government generally respected this provision, although it infringed on citizens' privacy rights in some areas. In Colombo, police evicted mostly Tamil residents, while conducting cordon and search operations, particularly in poor Tamil communities and of lodges housing Tamils visiting from other parts of the island. The Government evicted at least 376 Tamils from their homes in Colombo, according to Human Rights Watch. On July 8, following international reporting, the Supreme Court ordered the Government to cease preventing Tamils from entering or staying in Colombo.

In Jaffna, the progovernment paramilitary EPDP used a network of informants to discover suspected LTTE sympathizers or operatives. Credible reports indicate that EPDP worked with military intelligence and other government security forces to identify, abduct, and kill the alleged sympathizers. The Karuna group used a similar network of informants in the east to discover and eliminate possible LTTE operatives or sympathizers.

The LTTE and the Karuna group continued to interfere with the work of international NGOs. Credible sources reported 35 cases of harassment of international NGOs by the Karuna group in the Batticaloa and Ampara districts of the east. Credible reports indicated that between June and November there were six incidents of attempted forced recruitment of local NGO staff in the LTTE-controlled Vanni area. Local, mainly Tamil staff of U.N. agencies also faced increased harassment by the security forces and paramilitaries, to the point that many had difficulty carrying out their work.

The LTTE routinely interfered with the privacy of citizens by maintaining an effective network of informants.

g. Use of Excessive Force and Other Abuses in Internal Conflicts.—Government security forces, including progovernment paramilitary groups, and the LTTE used excessive force and committed abuses against civilians, while violating the CFA. The SLMM ceased recording and publicizing CFA violations in July. The Government used army commandos known as Deep Penetration Units (DPUs) to conduct operations against the LTTE in the Tiger-controlled Vanni. The LTTE also used special operatives to conduct infiltration operations against government security forces. LTTE suicide cadres, also known as "Black Tigers," as well as the Government's DPUs killed civilians in attacks targeted at the opposing military force.

The Karuna group, the Pillaiyan group, and the EPDP reportedly ran extortion rings. Both groups killed civilians, in many cases following abductions. According to numerous, credible reports, the Government provided protection, intelligence, and military aid to Karuna, Pillaiyan, and EPDP cadres who committed extrajudicial killings, abductions, extortion, and torture. However, the Government publicly denied any connection to the paramilitary groups.

In the east, the Karuna group and the Pillaiyan group often operated without hindrance in internally displaced persons (IDP) camps under government control and restricted humanitarian access. Abductions and forced recruitment by the Karuna group took place in IDP camps in Batticaloa and Trincomalee districts. According to SLMM, the Karuna and Pillaiyan groups were responsible for numerous abductions of male children and adults in Ampara and Batticaloa districts. The LTTE allegedly used civilians as human shields. Suspected LTTE presence among the IDPs led the Sri Lanka Army (SLA) to attack some IDP camps and safe havens, killing a number of civilians.

On January 2, Air Force fighter jets bombed a village near Mannar along the northwest coast, killing 16 civilians. On September 2, DPUs detonated a claymore mine in LTTE-controlled territory, striking a civilian van and killing at least 12, including four women and two children. On September 26, a claymore bomb killed Jesuit priest Reverend Nicholaspillai Packiyaranjith; observers alleged that a government DPU was responsible.

On January 5, the LTTE detonated a bomb on a bus in the predominately Sinhalese town Nittambuwa, killing five and injuring 50. The following day the LTTE detonated a bomb on a bus in the southern coastal town of Hikkaduwa, killing 15 and injuring 42. On April 7, the LTTE used a claymore mine to target a bus with civilian and military passengers 15 miles west of Vavuniya, killing seven civilians and injuring more than 25. On April 23, a similar attack by the LTTE on a bus with Tamil and Muslim passengers killed seven civilians near Chettikulam in the north.

On April 29, the LTTE used light aircraft to bomb the Ceylon Petroleum Company oil and gas facilities. On November 28, an LTTE bomb attack on the Nugegoda shopping mall near Colombo and a suicide bombing of a government office killed 21 and wounded 36 civilians. In June near the northern town of Kebitigollewa, a claymore mine attack on a passenger bus killed 64 civilians, and on December 5, another claymore attack killed 15 and injured 23 civilians.

Late in the year unknown groups possibly linked to the LTTE, Sinhalese extremist groups, or illegal timber harvesters carried out brutal attacks against Sinhalese farmers in the south near Tissamaharama and Yala Park, killing five in two separate incidents.

Before the Government drove the LTTE from the east in August, there were reports that the LTTE expropriated food, fuel, and other items meant for IDPs from both the conflict with the Government and the 2004 tsunami. Reports accused the Karuna group of similar action, especially in relation to camps of persons displaced from the conflict around Batticaloa.

At year's end no arrests were made in alleged LTTE killings from 2005 and 2006, including the 2005 killing of Major Nizam Muthalif, commanding officer of the First Intelligence Battalion, or the August 2005 assassination of Foreign Minister Lakshman Kadirgamar.

Landmines, booby traps, and unexploded ordnance posed a problem to resettlement of IDPs and rebuilding in the east after the Government's expulsion of the LTTE. The Government periodically suspended humanitarian demining operations in the north and east due to increased violence, although NGO and army demining efforts accelerated in the east after the LTTE's August expulsion.

Child Soldiers.—Both the LTTE and the Karuna group (also known as TMVP, or Pillaiyan group) used minors in battle. The Karuna group and the LTTE also continued to recruit child soldiers forcibly, while intimidating and using violence against civilians.

The LTTE instituted a "one family, one fighter" policy, forcing each family to provide at least one member, including children, to the LTTE. By year's end most sources indicated that the "one family, one fighter" policy targeted those 18 years or older. The U.N. Children's Fund (UNICEF) noted a significant reduction in reported child recruitment by the LTTE. While the trend indicated that the LTTE was eliminating the recruitment and use of child soldiers, it had not complied with the promise to end the use of all minors by year's end. UNICEF reported that the LTTE forcibly recruited (or rerecruited) 160 children during the year with an average age of 16 years. At year's end 205 children remained in LTTE custody, including 1,224 who were recruited as children but were over 18 at year's end.

According to U.N. sources, there was limited progress during the year in the release of children recruited by both groups. A UNICEF-supported action plan sought to rehabilitate former LTTE child soldiers through release and reintegration. Under this program there were to be three UNICEF-supported transit centers. Two of the transit centers, in Batticaloa and Trincomalee, never opened because of a lack of releases by the LTTE. By mid-year the LTTE no longer controlled these areas. UNICEF supported the establishment of a transit center in Kilinochchi for child recruits released by the LTTE, which remained open, but UNICEF noted that its use was limited and declining.

The Karuna group continued to recruit children, some forcibly after abduction. Karuna cadres used coercion, extortion, rape, and murder to force children and adults to join their ranks. Karuna operatives often bribed parents to allow their children to join the Karuna group, and punished parents or children if they resisted.

Unlike the LTTE, UNICEF statistics indicated that child recruitment by the pro-government Karuna group did not decline. The UNSR on Children and Armed Conflict reported and cited evidence that government forces were at times complicit in

the recruitment of children. During the year, UNICEF reported that the Karuna group recruited and rerecruited children for use as child soldiers, especially in Batticaloa district for a total of 251. This was more than in 2006, although the rate of recruitment was down from its peak in late 2005. Some previously recruited child soldiers reached 18 years of age while continuing to serve in the Karuna group. UNICEF figures show that at the end of the year, 160 children were still serving in the Karuna forces, and 69 who were recruited as children were now over age 18.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The law provides for freedom of speech and of the press. Although the media was generally free to criticize the government, media freedom deteriorated in the conflict-affected north and east, especially in Jaffna, where many journalists were killed, abducted, and intimidated, while others reportedly practiced self-censorship. By year's end there were fewer functioning independent press or media outlets in Jaffna; some were forced to close due to threats against journalists and media workers. Four journalists were killed in Jaffna and Vavuniya by unknown perpetrators believed to be linked to pro-government paramilitaries. Reporters Without Borders named Jaffna one of the most dangerous places for press in the world. The Government temporarily imprisoned several journalists in the south, and senior members of the Rajapaksa administration reportedly threatened others. The Government censored conflict-related reporting, while the security forces directly interfered with media coverage. Some prominent journalists sought temporary refuge abroad because of threats to their security. There were reports that journalists practiced self-censorship due to pressure from both the security forces and the LTTE.

Although the Government owned the country's largest newspaper chain, two major television stations, and a radio station, private owners operated a variety of independent, privately owned newspapers, journals, and radio and television stations. Several foreign media outlets operated in the country. The Government made several attempts to prevent independent media houses from criticizing the Government and its policies. Senior government officials repeatedly accused critical journalists of treason and often pressured them to run stories that portrayed them in a positive light. However, the Government imposed no political restrictions on the establishment of new media enterprises.

On November 21, the printing facility of Leader Publications, the publisher of three widely circulated newspapers highly critical of the government, was attacked by approximately 12 armed men in masks. They confiscated at gun point the mobile phones of publishing staff and threw Molotov cocktails on the printing machines, igniting a large fire which caused heavy damage. The printing press is situated in a government-enforced security zone adjoining the Ratmalana military base, with access controlled by several checkpoints.

On December 27, non-cabinet Minister of Labor Mervyn Silva and his associates invaded the offices of Rupavahini, a state-run television station. Silva, reportedly upset with the station's failure to carry a story about him, verbally and physically assaulted the Rupavahini news director. Silva's actions provoked a fierce reaction from Rupavahini employees, who responded by assaulting the minister and his associates. Silva was only released when an elite police unit came to rescue him.

On April 29, unknown gunmen believed to be associated with the EPDP killed Uthayan journalist Selvarajah Rajivewaran in Jaffna. On August 1, unknown gunmen believed to be associated with the EPDP killed Nilakshan Sahadevan, a part-time journalist and a University of Jaffna student faculty advisor in the Department of Journalism. On August 15, unknown assailants threw acid in the face of K.P. Mohan, a Thinakkural journalist. On October 26, unknown gunmen on motorbikes shot and killed Kanagarajan Pradeepan, the 26-year-old twin brother of Kanagarajan Prashanthan, who previously worked for the newspaper Namadu Eelanadu before it was closed following the August 2006 killing of its managing director Sinnathamby Sivamaharajah.

On March 13, the Government froze the assets of Standard Newspapers Ltd., publisher of the weekly Sinhala-language Mawbima and English-language Sunday Standard, which were highly critical of the Government. Although the Government publicly accused the newspapers of having links to the LTTE, the chief editors alleged that the Government asked them to change their editorial policy before freezing the assets. Both papers ceased publishing after March 29.

Daily Mirror editor Champika Liyanarachchi reported that on April 16, Defense Secretary Gothabaya Rajapaksa threatened her and fellow journalist Uditha Jayasinghe, who had written a critical story about the Karuna group's intimidation of IDPs in the east. Karuna subsequently denied that he intended to harm Liyanarachchi, and Defense Secretary Rajapaksa denied threatening her. The De-

fense Secretary's brother, President Mahinda Rajapaksa, reportedly later apologized to Liyanarachchi.

In late August defense correspondent Iqbal Athas was threatened and harassed due to his investigation of alleged government corruption in a military purchase. Following the publication of the investigation, the Government removed Athas's long-term security detail, while an angry mob protested outside his house. A man claiming to be a retired Air Force officer entered the editorial offices of his newspaper and threatened to kill Athas's translator. The Government also threatened to arrest Athas to interrogate him about his sources and placed him under obtrusive surveillance. Since the incident Athas sought temporary refuge abroad on at least three occasions.

On October 5, the army expelled a three-person British TV documentary team from Jaffna, although the journalists previously received authorization to film in Jaffna from the Ministry of Defense.

On October 24, the CID arrested Sunday Leader journalist Arthur Wamanan based on an uncorroborated accusation of extortion filed by Minister of Enterprise Development Mano Wijeratne. Previously Wamanan published a story alleging that Wijeratne misused his office accounts to pay his wife's cell phone bills. During the court hearing the CID objected to granting Wamanan bail arguing that he was Tamil, lived in a Tamil neighborhood, and had parents who hailed from the north of the country. On October 26, the judge on the case approved the bail request, reprimanded the CID for acting on hearsay without proper evidence, and cautioned against increasing government pressure on the media. On November 29, the Supreme Court set a hearing to examine Wamanan's fundamental rights petition against his arbitrary arrest and detention.

There were no indictments, prosecutions, trials or convictions resulting from 2006 crimes involving journalists or government restrictions of freedom of the press, including: The January killing of Tamil journalist Subramaniyam Sugitharajah; the May killing of two Uthayan newspaper employees Suresh Kumar and Ranjith Kumar; the May killing of Aiyathurai Nadesan, an independent Tamil correspondent in Batticaloa; the July killing of a Sinhalese journalist Sampath Lakmal, the defense correspondent of the independent Sinhala newspaper Sathdina; the August killing of Sathasivam Baskaran, a driver attached to Uthayan; the August arson that destroyed the Uthayan office in Jaffna; the October destruction by Air Force jets of the "Voice of Tigers" broadcasting towers in Kilinochchi, injuring two workers; and the October burning of 10,000 copies of the Tamil daily newspaper Virakesari by Karuna cadres.

There were no developments on separate 2005 attacks on a Tamil Eelam Liberation Organization-operated television retransmission station in Vavuniya district and the Colombo printing and advertising offices of the pro-LTTE newspaper Sudar Oli. There were no developments in the separate 2005 killings of two news agents who distributed the pro-LTTE newspaper Eelanatham in Batticaloa, allegedly by the Karuna group.

On October 26, the Ministry of Information suspended the license of five private FM radio stations, which belonged to the Asia Broadcasting Corporation (ABC), after domestic media outlets incorrectly reported an LTTE attack. The radio network apologized for the inaccuracy, but the Government did not reinstate ABC's broadcasting license, although other media sources also aired the inaccurate report. On November 1, the Supreme Court rejected a petition to lift the suspension of the broadcasting license and charged ABC with contempt of the court for technical inaccuracies in its petition. However, a resolution seemed likely after the brother of the broadcast licensee, a provincial politician, agreed to "cross over" to the ruling Sri Lanka Freedom Party. ABC Networks appeared poised to regain its broadcasting licenses and indicated it planned to recommence broadcasting in January 2008.

On October 29, the Government issued an executive order prohibiting media coverage of military operations and weapons procurement deals. On October 31, hours after publishing the order, the Government revoked it citing the media's "good behavior." On November 7, the Government banned non-state photo journalists from covering the president's budget speech before Parliament.

The LTTE tightly restricted the print and broadcast media in areas under its control. There were reports of LTTE intimidation of Colombo-based Tamil journalists, and self-censorship was common for journalists covering LTTE-controlled areas.

Internet Freedom.—In June the Government ordered the country's two largest Internet service providers (ISPs) to restrict access to TamilNet, a pro-LTTE news Web site. By year's end access was not restored. The Government denied ordering the block. However, media sources reported interviews with employees from the ISPs alleging that they were acting on government orders.

Beginning on April 17, unknown perpetrators purporting to be leaders of the Karuna group's "intelligence unit" sent a series of e-mails to the Consortium of Humanitarian Agencies and various U.N. organizations threatening harm if information was not provided about the NGOs' personnel and operations. The Karuna group denied involvement, and the Government has not identified those responsible for the e-mails.

On October 30, unknown gunmen in Colombo shot and wounded Internet journalist Kumudu Champika Jayawardana of ethalaya.org, which was linked to a Sinhala-language Sirasa TV channel. A week before this incident, government politicians made a series of statements criticizing Sinhala-language news Web sites. According to the Free Media Movement, one of the Web sites mentioned by name, LankaeNews.com, received subsequent threats.

Individuals and groups could generally engage in the expression of views via the Internet, including via e-mail. Because of the 2005 violent death of former editor of TamilNet Dharmaratnam Sivaram the editing and hosting of the Web site relocated to Geneva. However, several Web sites calling for the killing of "traitors to the Sinhala nation" were hosted in the country without government harassment. On April 22, the main opposition party, the United National Party, launched a Web site critical of the Government.

Academic Freedom and Cultural Events.—The Government typically did not restrict academic freedom or cultural events. On May 11, however, unknown men allegedly affiliated with the EPDP posted a notice in Jaffna University threatening to kill several students and professors. As a result, Jaffna University students led a public protest until May 18. Unknown assailants killed three students in subsequent months.

b. Freedom of Peaceful Assembly and Association.

Freedom of Assembly.—The law provides for freedom of assembly, and the Government generally respected this right in practice; however, some restrictions existed. For example, the 2005 emergency regulations give the president the power to restrict meetings, assemblies, and processions. The law states that rallies and demonstrations of a political nature cannot be held when a referendum is scheduled; however, the Government generally granted permits for demonstrations, including those by opposition parties and minority groups.

On January 9, a mob of more than 50 men led by the Deputy Minister for Labor Mervyn Silva attacked participants at the first public assembly of the United People's Movement, an antiwar group composed of NGOs, opposition MPs, and their supporters. The rally promoted proposals calling for devolution of power to minority communities within a united country. In addition to attacking and severely injuring two journalists, Silva's mob disbanded the rally. Media sources and the rally organizers alleged that the order to attack came from the Presidential Secretariat. The Government denied involvement. No charges were brought against Minister Silva or his men.

On October 5, police used tear gas to disrupt a peaceful demonstration by several hundred students protesting the country's recent economic performance, the increase in inflation, and the lack of job prospects for recent graduates. According to media sources, police injured several students while breaking up the protest.

Freedom of Association.—The law provides for freedom of association, and the Government generally respected this right in practice; however, some restrictions existed, such as those under the emergency regulations. The Government often used informants to target individuals for arrests and interrogation based on their association.

The LTTE did not allow freedom of association in the areas it controlled and reportedly forced people to attend its rallies.

c. Freedom of Religion.—The law accords Buddhism a foremost position, but it also provides for the right of members of other faiths to practice their religions freely, and the Government generally respected this right in practice. There was no state religion; however, the majority of citizens were followers of Buddhism.

Foreign clergy may work in the country, but the Government sought to limit the number of foreign religious workers given temporary work permits. Permission usually was restricted to denominations registered with the Government. The authorities retroactively changed the rules to prevent registration of new Christian denominations.

While the courts generally upheld the right of Christian groups to worship and to construct facilities to house their congregations, a 2003 Supreme Court decision ruled against recognizing a Roman Catholic group and determined that its medical services constituted "allurement." At the same time, the Supreme Court ruled that

although the Constitution supports the right of individuals to practice any religion, it does not support the right to proselytize.

During the year there were several attacks by unknown assailants on Christian churches, pastors and congregants, including in March when a mob led by a prominent Buddhist monk destroyed the inside of a Protestant church, the Pathway to Grace, after months of intimidating its Pastor Nuwan N. Suriyarachchi and the members of the church. During the incident Suriyarachchi and his wife were forced to flee. Police did not stop the destruction. Suriyarachchi identified the responsible monk, although the local police commander held the pastor responsible for the disturbances because of his proselytizing activities. By year's end the Government paid no compensation and made no arrests. According to AHRC, in late March the LTTE used intimidation and threats to forcibly relocate over 8,000 IDPs from the Roman Catholic Madhu Church in the eastern Mannar district. The church had been used by the IDPs as a safe haven from the conflict. The LTTE announced that it would not allow new displaced families to seek shelter at Madhu Church and that the remaining IDP families would be relocated to alternative displacement sites in other LTTE-controlled areas.

On May 13, unidentified gunmen on motorcycles shot and killed Buddhist monk Handungamuwe Nandarathna Thero in Mahadivulweva of the government-controlled Trincomalee district. A popular religious figure and an outspoken war critic, he preached in both Tamil and Sinhalese and ordained a Tamil as a monk.

Muslims faced increasing discrimination by the government, particularly in obtaining permits for the construction of mosques in Colombo, according to Muslim community leaders.

Muslims from Muttur and Tamils, including newly returned IDPs, reported that the Government used their land to set up security zones and Buddhist shrines and restricted access to the main sources of their livelihood, including fishing, agriculture, and forest collecting. The Government exacerbated ethnic and religious tensions in the east by installing a large Buddha statue at the center of the city of Trincomalee where residents are almost entirely Tamil-speaking and non-Buddhist. Government officials also replaced a Hindu temple with a Buddhist shrine in Eachchalampattu, and erected large Buddha statues on top of ancient Hindu temple ruins, including some located in now predominantly Muslim areas, and reserved tracts of land in highly visible locations for Buddhist religious and cultural symbols in the Muslim-dominated Pottuvil area in the east.

Most of the 46,000 Muslims expelled from Jaffna in 1990 by the LTTE remained displaced and lived in or near welfare centers, many in the Puttalam area. It appeared that attacks by the LTTE against Muslims were not religiously motivated but were instead part of an overall strategy to clear the north and east of persons not sympathetic to the cause of an independent Tamil state. The LTTE made some conciliatory statements to the Muslim community, but most Muslims viewed the statements with skepticism.

Societal Abuse and Discrimination.—Harassment and intimidation of Christians and attacks on their property and places of worship by Buddhist extremists opposed to conversion continued. For example, on October 6, police interrupted a Catholic mass in the Rosa Mystica Church at Crooswatta in Kotugoda parish, 15 miles north of Colombo, following violence and threats of further violence led by a chief Buddhist monk at a nearby temple. The local police chief defended the actions of the Buddhist monk, stating that the Christian activities offended Buddhist religious sensibilities.

There were multiple reports of rising tensions between members of the Muslim and Tamil communities in the east, largely as a result of the intimidation and harassment of Muslims by the Karuna group.

There were no reported cases of anti-Semitism.

For a more detailed discussion, see the 2007 International Religious Freedom Report.

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons.—The law grants every citizen "freedom of movement and of choosing his residence" and "freedom to return to the country." However, the Government severely restricted this right on multiple occasions. For example, on June 6, police and government security forces rounded up approximately 300 Tamils living in lodges and hostels in Colombo, including many women, children, and the elderly. After registration at police stations, the Tamils were forced onto buses and sent north to Vavuniya. Following a Supreme Court injunction against the action, the Government apologized and allowed the deportees to return to Colombo. The Government arrested 48 Tamils on October 6 in lodges in Wellampita, a Colombo suburb.

The war with the LTTE prompted the Government to impose more stringent checks on travelers from the north and the east and on movement in Colombo. Tamils were subject to onerous restrictions on fishing in Jaffna and Trincomalee.

The Government required Tamils, especially those living in Jaffna, to obtain special passes issued by security forces to move around the country. Citizens of Jaffna were required to obtain permission from the army's Civil Affairs unit, or in some cases from the EPDP, in order to leave Jaffna. According to several sources, the waiting list was over 5 months long. Curfews imposed by the army also restricted the movement of Jaffna's citizens.

Security forces at Army checkpoints in Colombo frequently harassed Tamils. After the Government assumed effective control of the east, both the Government and the Karuna group operated checkpoints which impeded the free movement of residents, especially Tamils.

The Government maintained its closure of the A–9 highway from Kandy to Jaffna. The road closure restricted the movement of passengers and supplies through the LTTE-controlled Vanni region, including LTTE headquarters in Kilinochchi. On November 29, the defense secretary issued a verbal directive prohibiting civilians from traveling from LTTE to government-controlled areas at the A–9 crossing point at Omanthai without special clearance from the Government agents in the Tiger-held Vanni. Commercial flights to the Vanni remained suspended, and the LTTE refused to guarantee the safety of civilian flights and of passenger and supply ships operated by the ICRC or the Government.

Limited access continued to certain areas near military bases and HSZs, defined as areas near military camps, barracks, or checkpoints where civilians could not enter. HSZs extended up to a four-kilometer radius from the fences of most military camps. Some observers claimed the HSZs were excessive and unfairly affected Tamil agricultural lands, particularly in Jaffna. In Trincomalee, the president announced the creation of a new HSZ on the land previously inhabited by Tamils before fighting between government security forces and the LTTE caused the Tamils to abandon their homes. The Supreme Court dismissed lawsuits challenging the Trincomalee HSZ under the rationale that allowing them to proceed would inspire more lawsuits than the Government could reasonably handle. In addition, the court held that government security measures could not be the subject of a private lawsuit. By year's end, no plan for compensation existed.

Internally Displaced Persons (IDPs).—The U.N. High Commissioner for Refugees (UNHCR) reported in December that there were currently approximately 456,000 IDPs in the north and east. Of these, 312,000 were displaced prior to 2006 by the conflict and the 2004 tsunami, and 208,000 became displaced since the resumption of the conflict in 2006. There is an overlap between the two groups of approximately 65,000 IDPs who have been displaced more than once. An estimated 353,000 IDPs (old and new) live with host families, usually relatives. Since March about 120,000 IDPs have returned to their places of origin in the east. Among the long-term displaced were tens of thousands of Muslims evicted from Jaffna in 1990 by the LTTE, many of whom are still in camps in Puttalam. The Government has not permitted other recent IDPs, primarily Tamils, to return home because their places of origins were declared HSZs.

Numerous credible sources reported that the Government forced resettlement of thousands of Tamil IDPs to areas other than their original homes. Forced resettlement also resulted in the separation of families, including children separated from parents. In March UNHCR formally disassociated itself from the Government's resettlement efforts in the east, citing forced resettlement of IDPs. UNHCR subsequently resumed cooperation with the government, noting an improvement in its practices, while stating that "some deficiencies remained." According to multiple reports the SLA occupied housing vacated by IDPs in the Trincomalee area.

On May 30, the president established an HSZ in the Muttur East area to protect military bases from LTTE attacks, thus denying thousands of Tamil IDPs access to their homes in the village of Sampur and nearby. Sampur was razed as a result of the fighting between the LTTE and the Government in 2006. There are multiple reports that the Government plans to establish communities for Sinhalese in the area. In July, August, and September armed government soldiers pressured IDPs in the Trincomalee District to relocate, while the Government threatened to stop supplying food to their camps.

The UNHCR found sexual abuse to be endemic in IDP camps and engaged in a number of initiatives with local and international NGOs to address the problem. In addition to sexual abuse, numerous credible accounts noted that the Karuna group conducted forced recruitment of children and young adults in IDP camps.

The LTTE occasionally disrupted the flow of persons exiting the Vanni region through the two established checkpoints. The LTTE regularly taxed civilians traveling through areas it controlled.

Fighting between the LTTE and government forces continued to threaten the safety of IDPs in the north.

Protection of Refugees.—The law does not provide for the granting of asylum or refugee status in accordance with the 1951 Convention relating to the Status of Refugees and its 1967 protocol. The Government has not established a system for providing protection to refugees; however, the Government cooperated with the UNHCR and other humanitarian organizations in assisting IDPs and refugees. There were no reports of refoulement, the forced return of persons to a country where there is reason to believe they feared persecution. According to UNHCR, 3,559 citizens fled to India during the year.

There were reported incidents of child and adult deaths as a result of SLN attacks on boats with refugees in the Palk Strait between Sri Lanka and India.

Stateless Persons.—The 2003 Grant of Citizenship to Persons of Indian Origin Act provides stateless persons, particularly Hill Tamils, the opportunity to gain nationality. The Government took steps to naturalize and provide citizenship documentation to most stateless persons. However, by year's end documentation efforts had not reached some populations which remained vulnerable to arbitrary arrest and detention. According to political parties representing Hill Tamils, there may still be roughly 70,000 Hill Tamils without adequate documentation of their Sri Lankan citizenship.

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.

Elections and Political Participation.—The president, elected in 2005 for a 6-year term, holds executive power, while the 225-member Parliament, elected in 2004, exercises legislative power.

The EU Election Observation Mission described the 2005 presidential election as generally satisfactory. The LTTE-enforced boycott of the polls and seven grenade attacks in the north and east marred the election, however, and allowed less than 1 percent of voters in the north to exercise their right to vote. There were repeated media allegations, supported by claims of former supporters of President Rajapaksa, that his campaign paid large sums of money to induce the LTTE to suppress Tamil votes in the north and east during the 2005 presidential election. The Government denied the allegations. Three of the most vocal supporters of the allegations stated that they also played a role in the denial of voting rights on behalf of President Rajapaksa. In October Parliament opened an investigation into the allegations. At year's end there was no resolution.

There were 11 women in the 225-member Parliament, three women in the Cabinet, and two women out of 11 justices on the Supreme Court. There were 34 Tamils and 24 Muslims in the 225-member Parliament. There was no provision for or allocation of a set number or percentage of political party positions for women or minorities.

Government Corruption and Transparency.—According to the World Bank's Worldwide Governance Indicators, government corruption was a serious problem. There was corruption in all three branches of government, as well as various bureaucratic agencies. Transparency International (TI) identified nepotism and cronyism in the appointment of officials to government and state-owned institutions.

The tendering and procurement process for government contracts was not transparent, leading to frequent allegations of corruption by the losing bidders. Senior officials served as corporate officers of several newly established quasi-public corporations, including Lanka Logistics and Technologies, which the Government designated as the sole procurement agency for all military equipment. Critics questioned the propriety of certain defense contracts, alleging that large kickbacks were paid in the transactions. The Government also used state pension funds to set up a new loss-making budget airline, Mihin Air, with many of the same officials serving as corporate officers.

TI also noted that corruption was a problem in high value tender processes, including the establishment of business operations.

The Commission to Investigate Allegations of Bribery or Corruption received 3,984 complaints, of which 1,340 were under investigation at year's end.

There was no law providing for public access to government information.

Section 4. Governmental Attitudes Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A number of domestic and international human rights groups continued to operate despite increasing government restrictions, investigating and publishing their findings on human rights cases.

The Government continued to allow the ICRC unrestricted access to declared detention facilities. The ICRC provided international humanitarian law training materials and training to the security forces. During the year the ICRC also delivered health education programs in LTTE-controlled areas in the north and east and provided materials, such as hygiene products, clothes, and recreational items, to prison detainees.

By statute the SLHRC has wide powers and resources and may not be called as a witness in any court of law or be sued for matters relating to its official duties. However, according to many human rights organizations, the SLHRC often was not as effective as it should have been. For example, since August 2006 there were no actions taken to follow up or investigate the more than 200 cases reported to the Jaffna Branch of the SLHRC. The SLHRC did not have enough staff or resources to process its caseload of pending complaints, and it did not enjoy the full cooperation of the Government. The SLHRC had a tribunal-like approach to investigations and declined to undertake preliminary inquires in the manner of a criminal investigator.

In 2004 the SLHRC established a torture prevention monitoring unit to implement its zero-tolerance torture policy. SLHRC provided extra training for officers assigned to this unit and established a policy of quick investigation for torture complaints. To ensure its sustainability, SLHRC urged the treasury to cover costs of the monitoring unit. The unit did not function in the last 2 years because of a lack of funding. In October investigative visits to police stations recommenced after UNSR Nowak raised the issue during his visit to Sri Lanka.

In 2004 the LTTE set up the Northeast Secretariat of Human Rights (NESOHR). Since its inception, NESOHR received hundreds of complaints ranging from land disputes to child recruitment complaints. Some groups questioned NESOHR's credibility because of its close ties to the LTTE.

During his August trip, U.N. Emergency Relief Coordinator and Under-Secretary-General for Humanitarian Affairs John Holmes noted the need to relax the strict regulations imposed on aid groups operating in resettlement and conflict zones. He emphasized the need to disarm the Karuna group, urged protection for civilians and aid workers, and called for investigations into human rights abuses. Holmes' comment that the country was one of the most dangerous places in the world for humanitarian workers drew criticism from Prime Minister Ratnasiri Wickremenayake and Defense Spokesman Keheliya Rambukwella. Chief Government Whip Jayaraj Fernandopulle described Holmes as a terrorist.

Although the U.N. High Commissioner for Human Rights, Louise Arbour, during her October visit, explored ways to broaden the Office of the High Commission for Human Rights (OHCHR) in the country, the Government denied the OHCHR's request for an expanded mission and an independent presence for the OHCHR.

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

The law provides for equal rights for all citizens, and the Government generally respected these rights in practice; however, there were instances where gender and ethnic based discrimination occurred.

Women.—The law prohibits domestic violence, but it was not strictly enforced. Sexual assault, rape, and spousal abuse continued to be serious and pervasive problems. The law specifically addresses sexual abuse and exploitation, and contains provisions in rape cases for an equitable burden of proof and stringent punishments. Marital rape is considered an offense only in cases of spouses living under judicial separation. While the law may ease some of the problems faced by victims of sexual assault, many women's organizations believed that greater sensitization of police and the judiciary was necessary. The Women and Children Bureau within the Police has conducted awareness programs in schools and at the grassroots level, causing women to come forward and lodge complaints. However, the Government has not yet focused on increased recruitment of female police officers to help alleviate the problem. The Bureau for the Protection of Children and Women received 995 complaints of grave violent crimes and 2,247 minor crimes against women in the first half of the year, representing a significant increase over 2006 levels.

There is anecdotal evidence that the resumption of the conflict has led to an increase in gender-based violence perpetrated by the security forces. Statistical corroboration is lacking, because few, if any, charges were filed in such incidents. For example, human rights groups in northern districts allege that the wives of men

who have "disappeared" and who suffer economic deprivation as a result often fall prey to sexual exploitation by paramilitaries and members of the security forces. At year's end a case continued against two policemen who in 2003 attempted to rape Mrs. Selvarajan in Uyilankulam in Mannar district. The attorney general did not fill out a charge sheet against the two, and as of year's end they were on active duty. In another instance, on December 28, armed men believed to be from the SLA gang-raped a woman in Jaffna, according to a women's welfare organization.

In the east, military action created a total displaced population of about 300,000 by mid-year. There were widespread reports that security forces sometimes ordered men in the IDP camps to report to security forces bases to spend the night, leaving the female displaced population vulnerable to sexual exploitation and abuse. The displaced population had declined significantly by year's end, but documented reports persisted noting that spouses and daughters of men temporarily detained by security forces in formerly LTTE-controlled areas in western Batticaloa district were subject to sexual abuse.

According to the Bureau for the Protection of Children and Women, there were 278 reported incidents of rape through November, representing a decrease from 2006 levels. Services to assist victims of rape and domestic violence, such as crisis centers, legal aid, and counseling, were generally limited. A high suicide rate among women which some attributed to gender-based violence appeared to be declining. However, there was no evidence linking this trend to specific actions taken by the Government.

Prostitution was illegal but occurred during the year. Some members of the police and security forces reportedly participated in or condoned prostitution. Trafficking in women for the purpose of forced labor occurred.

Sexual harassment is a criminal offense carrying a maximum sentence of 5 years in prison; however, these laws were not enforced.

The law provides for equal employment opportunity in the public sector; however, women had no legal protection against discrimination in the private sector, where they sometimes were paid less than men for equal work. They often experienced difficulty in rising to supervisory positions and faced sexual harassment. Even though women constituted approximately half of the formal workforce, according to the Asian Development Bank, the quality of employment available to women was less than that available to men, as the demand for female labor was mainly for casual and low-paid, low-skill jobs in the formal and informal sectors. Women's participation in politics was around 4 percent in the Parliament and approximately 1.4 percent in local political institutions.

Women have equal rights under national, civil, and criminal law; however, questions related to family law, including divorce, child custody, and inheritance, were adjudicated by the customary law of each ethnic or religious group. The minimum age of marriage for women is 18 years, except in the case of Muslims, who may follow their customary marriage practices and marry at the age of 15. Women were denied equal rights to land in government-assisted settlements, as the law does not institutionalize the rights of female heirs. Different religious and ethnic practices often resulted in uneven treatment of women, including discrimination.

Children.—The law requires children between the ages of 5 and 14 to attend school, and the Government demonstrated its commitment to children through extensive systems of public education and medical care. Approximately 85 percent of children under the age of 16 attended school. Education was free through the university level. Health care, including immunization, was also free.

Many NGOs attributed the problem of exploitation of children to the lack of law enforcement rather than inadequate legislation. Many law enforcement resources were diverted to the conflict with the LTTE, although the police's Bureau for the Protection of Children and Women conducted investigations into crimes against children and women. However, AHRC documented numerous cases of child abuse, including by teachers, which the Government did not investigate.

Under the law the definition of child abuse includes all acts of sexual violence against, trafficking in, and cruelty to children. The law also prohibits the use of children in exploitative labor or illegal activities or in any act contrary to compulsory education regulations. It also broadens the definition of child abuse to include the involvement of children in war. The National Child Protection Authority (NCPA) included representatives from the education, medical, police, and legal professions and reported directly to the president. During the year the Bureau for the Protection of Children and Women received 2,010 complaints of violent crimes against children and 425 cases of sexual abuse of children.

The Government pushed for greater international cooperation to bring those guilty of pedophilia to justice. Although the Government does not keep records of violations, the 2006 Penal Code Amendment Act prohibits sexual violations against

children, defined as persons less than 18 years, particularly in regard to child pornography, child prostitution, and the trafficking of children. Penalties for violations related to pornography and prostitution range from 2 to 5 years of imprisonment. The penalties for pedophilia range from 5 to 20 years' imprisonment and an unspecified fine. According to the attorney general's office, through September the Government opened 1,487 files, of which 799 resulted in indictments for pedophilia, including statutory rape and 159 were dismissed. At year's end the remaining cases were pending.

Following the 2004 tsunami, the NCPA launched a successful awareness campaign to protect orphaned or displaced children from pedophiles. Commercial sexual exploitation of children remained a problem in coastal resort areas, however. Private groups estimate that there are approximately 6,000 children exploited for commercial sex in the country. However, U.N. estimates of child prostitutes ranged as high as 40,000. Sri Lankan citizens committed much of the child sexual abuse in the form of commercial sexual exploitation of children; however, some prostituted children were boys who catered to foreign tourists. The International Labor Organization (ILO) and UNICEF estimated of the number of boys exploited by foreign nationals in commercial sex ranged from 5,000 to 30,000, some of whom were forced into prostitution. The Department of Probation and Child Care Services provided protection to child victims of abuse and sexual exploitation and worked with local NGOs that provided shelter. The tourist bureau conducted awareness-raising programs for at-risk children in resort regions prone to sex tourism.

Trafficking in Persons.—The law prohibits trafficking in persons, and the legal penalties for trafficking in women include imprisonment for 2 to 20 years and a fine. For trafficking in children, the law allows imprisonment of 5 to 20 years and a fine. However, the country was a point of origin and destination for trafficked persons, primarily women and children trafficked for the purposes of forced labor and sexual exploitation. Sri Lankan men and women migrate legally to the Middle East, Singapore, Hong Kong, Malaysia, and South Korea to work as construction workers, domestic servants, or garment factory workers. However, some have found themselves in situations of involuntary servitude when faced with restrictions on movement, threats, physical or sexual abuse, and debt bondage that is, in some instances, facilitated by large predeparture fees imposed by recruitment agents. In one instance, Sri Lankan men were trafficked into involuntary servitude in Iraq. A smaller number of Thai, Chinese, and Russian women, as well as some from other countries of the Newly Independent States, were trafficked to the country for commercial sexual exploitation. Women and children were trafficked internally for domestic and sexual servitude. Boys and girls were victims of commercial sexual exploitation by pedophiles in the sex tourism industry. Internal trafficking in male children was a problem, especially from areas bordering the northern and eastern provinces. Some of these children were forced into commercial prostitution by their parents or by organized crime.

In 2004 the NCPA adopted, with ILO assistance, a comprehensive national plan to combat the trafficking of children for exploitative employment. With the NCPA, police began work on children's issues, including trafficking in children. The programs continued at year's end.

The Government operated rehabilitation centers for abused children, including those that were trafficked, in Negombo and Kalutara. The centers provided shelter, career guidance, counseling, and legal assistance for victims. The Probation Department worked to reintegrate children with their families. The Government also conducted awareness campaigns to educate women about trafficking; however, most of the campaigns, with support from the Bureau of Foreign Employment, were conducted by local and international NGOs.

Government programs to monitor immigration with computer programs designed to identify suspected traffickers or sex tourists continued, as did a cyber-watch project to monitor suspicious Internet chat rooms.

Persons with Disabilities.—The law forbids discrimination against any person on the grounds of disability; however, there were instances of discrimination against the disabled in the areas of employment, education, and provision of state services. The law does not mandate access to buildings for persons with disabilities, and such facilities were rare. The Department of Social Services operated eight vocational training schools for persons with physical and mental disabilities and sponsored a program of job training and placement for graduates. The Government also provided financial support to NGOs that assisted persons with disabilities. Such assistance included subsidizing prosthetic devices, making purchases from suppliers with disabilities, and registering 74 NGO-run schools and training institutions for persons with disabilities. The Department of Social Services selected job placement officers

to help the estimated 200,000 work-eligible persons with disabilities find jobs. Despite these efforts, persons with disabilities faced difficulties due to negative attitudes and societal discrimination.

The Government declared the year as the "Year of Accessibility." As part of this campaign, the Department of Social Services educated planners, architects, and engineers on new regulations on accessibility passed by Parliament. The Department of Social Services provides housing grants, self-employment grants, and medical assistance to persons with disabilities. During the year the department began offering a monthly allowance of approximately $27 (3,000 rupees) to families of the disabled. At year's end 2,128 families received this grant.

National/Racial/Ethnic Minorities.—There were approximately 1 million Tamils of Indian origin, the so-called Hill, Tea Estate, or Indian Tamils, whose ancestors originally were brought to the country in the 19th century to work on plantations. In the past approximately 300,000 of these persons did not qualify for citizenship in any country and faced discrimination, especially in the allocation of government funds for education. In 2003 Parliament passed a bill granting full citizenship to more than 460,000 Tea Estate Tamils. In 2004 UNHCR began awareness campaigns to alert Tamils to the new legislation. At year's end approximately 70,000 registrations remained unconfirmed.

Both Sri Lankan and Indian origin Tamils maintained that they suffered longstanding systematic discrimination in university education, government employment, and in other matters controlled by the Government. According to the SLHRC, Tamils also experienced discrimination in housing.

Tamils throughout the country, but especially in the conflict-affected north and east, reported frequent harassment of young and middle aged Tamil men by security forces and paramilitary groups.

Indigenous People.—The country's indigenous people, known as Veddas, numbered fewer than 1,000. Some preferred to maintain their traditional way of life and are protected by the law. There are no legal restrictions on their participation in political or economic life. Vedda communities complained that they were pushed off their lands, and the creation of protected forest areas deprived them of traditional livelihoods.

Other Societal Abuses and Discrimination.—The law criminalizes homosexual activity but was not enforced. Some NGOs working on lesbian, gay, bisexual, and transgender issues did not register with the Government. As in recent years, human rights organizations reported that police harassed, extorted money or sexual favors from, and assaulted gay men in Colombo and other areas.

There was no official discrimination against those who provided HIV prevention services or against high-risk groups likely to spread HIV/AIDS, although there was societal discrimination against these groups.

Section 6. Worker Rights

a. The Right of Association.—The laws allow workers to form and join unions of their choice without previous authorization or excessive requirements, and the country has a strong trade union tradition. Any seven workers may form a union, adopt a charter, elect leaders, and publicize their views, but in practice such rights were subject to resistance by the management of individual factories and administrative delays by the Government in registering the unions. Nonetheless, approximately 20 percent of the 7-million-person work force nationwide and more than 70 percent of the plantation work force was unionized. In total, there were more than 1 million union members. Approximately 15 to 20 percent of the nonagricultural work force in the private sector was unionized. Unions represented most workers in large private firms, but workers in small-scale agriculture and small businesses usually did not belong to unions. Public sector employees were unionized at very high rates.

Under the law, workers in the Export Processing Zones (EPZs) have the same rights to join unions as other workers. Although some unions were able to organize EPZ workers, forming trade unions was still difficult in the zones, however, and some employers were still trying to undermine the formation of unions there. As a consequence, while the unionization rate in the rest of the country was approximately 20 percent, the rate within the EPZs was under 10 percent. Fewer than 10 trade unions were active in EPZs, partially because of restrictions on access by union organizers to the zones. According to the Board of Investment, unions were attempting to operate in 33 out of 264 factories in the EPZs; however they were formally recognized in only 12 of these factories.

Most large unions were affiliated with political parties and played a prominent role in the political process, although major unions in the public sector were politically independent. The Ministry of Labor Relations and Manpower is authorized by

law to cancel the registration of any union that does not submit an annual report, the only grounds for the cancellation of registration.

Employers found guilty of discrimination must reinstate workers fired for union activities but may transfer them to different locations. Anti-union discrimination is a punishable offense liable for a fine of $176 (20,000 rupees).

b. The Right to Organize and Bargain Collectively.—The law allows unions to conduct their activities without interference, and the Government generally protected this right. The law provides for the right to collective bargaining; however, very few companies practiced it. Approximately 44 companies belonging to the Employers' Federation of Ceylon (EFC), the leading employers' organization, had collective agreements with workers. All collective agreements must be registered at the Department of Labor. Data on the number of registered collective agreements were not available. About half of EFC's 500-strong membership had a unionized workforce.

All workers, other than police, armed forces, prison service, and those in essential services, have the right to strike. By law, workers may lodge complaints with the commissioner of labor, a labor tribunal, or the Supreme Court to protect their rights. The president retains the power to designate any industry as an essential service.

The law prohibits retribution against strikers in nonessential sectors; however, in practice employees were sometimes fired for striking.

The Supreme Court recently intervened to stop public sector trade union actions when they threatened business or government operations. In July 2006 the Supreme Court issued a restraining order preventing unions attached to the Colombo Port from striking. In this case, the Joint Apparel Associations Forum, representing private sector associations in the apparel industry, had complained that a port slowdown over a wage demand was threatening exports and imports. The Supreme Court decision came after unions ignored a lower court directive to return to work. The affected trade unions filed a complaint with the ILO Committee of Freedom of Association on this matter. In another case, in September, the Supreme Court ordered five teachers' unions to refrain from staging a nationwide 1-day strike demanding higher wages. The strike was to be in defiance of a previous Supreme Court order on the unions not to disrupt the work of examiners correcting test papers in an important nation-wide high school examination.

In most EPZ enterprises, worker councils composed of employees engage in labor and management negotiations. Worker councils were in operation in 110 factories. The ILO approved the right of both trade unions and worker councils to engage in collective bargaining, provided worker councils are not used to undermine the position of unions.

There were only three operating collective agreements in the EPZs during the year. Labor representatives alleged that the Government's Board of Investment (BOI) and Labor Department discouraged union activity within EPZ factories and favored worker councils. The short-term nature of employment and the relatively young workforce in the EPZs made it difficult to organize.

Labor representatives alleged that the labor commissioner, under BOI pressure, failed to prosecute employers who refused to recognize or enter into collective bargaining with trade unions.

c. Prohibition of Forced or Compulsory Labor.—The law prohibits forced or bonded labor; however, there were reports that such practices occurred. The law does not specifically prohibit forced or compulsory labor by children. Although the law states that anyone below 18 years of age is considered to be a child, government officials interpreted it as applying to persons of all ages.

In the Batticaloa area, the army reportedly forced recently returned IDPs to perform hard labor, such as road clearance, for no pay.

d. Prohibition of Child Labor and Minimum Age for Employment.—The minimum age for employment is 14, although the law permits the employment of younger children by their parents or guardians in limited family agriculture work or to engage in technical training. An amendment to the Employment of Women and Youth Act prohibits all other forms of family employment of children below 14. There were no recent surveys on child labor in the country. The Department of the Census and Statistics has reportedly conducted a partial survey, but no results were released. The ILO plans to conduct a new nationwide Child Labor Survey in the future.

Persons under age 18 may not be employed in any public enterprise in which life or limb is endangered. There were no reports that children were employed in the EPZs, the garment industry, or any other export industry, although children sometimes were employed during harvest periods in the plantation sectors and in nonplantation agriculture. Sources indicated that many thousands of children were employed in domestic service in urban households, although this situation was not reg-

ulated or documented. Some child domestics reportedly were subjected to physical, sexual, and emotional abuse. Employment of children commonly occurred in family enterprises such as family farms, crafts, small trade establishments, restaurants, and repair shops.

The NCPA is the central agency for coordinating and monitoring action on the protection of children. The Department of Labor, the Department of Probation and Child Care Services, and the police are responsible for the enforcement of child labor laws. The Bureau of Child Protection of the Sri Lanka Police reported 106 complaints of child employment during the year, a fourfold increase over 2006. Information on litigation was not available. Penalties for employing minors were increased from approximately $9 (1,000 rupees) and/or 6 months' imprisonment to $93 (10,000 rupees) and/or 12 months' imprisonment.

As required by ILO Convention 182, the Government identified a list of 49 occupations considered to be hazardous. Of these occupations, 40 were to be unconditionally prohibited for children under 18 years, with limited exceptions for the remaining nine occupations. However, there was no implementing legislation passed by year's end.

e. Acceptable Conditions of Work.—While there is no national minimum wage, 43 wage boards established by the Ministry of Labor Relations and Manpower set minimum wages and working conditions by sector and industry. The wage boards began to increase and harmonize minimum wages in the industries under their supervision. Consequently, the minimum wage in 31 trades increased to $44 (5,000 rupees) per month in May. In sectors where there is a daily wage, the minimum wage is set at $1.80 (200 rupees). These minimum wages did not provide a decent standard of living for a worker and family.

The law prohibits most full-time workers from regularly working more than 45 hours per week (a 5½-day workweek). Regulations limited the maximum overtime hours to 15 per week. Several laws protect the safety and health of industrial workers, but the Ministry of Labor's small staff of inspectors was inadequate to enforce compliance. Health and safety regulations did not meet international standards. Workers have the statutory right to remove themselves from dangerous situations, but many workers were unaware or indifferent to such rights and feared that they would lose their jobs if they removed themselves from the work situation.

TAJIKISTAN

Tajikistan, with a population of approximately 7 million, is an authoritarian state; political life is dominated by President Emomali Rahmon and an inner circle of loyal supporters. While the country has a Constitution and a multiparty political system, in practice democratic progress was slow and political pluralism limited. The November 2006 presidential election lacked genuine competition and did not fully test democratic practices or meet international standards, although there were some improvements on voting procedures. During the year the ruling People's Democratic Party of Tajikistan (PDPT) dominated by-elections for national Parliament seats. The civilian authorities generally maintained effective control of the security forces.

The government's human rights record remained poor and corruption continued to hamper democratic and social reform. The following human rights problems were reported: Restricted right of citizens to change their government; torture and abuse of detainees and other persons by security forces; threats and abuse by security forces; impunity of security forces; lengthy pretrial detention; lack of access to prisoners by family members and lawyers; confessions obtained by torture accepted as evidence in trials; harsh and life-threatening prison conditions; prohibited international monitor access to prisons; extralegal extradition of prisoners from third countries with apparent government complicity; restricted freedom of speech, the press and media; restricted freedom of association; restrictions on freedom of religion, including freedom to worship; imprisonment of political opposition, including journalists; harassment of international nongovernmental organizations (NGOs); difficulties with registration and visas; violence and discrimination against women; trafficking in persons; and child labor.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life.—There were no reports that the Government or its agents committed arbitrary or unlawful killings.

During the year, the number of victims of landmines decreased, with seven deaths and six injuries. In 2006 there were 21 victims, six of whom were killed. The Government continued to work with international organizations to remove landmines throughout the country.

On January 4, the Government convicted and sentenced five men to 15 years in prison for the murder of 19 civilians in December 1992 during the civil war. The men were members of the progovernment Popular Front.

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; however, security officials reportedly employed them. The Government prosecuted officials who committed such practices.

Security officials, particularly from the Ministry of Interior (MOI), continued to use systematic beatings, sexual abuse, and electric shock to extort confessions during interrogations. Beatings and mistreatment were also common in detention facilities. The Government generally acted against those responsible for the abuses.

On April 16, the Kulyab city court sentenced MOI Senior Lieutenant Nurullo Abdulloev to 7 years in prison for illegally detaining two murder suspects and pressuring them into confessing to a number of crimes. On April 27, another local court convicted two police officers and sentenced them to 2 years in prison for torturing a detained minor. The court found that the two men had detained the minor without notifying his parents and that they had subjected him to beatings and electric shock.

In August a court in Murghob convicted a police lieutenant, Omurbek Sattorov, of using torture to coerce a confession from a local shepherd. He was sentenced to 1½ years of imprisonment. In the same month, the military prosecutor's office in Qurghonteppa instituted criminal cases against two Border Troop officers, Mirahmad Odinaev and Qurbon Safarov, for beating soldiers under their command.

Prison officials in the Sughd region fired three prison guards who were implicated in the May 2006 death of Sadullo Marupov, a member of the Islamic Renaissance Party of Tajikistan (IRPT) who died in custody. A local court convicted two of the guards of abuse that led Marupov to kill himself. The court acquitted the third prison guard. The two convicted prison guards, however, did not have to serve prison time because of a general amnesty. The circumstances of the case led many to express deep concern about possible political motivation for Marupov's death.

Citizens in the southern regions of the country complained of harassment and abuse committed by border guards involved in drug trafficking.

According to military prosecutors, during the year there were 12 cases of brutal hazing of new soldier recruits.

Prison and Detention Center Conditions.—The Government operates 12 prisons, including one for female convicts, and six pretrial detention facilities.

Prison conditions remained harsh and life threatening. Prisons were generally overcrowded and unsanitary. Disease, particularly the spread of tuberculosis, and hunger were serious problems. Government officials reported that 36 prisoners died of tuberculosis or AIDS-related diseases.

A separate prison in Dushanbe held only former members of so-called "power ministries," such as the police, intelligence and security officers, and the military. Conditions in such prisons were better than in normal prisons. The Drug Control Agency's (DCA) prison facility for criminals convicted of drug related crimes was also reportedly better than normal facilities.

The Government denied the International Committee for the Red Cross (ICRC) free and unhindered access to prisons and detention centers controlled by the Ministry of Justice (MOJ). The ICRC attempted to negotiate with the MOJ to regain free and unhindered access to all prisons, but the ICRC withdrew its foreign staff because the Government refused it full access. The MOJ granted some foreign diplomatic missions limited access to prisons and detention facilities, including the DCA's prison. The MOJ granted a select group of local NGOs limited access to facilities in order to implement their assistance programs.

At the conclusion of her April visit, United Nations High Commissioner for Human Rights Louise Arbour called on the Government to ensure wider access to justice and allow local and international monitors, including the ICRC, access to detention centers.

d. Arbitrary Arrest or Detention.—The law allows for lengthy pretrial detention, and there were few checks on the power of prosecutors and police to make arrests; arbitrary arrest and detention remained serious problems.

Role of the Police and Security Apparatus.—The MOI, the Ministry of Defense (MOD), the Government Committee on Emergency Situations and Civil Defense, the National Guard, the DCA, the State Committee for Border Protection, and the State

Committee for National Security shared responsibility for internal security. The MOI is responsible primarily for public order and controls the police force; the SCNS has responsibility for intelligence; and the MOD is responsible for external military security, but it can be employed in serious domestic conflicts. The Government Committee on Emergency Situations and Civil Defense responds to internal problems including natural disasters. The National Guard is also involved in internal security, but its primary function is to protect presidential sites and confront internal threats; it answers directly to the president. The DCA is responsible for investigating and interdicting narcotics and other illicit contraband. The Committee for Border Protection maintains the border area and is responsible for protecting the country from external threats. The police and security forces in general were not effective at responding to individual incidents of crime or conducting serious investigations into organized criminal gangs, although law enforcement agencies seized relatively high quantities of illicit narcotics.

Impunity remained a serious problem, and officers who committed abuses were rarely prosecuted. Officers often bribed their commanders for promotions. Traffic police frequently stopped cars, unofficially fined the drivers for traffic violations, and pocketed the fines. The Government acknowledged that police, army, and security forces were corrupt and that most abused citizens remained silent rather than risk retaliation by authorities.

Victims of police abuse may submit a formal complaint in writing to the officer's superior. During the year the Government arrested 61 law enforcement officials for corruption or abuse of power. Of the 89 law enforcement officials arrested in 2006, courts convicted 58 of various crimes and released or acquitted 31.

Arrest and Detention.—Police may detain a person without a warrant. They must advise a prosecutor of the detention within 24 hours. The prosecutor has 48 hours from notification to either release the suspect or apply measures of restriction. The suspect must be otherwise charged or released within 10 days of initial detention. Officials generally followed this process in practice. Detainees are given access to an attorney of their choice. The Government is required to appoint lawyers for those who cannot otherwise afford one, but in practice attorneys were not always provided, and those who were provided generally served the Government's interest, not that of the client. By law if a detainee is disabled, a juvenile, a high profile figure, is accused of a grave crime, or is facing the death penalty, the Government must provide an attorney, and this requirement was generally followed in practice. There is no requirement for judicial approval or a preliminary judicial hearing on the charge or detention. There is no bail system, although criminal case detainees may be conditionally released and restricted to their place of residence pending trial; those on conditional release sign a "promise letter" that they will not leave an area around their residence. According to the law, family members are allowed access to prisoners only after indictment; officials occasionally denied attorneys and family members access to detainees. Many detainees were held incommunicado for long periods and remained in police custody without being formally charged.

In some cases security officers, principally from the MOI and the SCNS, did not obtain arrest warrants and did not bring charges within the time specified by the law. Persons released from detention often claimed they were mistreated, beaten, and tortured.

The Government always provided a reason for arresting individuals, although authorities often falsified reasons for arrest or inflated minor problems to make politically motivated arrests. Police occasionally arrested innocent persons, accused them of committing crimes the police were attempting to solve, and subsequently framed them in order to report a false resolution of the case.

A person may be detained for 2 months after an investigation begins. The prosecutor may petition to detain the suspect for up to 15 months before his case reaches the court system. Once an investigation is completed, the person may be detained for an additional month. Following indictment, the law allows for pretrial detention of up to 15 months. The first 3 months of detention are at the discretion of a local prosecutor; the next 3 months must be approved at the regional level. The prosecutor general must approve longer periods of detention, and the Government generally followed this in practice. The Government did not always follow pretrial procedures in practice, especially if detainees were unaware of their rights.

Amnesty.—In June Parliament passed an amnesty law in honor of the 10th anniversary of the end of the civil war. Under the law, approximately 8,000 elderly, young, and sick individuals sentenced for committing minor crimes were given full or partial amnesty. The amnesty law excludes from consideration those convicted of serious crimes.

e. Denial of Fair Public Trial.—Although the law provides for an independent judiciary, in practice the executive branch and criminal networks exerted pressure on prosecutors and judges, and corruption and inefficiency were problems.

Prosecutors are responsible for overseeing all investigations of alleged criminal conduct. The MOI, DCA, State Committee on National Security, and the Prosecutor General's office have the authority to conduct criminal investigations, including interviewing, issuing subpoenas and gathering evidence. Prosecutors also have the right to initiate cases.

The Criminal Procedure Code, which has not been substantially altered since the Soviet period, does not promote the efficient, effective, or fair resolution of criminal cases. The Code gives the prosecutor a disproportionate amount of power in relation to judges and defense advocates. This power includes control of the formal investigation and the indictment, which effectively define the trial, as well as legal oversight of the entire case proceedings.

"Supervisory powers" provided by law allow authorities to reopen and re-examine criminal cases indefinitely after the appeal period has expired; re-examinations are conducted by the court presidium. The general prosecutor and deputies are included among those who can protest a court decision under supervisory powers, thereby annulling the effect of the decision and forcing it to be re-examined by the presidium or at a higher court level. These powers are an impediment to establishing an independent judiciary.

The president is empowered to appoint and dismiss judges and prosecutors with the consent of Parliament. Judges at the local, regional, and national level often were poorly trained and had extremely limited access to legal reference materials and other resources. Low wages for judges and prosecutors left them vulnerable to bribery, which remained a common practice. Judges were subject to political influence.

The judicial system is composed of city, district, regional, and national courts, and there are parallel economic and military court systems. Higher courts serve as appellate courts for lower ones. There also is a constitutional court that reviews citizens' claims of constitutional violations.

The Government continued efforts to address problems of judicial integrity by holding judges and prosecutors accountable for criminal conduct. During the year the Government arrested for corruption two judges, one prosecutor and one justice system employee. Courts convicted all of the 16 justice employees who were arrested in 2006, primarily for corruption. Of these, nine were notaries, five were judges, and one was a prosecutor.

Trial Procedures.—Trials are public, except in cases involving national security. Guilt or innocence is determined by a panel consisting of a presiding judge and two "people's assessors" or "jurymen." Qualifications of the assessors and how they are determined is unclear, but their role is passive and dominated by the presiding judge.

While the law stipulates that a case must be brought before a judge within 28 days after it is entered for trial, most cases were delayed for months. Under the law, courts appoint attorneys at public expense; however, in practice authorities often denied arrested persons access to an attorney.

In practice an indictment implies that the Government assumes a suspect's guilt, and government officials routinely made public pretrial statements proclaiming this. The law provides for the right to appeal. The law extends the rights of defendants in trial procedures to all citizens.

According to the law both defendants and attorneys have the right to review all government evidence, and to present evidence and testimony. No groups are barred from testifying, and, in principle, all testimony is given equal consideration.

While prosecutors are allowed legally to intervene in cases, there were no reported incidents of prosecutors exercising this right.

In rare instances military courts try civilians, who have the same rights as defendants in civilian courts. A military judge and two officers drawn from the service ranks hear such cases.

Political Prisoners and Detainees.—Authorities claimed there were no political prisoners and that they did not make any politically motivated arrests; however, there were reports that the Government detained rival political activists. There was no reliable estimate of the number of political detainees.

Upon release, political detainees occasionally alleged torture and abuse during imprisonment, claimed they were kept in a separate facility, and protested they were not granted visiting access afforded to other prisoners.

In February 2006 authorities released Social Democratic Party of Tajikistan (SDPT) member Fayzinoso Vohidova after she had been charged in 2005 with for-

gery and tax evasion. The ruling against Vohidova prohibited her from occupying official positions or leadership roles for 2 years. Vohidova maintained that the charges against her were politically motivated. She continued to be unsuccessful in her attempts to file an appeal with the Supreme Court.

Muhammadruzi Iskandarov, head of the Democratic Party of Tajikistan and former chairman of Tojikgaz, the country's state-run gas monopoly, remained in detention following his 2005 kidnapping and return to the country from Moscow by unknown individuals. In 2005 the Supreme Court sentenced Iskandarov to 23 years in prison as well as other penalties, including restitution of approximately $430,000 (1.5 million somoni) allegedly embezzled from Tojikgaz. While most observers believed allegations of corruption and embezzlement were well-founded, local observers, human rights activists, and the political opposition charged that Iskandarov's conviction was politically motivated.

Former interior minister Yakub Salimov remained in prison serving a 15-year sentence for crimes against the state and high treason following his 2005 closed trial.

Rustam Fayziev, deputy chairman of the unregistered Party of Progress, continued to serve a 5-year sentence in jail for insulting and defaming President Rahmon in a 2005 letter.

Civil Judicial Procedures and Remedies.—Although the Constitution provides for it, the judiciary is not independent or impartial in civil matters. There is no court system to bring lawsuits seeking damages for, or cessation of, human rights violations, and no administrative remedies.

In April the Dushanbe city government filed a suit in the Dushanbe Economic Court against the Grace Sun Min Church. In the past the city had attempted to assert ownership over property rights that the church had purchased in the late 1990s. In 2004 the Dushanbe Economic Court issued a decision in the Church's favor. The Economic Court, however, found grounds to review the issue again based on the city's petition, despite the court's prior decision and the lapsing of that decision's period of appeal. In December the Court ruled in the Church's favor, but observers questioned why the Court allowed the case to proceed initially.

Property Restitution.—Throughout the year Dushanbe city government issued court orders to evict certain residents and demolish their homes. The Government promised to compensate residents with new apartments in a different part of the city. Some residents legally protested the forced evictions and complained that the compensation was not commensurate with the market value of their homes. Government officials responded that all actions complied with law.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The law prohibits such actions, although police forces committed violations in practice.

Under the law police cannot enter and search a private home without the approval of a prosecutor, except in special circumstances in which a delay would impair national security. If police search a home without prior approval, they must inform a prosecutor within 24 hours. In practice police frequently ignored these laws and infringed on citizens' right to privacy. There is no independent judicial review of police searches conducted without permission.

The law prohibits the Government from monitoring private communications; however, it is believed that they did so on occasion.

Leaders of the SDPT, SPT (the Narziev faction) and DPT (the Iskanderov faction) alleged that government officials coerced or threatened the members into leaving the parties or denying their party affiliation.

Family members of those allegedly belonging to Hizb ut-Tahrir (HT), a banned extremist political organization, claimed that they were mistreated and beaten while in police custody.

Police and other MOI officials often harassed the families of suspects in pretrial detention or threatened to do so to elicit confessions.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The law provides for freedom of speech and of the press; however, in practice the Government restricted these rights.

On occasion authorities subjected individuals who disagreed with government policies to intimidation and discouraged from speaking freely or critically. Government interference was particularly acute surrounding the November 2006 presidential election. Under the law a person can be imprisoned for up to 5 years for insulting the president.

All newspapers and magazines whose circulations exceed 99 are subject to registration with the Ministry of Culture. There were 272 registered newspapers, none of which were dailies (major newspapers came out once per week). There were also

72 registered magazines and seven news agencies. In June the Government ordered all print media to re-register.

The independent media were active but, as in previous years, the Government subjected the media to different means of control and intimidation; media outlets regularly practiced self-censorship out of fear of government reprisal. During the registration process, for example, the editors or owners of publishing houses agreed not to publish religious materials without the permission of the Ministries of Education and Culture.

During the year, the opposition Democratic Party of Tajikistan did not publish any editions of its newspaper, Adolat. Nerui Sukhan, an independent newspaper that had criticized government policy, did not resume publishing after its editor, Mukhtor Boqizoda, encountered numerous legal problems.

Government authorities occasionally subjected individual journalists to harassment and intimidation. Journalists reported that government officials limited their access to information or provided advice on what news should not be covered. There were no reported instances of violence against journalists by unidentified persons.

Other common types of harassment included trials to intimidate journalists, warnings made by telephone and in person at a prosecutor's office or during visits to editorial offices, selective tax inspections, and close scrutiny of independent publications, such as by counting the number of copies printed compared to the declared circulation. Although this practice was mainly related to tax issues, it was also used for political harassment.

In July a prosecutor instituted criminal defamation charges against three journalists from Ovoza, a weekly newspaper, for publishing an article criticizing a pop singer's conduct at a concert in Afghanistan and reprinting material written about her on the Internet. In October representatives from the Prosecutor General's office summoned Marat Mamadshoev, Editor-in-Chief of Asia Plus, and asked him to explain why he had published an article quoting a Deutsche Welle radio program that had been critical of government policy.

The Government controlled most printing presses, the supply of newsprint, and broadcasting transmission facilities. In 2005 the Government closed the private printing house Kayhon, the publisher of independent newspaper Nerui Sukhan. State and private printing houses refused newsprint to independent newspapers.

Broadcasting entities must obtain a production license from the State Committee on Television and Radio and a broadcast license from the Ministry of Transport and Communications. The government, however, restricted issuance of these licenses. The Government continued to review licensing regulations with public debate and input by journalists, but the process was lengthy, and there were no significant changes.

There are three National government-run television channels and two government-run radio stations, all of which are available throughout the country. There are also three regional government-run television channels. Several independent TV channels and radio stations are available in a very small portion of the country.

During the year, independent radio and television stations continued to experience administrative harassment and bureaucratic delays. Of the private television stations, only a few were genuinely independent, and not all of them operated without official interference. The Government granted production and broadcast licenses to one new independent TV station and two new radio stations.

The Government allowed some international media to operate freely, including rebroadcasts of Russian television and radio programs. However, the Government continued to deny BBC a renewal of its license to broadcast on FM radio; it remained operational only on a middle frequency wavelength with limited broadcasting ability.

The international NGO Internews continued to experience registration and licensing problems that prevented the launch of six new community radio stations under its sponsorship.

From April to July 2006 the Government temporarily suspended the Union of Journalists, but it resumed its activity upon the appointment of a new chairman. The union is perceived as being largely government influenced.

In July 2006 three leading media associations formed a coalition, Partnership for Democracy, to address misunderstandings among journalistic bodies and foster improved relations between mass media and the Government.

Opposition politicians had very limited access to state-run television. The Government allowed opposition leaders limited airtime during the presidential election campaign in October and November 2006.

Internet Freedom.—On August 23, the president signed amendments to the Criminal Code that criminalize libel and defamation on the Internet, punishable by up

to 2 years in prison. At year's end the Government had not prosecuted anyone under these amendments.

One Internet site remained blocked as a result of the September 2006 government order to block access to Web sites that "undermined the state's policies."

Academic Freedom and Cultural Events.—There were no reported government restrictions on academic freedom and cultural events.

b. Freedom of Peaceful Assembly and Association.

Freedom of Assembly.—The law provides for freedom of assembly; however, the Government at times restricted this right in practice.

A permit from a local executive committee is required to organize any public assembly or demonstration; only registered organizations may apply for permits. In general the Government refused to grant demonstration permits in fear that large gatherings would lead to violence and political upheaval. During the year a few groups staged protests without permission from the Government and did not suffer reprisal.

On January 15, according to media reports, 30 members of the Blind Society of Hissar protested in front of the presidential administration's office against the lack of electricity and water in their homes. On January 29, 35 people protested the Dushanbe housing evictions in front of the Supreme Court and publicly accused judges of corruption. Government officials later did not acknowledge that the protest occurred.

On May 30, the president signed a new Law on Observing National Traditions and Rituals that regulates private celebrations such as wedding and funeral ceremonies. The law limits the number of wedding guests, eliminates engagement parties, and controls ceremonial gift presentations and other traditional rituals. The law also regulates the number of guests at funerals and memorial services. Some citizens reported that government officials monitored weddings and funerals to ensure all parties obeyed the new law. In October authorities in Qumsangir initiated a case against a telephone receptionist for violating the law, claiming that her daughter's birthday celebration was too lavish.

On June 10, the IRPT scheduled a party meeting between citizens in Khorog and Chairman Muhiddin Kabiri, who also holds a seat in the national Parliament, but local authorities refused to permit party members to meet, citing a lack of authorization from central government authorities.

Freedom of Association.—The Constitution protects freedom of association; however, the Government sometimes restricted this right in practice. The Law on Public Associations, passed by Parliament in May, created a complicated process for all NGOs to register with the MOJ. On May 12, the president signed an additional decree requiring all existing NGOs to re-register with the MOJ. International NGOs, particularly those supported by Western donors and involved in democracy-building activities, faced difficulties in the registration process. While many NGOs have been able to submit documentation well in advance of the registration deadline of December 31, the overly technical requirements in the law gave government authorities a pretext to delay or deny registration.

The Government continued to refuse to register political parties and associations that it considered opposition groups. The Government also intensified its monitoring of the activities of religious groups and institutions to prevent them from becoming overtly political.

Legislation defines extremism in broad terms and gives law enforcement agencies wide latitude to investigate. According to the MOI, law enforcement officials arrested approximately 40 individuals for membership in extremist organizations, including HT, and terrorist organizations, such as the Islamic Movement of Uzbekistan. The majority of those arrested faced charges of membership in banned organizations, illegal possession of weapons and seeking to disrupt the constitutional order.

While prosecutors have secured convictions for many of those arrested for extremist activities, law enforcement officials utilized their authority to monitor, question and detain a broad spectrum of individuals and groups. For example, according to the Prosecutor General's Office, during the year criminal cases were initiated against 23 members of HT. However, it is believed that authorities questioned or otherwise detained significantly more individuals based on suspicion of HT membership or activities.

At a January 15 press conference, the Prosecutor General declared that the Supreme Court recognized 10 groups as terrorist organizations; however, the list did not include HT, which was labeled an extremist organization. In 2004, the Government's concern about Islamic fundamentalism among the country's Muslim population had prompted it to ban HT for alleged links with terrorist organizations. Ac-

cording to the government, the group promoted hate and praised acts of terrorism, although it maintained it was committed to nonviolence. HT's anti-Semitic and anti-Western literature called for the overthrow of secular governments, including those in Central Asia, to be replaced with a worldwide Islamic government.

International and local sources estimated that approximately 300 former opposition fighters of the United Tajik Opposition remained in prison after the civil war. A 2004 review determined that most fighters were imprisoned appropriately for grave crimes.

c. Freedom of Religion.—The law provides for freedom of religion; however, the Government imposed increasing restrictions over the year and respect for religious freedom deteriorated.

The country is a secular state, and Islam is the majority religion. There were approximately 253 large "Friday prayer" mosques and more than 2,700 regular daily prayer mosques in the country.

The Government promoted respect for traditional Islam; however, it viewed "extremist" Islamist groups as threats to national security. The Government was particularly concerned about "foreign" influences on religious life and carefully monitored the activities of all religious groups, regardless of denomination. Under a presidential decree, the State Committee on Religious Affairs was placed under the control of the Ministry of Culture, and renamed the Department of Religious Affairs (DRA). The law requires all religious communities to be registered by the DRA. The Government maintained that registration helped to ensure that religious groups acted in accordance with the law; in practice the provision was sometimes used to control political and religious activities.

The DRA occasionally put up bureaucratic and technical hurdles to impede registration of new religious organizations, which hindered their religious activity. Many mosques and organized groups remained unregistered. The DRA organized annual training courses for imams and other mosque employees. In August Dushanbe authorities required hundreds of local imams to take a special test of religious knowledge to prove their fitness for the job. Four imams from regular daily praying mosques failed the test and were removed from their positions.

On July 11, the Minister of Education repeated a 2005 statement during a press conference banning hijabs in schools and institutions of higher education; he cited the need to uphold secular education, even though the law does not prohibit wearing the hijab. As a result of his order, schools expelled female students and teachers for wearing hijabs. There was no official government reaction to the ongoing expulsions.

Beginning July 25, the Government closed 213 unregistered mosques and prayer rooms and demolished three mosques in Dushanbe. By year's end, all of the closed mosques had been allowed to reopen. Some unregistered mosques in the Sughd region remained open while being investigated by the Prosecutor General's office. There were also reports of authorities in the southern portion of the country directing Muslim leaders to prohibit school-aged boys from attending prayers at local mosques.

In October the Ministry of Culture banned three local Christian organizations, including the Jehovah's Witnesses. The Ministry based its decision to ban the Jehovah's Witnesses on violations of the Constitution and the Law on Religion and Religious Organizations, and on an order of the Prosecutor General. In the order, the Ministry indicated that the Jehovah's Witnesses regularly committed violations of law because it distributed "in public places and at the homes of citizens . . . propagandistic books on their religion, which have become a cause of discontent on the part of the people." The group, which had been lawfully registered since 1994, filed suit, but proceedings had not begun at year's end.

Prior to their ban, the Jehovah's Witnesses had been subjected to harassment and intimidation. In April and May the Government confiscated religious literature imported by the Jehovah's Witnesses, prompting the group to file a lawsuit requesting the release of the literature. After months of litigation, the Supreme Court ordered that the suit be heard in Military Court, because the SCNS was a party to the suit. The court proceedings had not been completed by the end of the year. Authorities harassed members of the Jehovah's Witnesses on several occasions. In April and May authorities questioned, harassed and beat two local Jehovah's Witnesses. On April 2, authorities prevented a Jehovah's Witnesses meeting of 1,400 individuals. On July 13, government security officials stopped an expatriate member of the Jehovah's Witnesses on the street, questioned him and ordered him to leave the country.

On July 12, the Ministry of Culture published a list of 60 titles of banned religious literature from organizations the Government considered to be extremist; Jehovah's Witnesses' literature was included on the list.

On February 22, the MOJ ordered an international faith-based NGO to cease its activities and suspend its English-language classes until it received a license from the Ministry of Education. The Government suspected the NGO of operating outside its charter. On March 29, the Ministry of Foreign Affairs threatened to deport all of the organization's foreign staff but rescinded its decision April 5. By the end of the year, the MOJ had re-registered the organization, but the Ministry of Education had not issued a license.

Missionaries of registered religious groups were not legally restricted and the law permits proselytizing, but there was occasional interference with proselytizing. In response to public complaints regarding missionaries, the Government issued warnings and questioned groups that proselytized. During the year security officials questioned many Christians suspected of proselytizing or affiliated with an organization suspected of proselytizing.

The Government indicated that religious instruction should not take place at home; instead, schools taught a mandatory course on the history of religions.

Authorities at times restricted Muslim religious activities. For example, government printing houses were prohibited from publishing texts in Arabic and generally did not publish religious literature; however, they did so in special cases, including copies of the Koran in Arabic script. There were some restrictions on private Arabic language schools.

Five-thousand Tajiks were permitted to participate in the hajj, and the DRA closely controlled and organized all aspects of the trip. The DRA required pilgrims to register with authorities and travel by air using the state-owned airline, citing hygiene and safety concerns regarding other means of travel.

In a March press statement, U.N. Special Rapporteur on Freedom of Religion or Belief Asma Jahangir urged the Government to work with the international community when adopting legislation and policies.

The DRA continued to re-draft a new law "On Freedom of Conscience, on Religious Associations and Other [Religious] Organizations" to replace the existing law on religion. Government officials were reluctant to share the draft with interested parties, and religious and political groups roundly denounced the legislation as an attempt to intensify already strict limitations on religious freedom. After scrutiny by the public and the international community, government officials consented to public discussions of the draft law in November. Government officials indicated that the current draft will continue to be reworked.

Societal Abuses and Discrimination.—During the year there were no confirmed public anti-Semitic acts, although some imams and mullahs reportedly preached anti-Semitic messages in mosques. In August and September 2006 unknown assailants attacked the only synagogue in the country using Molotov cocktails. The September 2006 attack coincided with an attack on the Russian Orthodox Church and followed a break-in at the rabbi's residence, while on March 11, a church break-in occurred. Authorities investigated the incidents but did not make any arrests.

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons.—The law provides for these rights, although the Government imposed some restrictions.

Foreigners are prohibited from traveling within a 15-mile zone along the country's borders with China and Afghanistan without permission from the Ministry of Foreign Affairs. The restriction was not always enforced along the western border with Afghanistan, although a special visa was required for travelers—including international workers and diplomats—to Gorno-Badakhshan. Diplomats and international aid workers could travel to the Afghanistan border without prior authorization.

There are no laws that provide for exile, and there were no reports of forced exile. Some government opponents remained in self-imposed exile in Russia.

Persons wishing to emigrate to countries of the former Soviet Union must notify the MOJ prior to their departure. Persons who wish to emigrate to other countries must obtain an immigrant visa to receive a passport.

Most persons who left the country were permitted to return freely. A few individuals active with the opposition who left during the civil war experienced administrative difficulty in obtaining new documents that would permit them to return. The Government provided protection and modest assistance to resettle any citizens who returned voluntarily and cooperated with international organizations that helped fund assistance and resettlement programs.

Protection of Refugees.—The law provides for the granting of asylum or refugee status to persons in accordance with the 1951 U.N. Convention relating to the Status of Refugees and its 1967 protocol, and the Government has established a system

for providing protection to refugees. The Government remained cooperative with UNHCR in some areas such as allowing refugee children to attend local schools.

In practice the Government provided some protection against refoulement, the return of persons to a country where they feared persecution, and granted refugee status or asylum. However, some refugees were not protected from refoulement. The law stipulates that refugee status should be granted for up to 3 years and extended for 3 year periods. However, this was not always the case. During the year in an effort to ensure that asylum seekers do not become residents, the Government granted refugee status only to asylum seekers for 3 months to 1 year. Refugee status could be continually renewed in 3-month increments. The Government also provided some temporary protection to individuals who may not qualify as refugees under the 1951 convention and 1967 protocol. According to the State Agency for Social Protection, Employment and Migration, there were 1,029 refugees and 399 asylum seekers in country, most of them Afghans. UNHCR retained its observer status in the Refugee Status Determination Commission.

On May 31, the Government detained 150 Afghan refugees and asylum seekers in Dushanbe, including men, women and children. Under a law passed in 2000, the Government prohibits asylum seekers and refugees from residing in urban areas. Some detainees claimed that they lived outside of Dushanbe but commuted into the city for work. Detainees reported the Government did not provide them with food, water, or access to sanitation facilities. The Government released the detainees only after they signed an affidavit declaring they would leave the city within 3 to 10 days.

On September 5, the Agency for Social Protection, Employment and Migration interviewed two Iranian asylum seekers, Mehdi Mousavi and Asad Haidari, at the Yovon prison to determine their refugee status. The Government gave UNHCR access to the Yovon prison to observe the interview. The two detainees claimed they were Christian refugees and feared extradition and persecution in Iran. The two were detained and imprisoned for illegally crossing the Tajik-Afghan border in 2006. According to media reports, the Government granted amnesty to release the two prisoners; however at year's end they remained in prison. On August 8, the Iranian Embassy issued a statement declaring that the Iranian government had not requested the extradition of the detainees.

The Government did not deport any refugees.

A group of mostly Afghan refugees, whom UNHCR had prescreened for asylum, remained in the country with no clear future. Police continued to mistreat and harass the country's Afghan refugees, who resided mainly in the capital and in Khujand. Although their treatment improved in some areas, many Afghan refugees claimed they were frequently harassed and intimidated into paying illegal registration fees, bribes, and other fines to police who falsely accused them of being affiliated with the Taliban. Afghan refugee children also faced discrimination and harassment from classmates in schools. UNHCR continued to work with the Government to implement legislation allowing refugees to obtain legal residency or citizenship. As in the past year, no refugee was granted citizenship or presumed legal residency.

Refugees currently in detention were denied the right to speak to a lawyer and the right to appeal a deportation decision within 1 week, as provided by law.

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; however, the Government restricted this right in practice.

The president and an inner circle of supporters primarily from his home region of Kulob continued to dominate the Government. The president's political party, the PDPT, held the majority of parliamentary seats and government positions. The president had broad authority to appoint and dismiss officials.

Elections and Political Participation.—During the year the PDPT dominated parliamentary by-elections. International observers witnessed violations such as family voting and ballot box stuffing. In the April 1 by-elections, two Islamic Renaissance Party representatives withdrew their candidacy in Firdavsi and Kulob districts. The IRPT in Kulob district withdrew the night before the election, alleging unfair practices by the district election commission and its refusal to allow IRPT members to observe the election. In a December by-election in Kulob, a PDPT member and security official in President Rahmon's office won a seat in the lower house of Parliament. He ran unopposed.

International observers concluded that there was no genuine competition and no political pluralism in the November 2006 presidential election, which allowed voters only nominal choices. Requirements for candidates to collect signatures from 5 per-

cent of the electorate—approximately 160,000 signatures—in a short time span prohibited many opposition candidates from competing. Five candidates were registered, including incumbent president Rahmon; the other four were considered to support the incumbent administration's policies. President Rahmon won a third 7-year term with a reported 79.3 percent of the vote. The Organization for Security and Co-operation in Europe (OSCE) reported that the Government did not implement adequate improvements in the legislative and administrative framework, officials exercised excessive control during the campaign period, and the actual voter turnout did not reach the 91 percent officially reported.

The Government reported eight legally registered political parties. Four parties continued to be banned during the year: The Adolatkhoh Party, the Party of Popular Unity, the Party of Political and Economic Reforms, and the Agrarian Party. The MOJ had not registered the Unity Party, although it was not banned explicitly. Of three new parties seeking registration in 2006, only the Party of Economic Reform of Tajikistan and a second Agrarian Party of Tajikistan were successful. The law prohibits political parties from receiving support from religious institutions, but religiously affiliated parties, such as the IRPT, can be registered.

Opposition political parties remained small, had limited popular support, and were kept under close scrutiny by the Government. While they were generally able to operate, they had difficulty obtaining access to state-run media. The chairmen of the SDPT, DPT and an unregistered faction of the SPT alleged that the Government systematically harassed their supporters. The Government occasionally sidelined political opponents and potential rivals by bringing criminal charges against them.

On March 5, the MOJ threatened to suspend the SDPT's activities if its chairman, Rahmatullo Zoyirov, did not report the party's activities and provide requested documents to the MOJ. Zoyirov contended that he had never received notice of the request the MOJ said it issued in January. On April 24, the Supreme Court acquitted Zoyirov of charges of not providing information to the MOJ.

The Democratic Party of Tajikistan alleged that the Government assisted in dividing the party in the lead-up to the November 2006 presidential election. The Central Committee on Election and Referenda officially recognized the new faction of the party and refused to acknowledge the original Democratic Party, led by its imprisoned Chairman, Mahmadruzi Iskandarov. The Government did not respond to the party's appeal to the MOJ to affirm its status as the only Democratic Party of Tajikistan.

The parliamentary election code requires candidates to pay a registration fee of approximately $405 (1,400 somonis). The presidential election code does not require presidential candidates to pay a registration fee.

There were 10 women in the 96-seat Parliament; most ministries had one female deputy minister, according to unofficial quotas; one of the deputy prime ministers and one minister were women.

There were two members of minorities (Kyrgyz) in the 96-seat legislature. Ethnic Uzbeks were represented in the government, although not in direct policymaking roles.

Government Corruption and Transparency.—The law provides criminal penalties for official corruption; however, the Government did not implement the law effectively, and officials frequently engaged in corrupt practices with impunity, including bribery and nepotism.

A presidential decree signed January 10 created the State Agency to Fight Corruption and Economic Crimes, an office under the president's supervision. The MOI, the MOJ and Prosecutor General's office are also responsible for investigating, arresting, and prosecuting corrupt officials. The Government acknowledged a problem with corruption and took steps to combat it, including trying officials and judges for taking bribes. The General Prosecutor's Office investigated 112 cases of corruption by government employees. According to the World Bank's Worldwide Governance Indicators, corruption in the country was a severe problem.

Although the law requires government officials to provide information to journalists upon request, there was no legal provision for citizen access to government information. In practice the Government did not permit free access to information, and some officials disregarded the law concerning journalists, as there was no enforcement.

Section 4. Governmental Attitudes Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

Domestic and international human rights groups continued to face increasing government pressure, and international NGOs engaged with democracy issues encountered registration and visa problems. The Government continued to request sensitive information from NGOs such as employees' personal information, information

about students affiliated with the organizations, their activities, and their financial status. The Government was somewhat responsive to the views of human rights groups and generally shared information and cooperated with most local and international NGOs and diplomatic missions on joint projects and conferences.

The Government did not block the registration of local NGOs addressing human rights, but it burdened them with increased government regulation in the form of registration requirements. There were over 3,500 registered NGOs in the country, but many existed only on paper. NGOs focused on a wide variety of issues, including child welfare, mass media, and health. At times authorities restricted freedom of assembly and association for organizations involved in political activities.

The Government permitted some international NGOs to operate in the country. The Government continued to deny the registration and re-registration of several international NGOs working on democracy issues. NGOs were asked to re-register with the MOJ by January 2008.

During the year the Government cooperated with the OSCE and the United Nations and permitted the visits of Rolf Ekeus, the OSCE High Commissioner on National Minorities; Louise Arbour, the U.N. High Commissioner for Human Rights; and Asma Jahangir, the Special Rapporteur on Freedom of Religion or Belief.

The government's Office for Constitutional Guarantees of Citizens' Rights continued its work of investigating and answering citizens' complaints. Staffing inadequacies and uneven cooperation from other government institutions hampered the office's effectiveness.

The Parliament's committee on legislation and human rights also monitored human rights violations, but it lacked full independence. The committee's primary responsibility was to vet new proposed legislation for compliance with human rights obligations.

The government's Commission on Fulfillment of International Human Rights is a centralized body that receives human rights complaints and coordinates a response. It delegates each complaint to local administration and informs the General Prosecutor's Office, MOI, and other relevant ministries. The body operated at the Deputy Prime Minister level and was partially effective. President Rahmon issued a decree in June calling for the establishment of an independent human rights institution, but the law establishing a Human Rights Commissioner had not been passed by year's end.

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

The law provides for the rights and freedoms of every person regardless of race, gender, disability, language, or social status; however, in practice there was discrimination against women, and trafficking in persons was a problem.

Women.—Violence against women, including spousal abuse, remained a widespread problem. Most cases of domestic abuse went unreported, and reported cases were seldom investigated. Although the law does not specifically prohibit domestic violence, there are provisions within the criminal code regarding domestic violence offenders. Penalties include a minimum fine of 300 times the minimum wage and up to 15 years' imprisonment. Accurate statistics on the number of domestic violence cases were difficult to estimate; such cases often went unreported. On April 18, the Chairwoman of the Committee on Affairs of Women and Families informed the media that the Committee had received reports of 150 cases of domestic violence. There continued to be reports, particularly in rural areas, about abductions of young women who were then raped or forced to marry their abductors. The media reported that in some rural areas, officials observed an increase in female suicide. NGO workers suggested the increase was due to domestic violence. The law prohibits rape (although not specifically spousal rape), which is punishable by up to 20 years' imprisonment. As with abuse incidents in general, it was widely believed that most cases were unreported and that the problem was growing, particularly in urban areas. In addition family members and acquaintances often used threats of rape to intimidate women. There were no official statistics on the number of rapists charged, prosecuted, or convicted.

Several domestic and international NGOs supported women's resource centers to assist rape and spousal abuse victims. Government funding was extremely limited, although it had a specific committee for women's and family affairs within the office of the president. NGOs and some government structures discussed violence against women in the framework of the Government's reporting obligations for U.N. conventions.

Prostitution is illegal, although in practice apprehended prostitutes were assessed a nominal fine and released. Pimps and madams were prosecuted regularly.

Trafficking of women and children for sexual exploitation and the trafficking of men for forced labor was a serious problem.

The law prohibits sexual harassment with penalties of up to 2 years. In practice women were often sexually harassed or had to perform sexual favors in order to get a job or maintain one. Cases often went unreported because of the social stigma attached to victims. Due to traditional attitudes, it was common for men to sexually harass and commit acts of violence against women.

Women faced traditional societal discrimination, diminished educational opportunities, and increased poverty. The law provides women with equal pay for equal work with men, but it was not always enforced in practice. The Committee on Women's Affairs sought to protect women's rights, but enforcement was not effective.

In 2004 the country's highest Islamic body, the Council of Ulamo, issued a fatwa that prohibited women from praying in mosques. The Government supported the fatwa, but expressed concern over the separation of church and state. In July the IRPT opened a "Friday praying" mosque that permitted women.

The law protects women's rights in marriage and family matters; however, some female minors were pressured to marry men against their will, and high incidences of polygamy, although illegal, were reported. Inheritance laws do not discriminate against women, although in practice some inheritances passed disproportionately to sons.

Children.—The Government remained committed to children's rights and welfare, but it did not devote adequate financial resources to maintain the social security network for child welfare. Poverty and a lack of resources contributed to a deterioration of the public school system and the medical infrastructure available to children.

Free and universal public education is compulsory until age 16. The law was not enforced and attendance in school was low because children worked in the home or in informal activities to supplement family income. Girls were disadvantaged, especially in rural school systems, where families elected to keep them home to help take care of siblings or work in the fields. International organizations' statistics reported 71 percent of children attended school. With the decline of the country's under funded public schools, a small number of poor male students were recruited and sent to Egypt, Turkey, Saudi Arabia, and Pakistan to receive a free Islamic education.

There is no formal government body to address issues of violence against children. The Bureau on Human Rights and Rule of Law, a local NGO, claimed that in the past year 2,378 acts of violence against children were registered. Advocates were concerned that many acts of violence were unreported.

Underage marriage was widespread in rural areas, a practice influenced by the high level of poverty and unemployment that compelled many families to marry off their daughters quickly.

Trafficking and child labor remained problems.

Trafficking in Persons.—The law prohibits trafficking in persons; however, trafficking in persons from the country was a serious problem. The Government acknowledged that officials facilitated trafficking.

The country was a source point for trafficked persons, primarily women and girls; trafficking within the country was also a problem. Men and boys reportedly were trafficked and used for labor. According to the MOJ and information gathered from anti-trafficking hot lines, victims came primarily from Khujand or Dushanbe and most were trafficked to Russia, Central Asia, the Persian Gulf states (including the United Arab Emirates, Iran, Kuwait, and Saudi Arabia), and Turkey.

The majority of trafficking victims were female, single, and between the ages of 20 and 26. Many were new arrivals to Dushanbe or Khujand from rural areas. Child trafficking victims usually were in the care of extended family. Ethnic minorities were overrepresented among victims, particularly those of Slavic origin. Rural, uneducated, and poor communities were also particularly vulnerable.

Women and girls were trafficked from the country primarily for cheap domestic labor or commercial sexual exploitation. Male trafficking victims were primarily used for labor abroad in agriculture, factories, or construction, sometimes without pay.

Traffickers included former field commanders—so-called warlords—who rose to positions of power and wealth during the country's civil war. Others, including women, were powerful local figures with private links to the destination country who used their wealth to cultivate patron-client relationships in a trafficking network. Recruiters often were individuals familiar to victims, such as neighbors, acquaintances, or relatives.

Victims commonly were recruited through false promises of employment. Advertisement of such work was conducted through social contacts; traffickers used their local status and prestige to help recruit victims. There were cases of false wedding proposals and kidnappings in rural areas. Traffickers generally transported victims

to the Middle East and to Russia and other former Soviet countries. Traffickers tightly controlled arrangements for travel and lodging and employed contacts in tourism agencies. They sometimes used forged documents to evade entry restrictions in destination countries. Victims commonly were separated from their travel documents upon arrival in the destination country. Debt bondage was a common form of control.

The law criminalizes trafficking in persons with penalties of imprisonment from 2 to 12 years and confiscation of personal property. The average sentence for convicted traffickers ranged from 5 to 12 years' imprisonment. There were no suspended sentences. Traffickers may also be prosecuted under laws prohibiting exploitation of prostitution, rape, kidnapping, buying and selling of minors, document fraud, and immigration violations. The penalties for these offenses range from fines to imprisonment from 5 to 20 years.

The MOI is responsible for trafficking investigations and arrests, the General Prosecutor's Office is responsible for prosecuting and sentencing convicted traffickers, and the Ministry of Foreign Affairs is responsible for trafficking-related repatriation and extradition matters. The MOI Trafficking in Persons Investigative Unit reported that there were at least 12 criminal rings in the country involved in trafficking young girls to Gulf countries for commercial sexual exploitation. A high-level interagency commission continued to coordinate anti-trafficking efforts and implement the National Government Action Plan on People Trafficking for 2006–10. The Government generally worked openly and cooperatively with the international community and the IOM to combat trafficking. In February 2006 the MOI opened an Intelligence and Analytical Center for Counter-Narcotics and Trafficking in Persons. Border Guards were trained to screen for potential traffickers and victims. Authorities established a data analysis center at the Dushanbe Airport to monitor travelers.

Authorities and NGOs maintain statistics on trafficking cases, but such statistics are estimates, and should not be considered comprehensive. The International Organization for Migration (IOM) reported assisting 117 trafficking victims during the year. Of these, 110 were citizens who were repatriated from other countries. Upon return they were provided with medical assistance, training, and other types of support. The remaining seven victims were third country nationals who were repatriated to their countries of origin.

According to the MOI, approximately 46 people were arrested for trafficking in persons during the year. According to the Prosecutor General's Office, the authorities launched 26 criminal cases against traffickers. Statistics on trafficking convictions were unavailable.

There was no indication of widespread government involvement in trafficking. However, corruption was endemic, and reports indicated that high- and low-level government authorities working in customs, border control, immigration, police, and tourism took bribes from traffickers. It was believed that certain government officials acted as patrons or protectors of individuals who were directly involved in trafficking. Traffickers used their contacts in government agencies to obtain false documents. The authorities prosecuted several low-level government officials on related charges.

Victims of forced prostitution and labor trafficking cannot be charged for crimes committed while they were victims. Victims usually did not pursue legal action against traffickers due to social stigma. According to an IOM survey, nearly half of trafficking victims who returned to the country were blackmailed by local officials (themselves extorted by traffickers) to change their story or face exposure as a victim.

There were few resources available to trafficking victims. The Government officially provided security and assistance to trafficking victims and endorsed efforts by international and domestic NGOs to prevent trafficking and provide services to victims. The Government with the help of IOM established two shelters for female trafficking victims.

There were approximately 20 NGOs involved in anti-trafficking activities throughout the country. Several provided various services to trafficking victims and carried out a wide range of information programs in conjunction with local authorities throughout the country. NGOs matched victims with social services, operated crisis centers, and maintained a hot line for trafficking and domestic abuse victims.

Local NGO programs worked with support from international organizations to increase awareness of trafficking; NGOs worked with local officials to conduct training and awareness seminars for the general public, and the Government cooperated with NGOs to raise public awareness on trafficking. The Government issued press releases warning about the dangers of trafficking and produced television programs educating the public about the issues. It also promoted announcements as well as

informational materials produced and distributed by local and international organizations. The Government also cooperated with international organizations on prevention programs by holding joint seminars, conferences, and distributing anti-trafficking brochures. The Government operated a 24-hour telephone hot line.

Persons with Disabilities.—The law prohibits discrimination in employment, education, access to health care, and provision of other state services, and discrimination was not a problem. There is no law mandating access to buildings for persons with disabilities, and the Government did not require employers to provide such access.

Although there were group-living and medical facilities for persons with disabilities, funding was limited and facilities were in poor condition.

The Ministry of Labor and Social Welfare, the Government's Commission on Fulfillment of International Human Rights, the Prosecutor General's Office, the Society of Invalids, and appropriate local and regional governmental structures were all charged with protecting the rights of persons with disabilities.

National/Racial/Ethnic Minorities.—Government discrimination against ethnic Afghans was a problem. In the May 31 round-up of Afghan refugees, UNHCR observed that some of the detainees were not actually refugees. The Embassy of Afghanistan received reports that Afghan businessmen were harassed and detained at local markets. There were also reports that Uzbek businessmen were subject to government harassment.

Beginning in January the Government resettled ethnic Tajik inhabitants from Dangara, Muminobod, Farkhor, Hamodoni, Shurobod, Vose and Khovaling areas in the south of the country to less densely populated regions. The Government indicated that it based its actions on grounds of relocating people to areas for economic reasons. Many have speculated, however, that government officials also wished to move this population for political or security reasons.

Section 6. Worker Rights

a. The Right of Association.—The law allows workers to form and join unions, and they did so in practice. However, the Government exercised considerable influence over organized labor and favored state-affiliated unions over independent unions. The umbrella Federation of Trade Unions of Tajikistan did not effectively represent worker interests. There were reports that the Government compelled some citizens to join trade unions and impeded formation of independent unions. According to official figures 1.3 million persons belong to unions, approximately 63 percent of the active work force. The law requires all NGOs, including trade unions, to be registered in order to operate. The law does not specifically prohibit antiunion discrimination; however, there were no reported incidents of antiunion discrimination in practice.

b. The Right to Organize and Bargain Collectively.—The law allows unions to conduct their activities without interference, except "in cases specified by law;" however, the law does not actually specify those cases. The Law on Meetings, which requires that meetings and other mass actions have prior official authorization, limited trade unions' ability to organize meetings or demonstrations. The laws provide for the right to organize and bargain collectively, and workers exercised this right in practice. Collective bargaining contracts covered 90 percent of workers. The law does not restrict the right to strike, but under the Law on Meetings, mass action must have prior approval from the authorities. Citizens were reluctant to strike due to fears of government retaliation.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor.—The law prohibits forced or compulsory labor, including of children, except in cases defined in the law; however, there were reports that such practices occurred.

Owners of privatized farms regularly compelled former state or collective farm workers to pick cotton. The Government requested collective farm workers to participate in this labor, and although there were no official consequences for refusal, workers feared they would be expelled from their collective farms or that the Government would destroy their land if they did not oblige.

d. Prohibition of Child Labor and Minimum Age for Employment.—Child labor remained a widespread problem, and the Government neither effectively enforced child labor laws nor strengthened existing regulations on acceptable working conditions for children.

The minimum age for children to work is 16, although children may work at age 15 with local trade union permission. By law children under the age of 18 may work no more than 6 hours a day and 36 hours per week. Children as young as 7 years may participate in household labor and agricultural work, which are separately clas-

sified as family assistance. Many children under age 10 worked in bazaars or sold goods on the street.

The Government does not have a comprehensive policy or national action plan to prevent or eliminate the worst forms of child labor. Enforcement of child labor laws is the responsibility of the Prosecutor's Office, the MOJ, the Ministry of Social Welfare, the MOI, and appropriate local and regional governmental offices. Additionally, unions are responsible for reporting any violations in the employment of minors. Unresolved cases between unions and employers may be brought before the prosecutor general for investigation, who may charge the manager of the enterprise with violations of the law. Very few violations were reported, as most children worked under the family assistance exception.

The illegal Soviet-era practice of closing secondary schools and universities at cotton harvest time and putting students to work continued, but to a lesser degree than in previous years. The IOM estimated that students picked 40 percent of the country's cotton, and according to World Bank statistics, as many as one in three students from ages 10 to 22 worked full-time instead of attending school.

In August 2006 the president issued a decree against students picking cotton. Nonetheless, there were reports that local authorities pulled students from school to help with the annual cotton harvest and in September many schools and universities once again suspended lessons to enable students to assist in the cotton harvest. According to media reports, during the year approximately 7,000 students, mostly from the northern Sughd region, were involved in cotton picking. Working conditions, wages, and living standards associated with the harvest were extremely poor. Nevertheless, the authorities continued to deny official involvement in requiring children or students to work in the cotton fields against their will.

e. Acceptable Conditions of Work.—Government officials reported that the unemployment rate was 2.4 percent. This statistic does not reflect accurately the employment situation in the country however, as a significant percentage of the country's working-age population (as many as 1 million citizens) sought seasonal or permanent work abroad, especially in Russia and Kazakhstan.

The official national minimum monthly wage of $5.83 (20 somoni) did not provide a decent standard of living for a worker and family. The World Bank indicated that 42.5 percent of the population lived below the poverty line, which they designated at $2.00 per day (6.88 somoni). Some observers estimated that a minimum of $23.19 per month (80 somoni) was required to avoid abject poverty in the capital. The Government acknowledged the problem of low wages and provided certain subsidies for workers and their families at the minimum wage. Some establishments compensated their employees with food commodities or with enterprise-produced products, which employees either sold or bartered in local private markets.

The law provides for a standard workweek of 40 hours for adults over the age of 18. The law mandates overtime payment, with the first 2 hours paid at 1.5 times the normal rate and the remainder at double the rate. Overtime payment was inconsistent in all sectors of the labor force. The Ministry of Finance enforces financial aspects of the labor law, and the Agency of the Financial Control of the presidential administration oversees other aspects of the law.

Government-established occupational health and safety standards fell far below accepted international norms, and the Government did not enforce them in practice. The State Technical Supervision Committee under the Council of Ministers was responsible for enforcing health and safety standards. The law permits workers to remove themselves from hazardous conditions without risking loss of employment. This law was not enforced effectively, and few workers did so in practice.

Farmers and agricultural workers also work under difficult conditions. During the decollectivization process, the number of farms grew from 640 to 17,000. However, unresolved legal issues prevent farmers from clarifying property rights, hindering independence.

TURKMENISTAN

Although the Constitution declares the country to be a secular democracy and presidential republic, it is an authoritarian state of approximately 5 million that was dominated by President-for-life Saparmyrat Niyazov until his death in December 2006. The Halk Maslahaty (People's Council) selected six candidates for the February 11 presidential election, all from the Democratic Party, the country's only political party. Gurbanguly Berdimuhamedov won in elections that did not meet international standards. The civilian authorities generally maintained effective control of the security forces.

Although there were modest improvements, the Government continued to commit serious abuses, and its human rights record remained poor. Authorities continued to severely restrict political and civil liberties. Human rights problems included: Citizens' inability to change their government; torture and mistreatment of detainees; incommunicado and prolonged detention; arbitrary arrest and detention; house arrest; denial of due process and a fair trial; arbitrary interference with privacy, home, and correspondence; restrictions on freedom of speech, press, assembly, and association; restrictions on religious freedom, including continued harassment of some religious minority group members; restrictions on freedom of movement for some citizens; violence against women; and restrictions on free association of workers. Documentation of abuses was very limited.

The Government initiated a broad effort to revise a variety of national laws to bring them into conformity with relevant international conventions. Other measured improvements in human rights included: The registration of two evangelical Christian groups; the pardoning of at least 22 prisoners of interest to the international community, some of whom were associated with the 2002 attack on President Niyazov's motorcade; removal of external travel restrictions for at least four citizens; elimination of restrictions on internal movement for citizens; reinstatement of a 10th year of mandatory schooling; and establishment of a government commission tasked with bringing Turkmenistan's practices in line with commitments in international human rights covenants.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life.—There were no reliable reports that the Government or its agents committed any politically motivated killings; however, there were several reports of citizens dying under suspicious circumstances during detention. A family member of an allegedly drunk suspect who died while in police custody in Mary claimed evidence existed of physical abuse on the corpse. In June a person died in an Ashgabat detention center while awaiting an appeal decision. While there was no evidence of mistreatment, his wife claimed that the court knew he had a serious medical condition but denied him medical treatment.

Human rights observers who had not heard news of prisoners of concern for some time frequently assumed that they died in prison.

Human rights observers reported that in December 2006, just after the death of former President Niyazov, prison guards used military force to suppress a riot and killed 23 prisoners at Ovadan-Depe.

There were no developments in the September 2006 suspicious death in custody of journalist Ogulsapar Myradova. The Government did not carry out a transparent investigation into the causes of Myradova's death, as urged by the international community.

b. Disappearance.—There were no reports of politically motivated disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Constitution and law prohibit such practices; however, security officials tortured, routinely beat, and used excessive force against criminal suspects, prisoners, and individuals critical of the government, particularly in detention while seeking a confession. There were reports of individuals convicted of complicity in the 2002 attack being tortured, although there was also one report that this torture ceased following Niyazov's death.

The Turkmenistan Helsinki Foundation claimed that the Government tortured Ogulsapar Myradova, Annakurban Amanklichev, and Sapardurdy Hajiyev during detention in 2006 to extract confessions. All three were subsequently sentenced to prison. Myradova died in September 2006 while imprisoned; Amanklichev and Hajiyev remained in prison.

Authorities continued to detain persons in psychiatric hospitals as punishment. In July police arrested a Jehovah's Witnesses member for refusing military service and detained him in a psychiatric hospital. Authorities released him 4 weeks later after international organizations and the diplomatic community expressed interest in his case.

While there were no known reports during the year of specific hazing incidents, according to the Memorial Human Rights Center and the Institute for War and Peace Reporting, hazing of military conscripts remained a problem and led to cases of desertion from units where conditions were particularly difficult. According to a 2006 report, corruption within the defense ministry and draft commissions, tribal- and ethnicity-based rivalries, and disregard for the rights of soldiers led to an increasing number of deaths caused by brutal treatment meted out by soldiers on fel-

low conscripts. Regular military units continued to be used as unpaid manual labor working in fields, hospitals, factories, and construction.

Prison and Detention Center Conditions.—Prison conditions were poor; prisons were unsanitary, overcrowded, unsafe, and posed a threat to life. Disease, particularly tuberculosis (TB), was rampant. There continued to be concerns that the Government did not adequately test and treat prisoners with TB before they were released into the general population, although the Government reportedly screened prisoners for TB, among other diseases, and transferred prisoners diagnosed with TB to a special Ministry of Interior hospital in Mary Province for treatment. Nutrition was poor, and prisoners depended on relatives to supplement inadequate food supplies; there were also reports that prison officials sometimes confiscated these food parcels.

Although prisoners convicted for treason were unable to receive supplies from relatives, there was one report that individuals convicted of complicity in the 2002 attack were given supplemental food packages for the first time since they were imprisoned.

Family members and international nongovernmental organizations (NGOs) claimed some prisoners died due to the combination of overcrowding, untreated illnesses, and lack of adequate protection from the summer heat.

Sources familiar with prison conditions at Owadan Depe Prison reported that former high-level officials continued to be denied proper medical treatment and suffered beatings and verbal intimidation to coerce confessions.

The Government did not investigate the June 2006 death in custody of former Lebap provincial governor Geday Ahmedov, who reportedly died due to a lack of medical care.

The Government did not investigate the 2006 likely death in prison of former Prosecutor General Gurbanbibi Atajanova.

There were three types of incarceration facilities: Educational-labor colonies, correctional-labor colonies, and prisons. In the correctional-labor colonies, relatives of prisoners reported excessive periods of prisoner isolation. There were reports that prisoners were forced to work under hazardous and unhealthy conditions in a kaolin mine in Gyzylgaya Prison, near Dashoguz.

Authorities held prisoners connected with the 2002 attack separately at the Owadan Depe Prison. Government officials refused to respond to inquiries from family members and diplomats about political prisoners' location or condition. Government officials also refused to permit family members, foreign diplomats, or international observers, including the International Committee of the Red Cross (ICRC), access to detainees or prisoners associated with the 2002 attack. During the year the ICRC did not conduct any prison visits, due to unacceptable government limitations on visiting certain types of prisons and prisoners.

d. Arbitrary Arrest or Detention.—The law prohibits arbitrary arrest and detention; however, they remained serious problems.

Role of the Police and Security Apparatus.—The Ministry of Internal Affairs (MVD) directs the criminal police, who works closely with the Ministry of National Security (MNB) on matters of national security. The MNB controls personnel changes in other ministries and enforces presidential decrees. Both the MNB and criminal police operated with impunity. Corruption existed in the security forces.

In February President Berdimuhamedov created a presidential commission, led by the Chairman of the Supreme Court, to review citizens' complaints of abuse, including unfair treatment, efforts to take bribes, and unjustified arrests and prosecutions, by law enforcement agencies. At year's end, however, there were no cases in which the commission investigated allegations of abuse and held members of the security forces accountable. The commission only reviewed three cases that led to further review by the Supreme Court and reductions of sentence. In July the president publicly fired and later arrested the Chairman of the Supreme Court, in part for his failure to ensure that cases coming from the commission were properly reviewed. In October the president fired the minister of internal affairs, reportedly because of an alleged doubling of cases involving ministry corruption and abuse under review by the commission.

Arrest and Detention.—A warrant was not required for arrest. Authorities could detain individuals for 72 hours without a formal arrest warrant but legally had to issue a formal bill of indictment within 10 days of arrest to hold detainees longer. However, authorities did not adhere to these provisions in practice. The chairman of the Cabinet of Ministers, a position held by the president, had sole authority for approving arrest warrants.

There was no bail system. Detainees were entitled to immediate access to an attorney once a bill of indictment was issued, and they were able to choose their coun-

sel. However, in practice they did not have prompt or regular access to legal counsel. In some cases legal counsel ceased advising their clients after government officials altered the charges or case details initially provided to defendants. Incommunicado detention was a problem. Authorities denied some prisoners visits by family members during the year. Families sometimes did not know the whereabouts of imprisoned relatives.

The law characterizes any opposition to the Government as an act of treason. Those convicted of treason faced life imprisonment and were ineligible for amnesty or reduction of sentence. Unlike in previous years, there were no known treason convictions. The Government arrested those expressing critical or differing views on economic or criminal charges.

Pretrial detention could legally last no longer than 2 months, except for exceptional cases that may be extended to 1 year. In practice pretrial detentions averaged 2 to 3 months; authorities often exceeded legal limits. Chronic corruption and cumbersome bureaucratic processes contributed to lengthy trial delays.

The Government used house arrest without due process to control regime opponents, but unlike in previous years, authorities allowed several citizens under house arrest to meet with foreign diplomats. For example, the Government allowed foreign diplomats to meet with Maral Yklymova, under house arrest since 2002 for her suspected involvement in the 2002 attack. In July the authorities allowed her to depart the country. The current status of individuals previously placed under house arrest, including NGO leaders, relatives of those suspected of involvement in the 2002 attack, and some of the 100 individuals prevented from meeting with the Organization for Security and Cooperation in Europe (OSCE) in 2003, was unknown.

In April 2006 Gurbandurdy Durdykulyev, detained since February 2004 in a psychiatric hospital for petitioning the Government to hold a peaceful demonstration, was released from the hospital under international pressure. Unlike the previous year, Durdykulyev was allowed to leave his home, and he returned to work.

While authorities occasionally questioned Jehovah's Witnesses leader Andrey Zhbanov, authorities no longer aggressively harassed and monitored him.

The president dismissed numerous ministers and government officials from their positions; they were sometimes sentenced to jail terms, often for valid, although sometimes politically motivated, charges. The Government sentenced five senior government officials to jail terms or put them under house arrest after dismissal; seven more officials were fired from their positions but remained free, or their whereabouts were unknown.

Amnesty.—On August 9, President Berdimuhamedov pardoned 11 prisoners, including Muslim cleric and former grand mufti Nasrullah ibn Ibadullah and former Justice Minister Yusup Khaitiev, who were jailed for their alleged role in the 2002 attack. After the pardon, the Government appointed Ibadullah an advisor to the country's Council on Religious Affairs (CRA).

On October 9, the Government pardoned more than 8,800 prisoners in connection with the annual Ramadan-associated "Night of Omnipotence" amnesty, including at least 17 additional prisoners of concern. The amnesty included the parents of Arslan Kakaev, the principal suspect in a wire transfer theft of $40 million from the central bank in 2001; they had been imprisoned since 2002 on what observers considered fabricated charges. There were reports of common prisoners' families purchasing amnesty for as much as $3,000, depending on the severity of the crime.

It was unknown if amnestied prisoners still had to swear an oath of allegiance to the Ruhnama, former President Niyazov's spiritual guidebook on the country's culture and heritage. Human Rights Watch (HRW) reported that "The August 2007 presidential pardon of 11 people was a welcome step, though their public statements recognizing their guilt must be assumed to have been a condition for their release."

e. Denial of Fair Public Trial.—The law provides for an independent judiciary; however, in practice the judiciary was subordinate to the president. There was no legislative review of the president's judicial appointments, except for the chairman (chief justice) of the Supreme Court, whom the Parliament nominally reviewed. The president had the sole authority to dismiss all judges before the completion of their terms. The judiciary is widely reputed to be both corrupt and inefficient.

The court system consists of a Supreme Court, six provincial courts (including one for Ashgabat), and at the lowest level, 64 district and city courts. Civilian courts, under the authority of the Office of the Prosecutor General, tried criminal offenses committed by members of the armed forces.

Trial Procedures.—The law provides due process for defendants, including a public trial, access to accusatory material, the right to call witnesses to testify on their behalf, a defense attorney or a court-appointed lawyer if the defendant cannot afford one, and the right to represent oneself in court. In practice authorities often denied

these rights. Defendants frequently did not enjoy a presumption of innocence. There was no jury system. The Government permitted foreign observers to attend most nonpolitical trials but closed some trials, especially those it considered to be politically sensitive. There were few independent lawyers available to represent defendants. The courts at times did not allow defendants to confront or question witnesses against them and denied defendants and their attorneys access to government evidence. In some cases courts refused to accept exculpatory evidence provided by defense attorneys, even if that evidence would have changed the outcome of the trial. Even if the courts observed due process rights, the authority of the Government prosecutor far exceeded that of the defense attorney, making it very difficult for the defendant to receive a fair trial. Court transcripts were frequently flawed or incomplete, especially when defendants' testimony needed to be translated from Russian to Turkmen. Lower courts' decisions could be appealed, and the defendant could petition the president for clemency. In most cases courts ignored allegations of torture that defendants raised in trial.

There were regular reports that police arrested individuals and requested they pay fines for breaking specific laws. However, when asked to see the law, government officials refused or stated that the laws were secret.

Political Prisoners and Detainees.—The Government held at least one political prisoner, Mukhametkuli Aimuradov, imprisoned since 1995.

Police detained long-time ecologist and environmental activist Andrey Zatoka on charges of disorderly conduct in December 2006 and charged him with possession of weapons and poisonous substances. He received a suspended sentence in January and was pardoned in October. While there was evidence that he broke the law, many NGOs claimed that his arrest was politically motivated.

In 2006 the Government convicted Annakurban Amanklichev and Sapardurdy Hajiyev of weapons possession in a closed 2-hour trial and sentenced them to 7 years in prison. Many NGOs maintained that their imprisonment was politically motivated.

Opposition groups and some international organizations claimed the Government held many political detainees, although the precise number of these individuals—including those convicted of involvement in the 2002 attack—remained unknown. There were reports that the Government held approximately 360 individuals in Owadan Depe prison for their perceived political opinions and alleged involvement in the 2002 attack. Human rights observers considered Owadan Depe Prison to have among the worst conditions in the country, and there were reports that prison officials subjected these prisoners to torture and abuse.

During the year there were reports that some prisoners accused of economic crimes, including a number of former senior government ministers, may have been moved from Owadan Depe Prison to Bayramaly Prison. Government officials refused to respond to inquiries from family members and diplomats about many prisoners' location or condition. Government officials also refused to permit family members, foreign diplomats, or international observers, including the ICRC, access to detainees or prisoners associated with the 2002 attack.

Civil Judicial Procedures and Remedies.—The civil judiciary system was not independent or impartial; the president appointed all judges. There were instances of police investigations that went to court in which plaintiffs could sue defendants. In theory the civil court system functions, but there were reports of bribes to ensure a positive outcome. In cases in which the state had interests regarding an individual citizen, it enforced domestic court orders. The most commonly enforced court orders were eviction notices.

Property Restitution.—The Government failed to enforce the law consistently with respect to restitution or compensation for confiscation of private property. The Government demolished fewer private homes as part of an urban renewal program in and around Ashgabat.

In February President Berdimuhamedov announced that there would be no new housing demolition unless replacement housing was available, and there were no reports this change in government policy was not being enforced. In some 2006 cases, the Government required evicted families to pay for removal of the rubble of their destroyed homes, gave persons as little as 48 hours to vacate, and did not provide homeowners with alternative accommodations or compensation. Others were given 2 weeks' notice to vacate and offered apartments or plots of land in compensation on undeveloped or non-irrigated plots, resulting in the loss of livelihood for some.

One large 2006 demolition project in southern Ashgabat involved 500 families. Another 2006 project involved up to 2,000 families, most of whom did not receive compensation.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The Constitution and law prohibit such actions. However, authorities frequently did not respect these prohibitions in practice. Authorities in some cases forcibly searched the homes of suspected regime opponents and some minority religious group members without authorization of an independent judiciary. The law does not regulate surveillance by the state security apparatus, which regularly monitored the activities of officials, citizens, opponents and critics of the government, and foreigners. Security officials used physical surveillance, telephone tapping, electronic eavesdropping, and informers. The Government reportedly intercepted surface mail before delivery, and letter packets and parcels taken to the post office had to remain unsealed for inspection.

Noncitizens may marry a citizen only after 1 year's residency in the country. There were reports of a small number of such marriages.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution and law provide for freedom of speech and of the press, but the Government did not respect these rights in practice. Unlike in previous years, there were no specific reports of persons expressing dissenting views being arrested on false charges of committing common crimes and in some cases being subjected to abuse, harassment, and deprivation, including loss of opportunities for advancement and employment. However, there were reports that law enforcement officials harassed and detained Turkmen journalists working for foreign media outlets, most notably, several of those working for Radio Free Europe/Radio Liberty (RFE/RL).

Almost all print media were government financed. Except for the private but government-sanctioned Turkish newspaper Zaman, which reflected the views of the state newspapers, the Government banned foreign newspapers. The editorial staffs of the periodicals self-censored the content to not offend the Government. A ban on subscription to foreign periodicals continued, although copies of the Russian news journal Argumenti I Fakti and other nonpolitical periodicals appeared occasionally in the bazaars.

The Government controlled radio and local television, but use of satellite dishes enabling access to foreign television programming was widespread throughout the country. Citizens also received international radio programs through satellite television access.

There was no independent oversight of press accreditation, no defined criteria for allocating press cards, no guarantee of receiving accreditation when space was available, and no prohibition on withdrawing accreditation for political reasons. The Government required all foreign correspondents to apply for accreditation. Foreign journalists were granted visas only to cover specific events throughout the year, such as the presidential election and summit meetings, where their activities could be monitored. Authorities denied at least two journalists accreditation, but at least three others were able to operate without accreditation. In 2005 authorities deported the last accredited foreign correspondent, Viktor Panov, of the Russian news agency RIA Novosti, on alleged espionage charges.

During the year government agents reportedly detained, harassed, and intimidated journalists and their families. In April, according to HRW, the national security service detained an independent journalist, Sona Chuli-Kuli, for 3 days, during which time she was interrogated and her computer confiscated. She was released after signing a statement that she would not work for the international media.

In December local law enforcement authorities began to harass two RFE/RL journalists, telling them to stop working for RFE/RL and threatening harm to their families. National security service representatives asked one journalist to appear for questioning.

Harassment of RFE/RL reporter Halmyrat Gylychdurdyev declined somewhat during much of the year but increased again in December. Authorities intermittently monitored his activities, harassed his family, and periodically disconnected his mobile telephone service. In 2006 authorities routinely harassed him and his family for previously writing economic articles unfavorable to the Government.

In February 2006 national security officers warned RFE/RL stringer Shamyrat Akoyliyev of the unacceptability of his affiliation with RFE/RL. Authorities later cut his telephone line. In June 2006 Akoyliyev was taken off a train traveling from Balkanabat to Ashgabat by Ministry of National Security officers.

In March 2006 RFE/RL police arrested stringers Meretmuhammet Hommadov and Jumadurdy Owezov and sentenced them to 15 days' administrative detention for acts of public contempt during a meeting including district-level elders. However, two police officers and guards at the detention facility told Hommadov's wife that he had been arrested for "dealing with foreigners and betraying his country."

In August 2006 the authorities charged three journalists, Ogulsapar Myradova, Annakurban Amanklichev, and Sapardurdy Hajiyev, with weapons possession after they received journalism equipment from foreign sources and sentenced them in a closed trial to 6 to 7 years' imprisonment. RFE/RL, the Turkmenistan Helsinki Foundation, and several other human rights organizations claimed they were charged with criminal activities in order to end their journalism. There was no further information regarding the Government's investigation of Amanklichev and Hajiyev on additional charges of espionage and treason, and they remained in jail. In September 2006 Myradova died in police custody, under suspicious circumstances.

The OSCE reported that the Government did not allow a journalist to travel abroad. RFE/RL associate Ashyrguly Bayryev, arrested in 2004 for smuggling novels into the country, had his sentence suspended and was released.

Domestic journalists and foreign news correspondents engaged in self-censorship due to fear of government reprisal. The Government continued to censor newspapers. The Government continued to prohibit reporting opposing political views or any criticism of the president. The former editor-in-chief of the state newspaper Esger remained in jail on a 17-year sentence for unspecified crimes.

In 2005 the Government banned local journalists from all contact with foreigners unless specifically permitted. Journalists who did not comply were threatened with losing their jobs.

The Government continued to keep Russian government-supported, Russian-language Radio Mayak transmissions off the air.

To regulate domestic printing and copying activities, the Government required all publishing houses and printing and photocopying establishments to obtain registration licenses for their equipment. The Government required the registration of all photocopiers and mandated that a single individual be responsible for all photocopying activity. The Government owned all publishing companies and works on topics that were out of favor with the government, including fiction, were not published. Unlike in previous years, there were no reports that the government-controlled Union of Writers expelled members who criticized government policy.

Internet Freedom.—Internet access increased slightly, although government-owned Turkmen Telecom was the sole provider to the general population. The Government monitored citizens' e-mail and Internet usage and cut service for accounts used to visit sensitive Web sites. Unlike in previous years, the Government issued new Internet accounts to businesses and organizations; however, no new accounts were issued to private individuals. There were approximately 15 state-owned Internet cafes nationwide, in addition to NGO-sponsored facilities, private businesses, and business centers that were granted access to the Internet. Although the Government reduced Internet cafe fees, Internet fees were still prohibitively expensive for the average citizen. Access to specific Web sites remained inconsistent.

Academic Freedom and Cultural Events.—No master's degrees or doctorates have been granted in the country since 1998. Government permission was required to study abroad and receive recognition of foreign degrees. The Ministry of Education has taken no new steps to act on the president's decision to facilitate recognition of foreign degrees; no foreign degrees were recognized during the year.

The Government did not tolerate criticism of government policy or the president in academic circles, and curtailed research into areas it considered politically sensitive, such as comparative law, history, ethnic relations, or theology. Officials from the Ministry of Education and provincial authorities sought to prevent students who were not ethnically Turkmen from entering exchange programs. University enrollment increased by some 4,000 students, after a decline in past years.

Niyazov's Ruhnama, Ruhnama II, poetry volumes, The Spring of My Inspiration, and My Beloved, remained part of the school curriculum, and passing tests on knowledge of the Ruhnama was still necessary for advancement or graduation. However, teachers reported having to spend substantially less class time on former President Niyazov's works than in the past, as the revamped curriculum introduced new subjects and an expanded and more fact-based study of local history and culture.

Although restrictions eased somewhat, the Government continued to control attendance at nonindigenous cultural events and refused to permit the production of some foreign plays and performances in state theaters. While the Government demonstrated little or no support for non-Turkmen music, classical music was taught and performed throughout the country. Traditional local music, which had not been performed for years, was beginning to be played in concerts and social events. Pirated copies of international films were available for sale or rent for home viewing. The

Ministry of Culture censored and then monitored all public exhibitions—music, art and cultural.

b. Freedom of Peaceful Assembly and Association.

Freedom of Assembly.—The Constitution and law provide for freedom of assembly, but the Government restricted this right in practice. Authorities neither granted the required permits for any public meetings and demonstrations during the year, nor did it allow unregistered organizations, particularly those perceived to have political agendas, to hold demonstrations.

Freedom of Association.—Although the Constitution and law provide for freedom of association, the Government restricted this right in practice. The law requires all NGOs to register with the Ministry of Justice (MOJ) and all foreign assistance to be registered with the Ministry of Economics and Finance (formerly with the State Agency for Investment), the MOJ, and coordinated through the Ministry of Foreign Affairs. Unregistered NGO activity is punishable by fines, short-term detention, and confiscation of property. The Government continued routinely to deny registration to NGOs and other private organizations using subjective criteria. No new NGO has been registered since 2005.

Of the 89 registered NGOs, international organizations considered seven to be independent. The Government continued to present numerous obstacles to those attempting to register. While some groups reported good cooperation with the MOJ in the registration process, other NGOs reported difficulties, such as frequently returned applications on technical grounds. At least six different NGOs repeatedly submitted applications for registration, and all but one had been denied by year's end. Some NGOs found alternative ways to carry out activities, such as registering as businesses or subsidiaries of other registered groups. Other groups considered themselves temporarily closed.

Security service officials harassed NGOs and their local partners throughout the year. In April and May authorities closed several information and resource centers in the central Ahal region that an international NGO operated; one was allowed to reopen. Authorities terminated cooperation between an NGO and local community groups on two separate occasions early in the year. Also in April and May authorities advised two community groups against cooperation with an NGO, and in one case terminated training the NGO was providing, advised against cooperation with the NGO, and questioned its local point of contact.

No independent political groups existed. The only registered political party was the Democratic Party, the former Communist Party of Turkmenistan. The Government did not prohibit membership in political organizations; however, in practice authorities harassed those who claimed membership in political organizations other than the Democratic Party.

Government authorities harassed some recipients of foreign grants. There were no cases in which the Government refused to register a grant project, but there were numerous cases in which the Government delayed the registration for several months.

c. Freedom of Religion.—The Constitution and law provide for freedom of religion, although the Government restricted this right in practice. There was no state religion, but the majority of the population is Sunni Muslim. The Government incorporated some aspects of Islamic tradition into its efforts to define a national identity, but in practice the Government closely controlled and monitored all religious activities and placed some restrictions on Muslims.

The Government required all religious groups as well as individual mosques and churches to register with the MOJ and continued government monitoring of financial and material assistance to religious groups from foreign sources. The Government required groups to file reports of proceedings at all meetings. Some groups reported confusion over registration requirements because of conflicting statements by government officials from different ministries. In 2005 the Government explained that individual branches of religious groups could be temporarily registered by requesting representative powers of attorney from the registered branch of their particular group; in most cases this resolved branches' registration problems. While religious groups still had persistent problems overcoming administrative hurdles to registration, the Government registered two evangelical Christian groups in September and October.

In September the Government registered one new evangelical Christian religious group, the first group to receive registration since 2005. In October the Government registered a second group as a branch affiliate. Other nonregistered religious congregations such as Jehovah's Witnesses, separate groups of Baptists, and other evangelical Christian groups existed, although the Government restricted their ac-

tivities. The Government officially prohibited nonregistered groups from conducting religious activities.

The Catholic Church remained unregistered because of a conflict with local law requiring that the head of the church be a citizen. However, authorities appear to have eased their harassment of the church. Church leaders conducted regular masses and held classes on Catholicism for interested ethnic Turkmen and non-Turkmen citizens without government harassment.

The CRA continued to exercise direct control over the hiring, promotion, firing, and in some cases, compensation of both Sunni Muslim and Russian Orthodox clergy.

While the Government increased harassment of some registered and many unregistered religious minority groups following the February inauguration of President Berdimuhamedov, reports of such incidents decreased by the end of the year. Examples of harassment included government agents interrupting religious services and interrogating, detaining, and pressing religious minority group members to abandon their beliefs. Some were assessed fines.

Jehovah's Witnesses and members of other minority religious groups reportedly experienced disrupted meetings, surveillance, detentions, and administrative fines. In April police reportedly raided an apartment belonging to three female Jehovah's Witnesses and arrested the women. A police officer allegedly sexually molested one of the women.

According to the news service Forum 18, in December police disrupted a Baptist service in a private home in Balkanabat, briefly detained and questioned three individuals, and seized books, literature, and CDs of sermons.

Reports of obstructed travel based on religious minority group affiliation continued; however, the Government allowed several previously restricted individuals from minority religious groups to travel. For example, in January 2006, according to Forum 18, the Government refused to grant permission to Merdan Shirmedov, a Protestant from an ethnic Turkmen fellowship in Dashoguz, to leave the country to join his pregnant wife abroad. In June Shirmedov was allowed to depart the country. Additionally, the Government continually denied foreign members of registered and unregistered groups exit visas.

The Government controlled the establishment of Muslim places of worship and limited access to Islamic education. Unlike in previous years, there were two reports of mosques being refurbished or rebuilt.

Police officers subjected ethnic Turkmen who converted to non-Russian Orthodox Christianity to harassment and mistreatment, such as verbal abuse for denying their heritage by converting.

In May MNB officials arrested Vyacheslav Kalataevsky, a Baptist leader with Ukrainian citizenship, tried him, and sentenced him to 3 years in prison for an alleged illegal border crossing 6 years earlier. His family and some NGOs believe the sentence was intended to punish him for his leadership of an unregistered Baptist church in Turkmenbashi. The Government amnestied Kalataevsky in October but did not release him until November. Authorities denied his request for residency in early December, although he has a wife and children in Turkmenbashi, and he was deported to Ukraine on December 11.

Also in May authorities arrested another Baptist leader from Turkmenbashi, Yevgeny Potolov. Without charging or trying him, in July the Government deported him to Russia, where he had citizenship.

Foreign missionary activity is prohibited, although both Christian and Muslim missionaries were present. The Government also prohibited proselytizing by unregistered religious groups.

There were no developments and none were expected in the 2005 Jehovah's Witnesses Nazikgul Orazova case for proselytizing and possessing religious literature.

There was no official religious instruction in public schools. Although the Ruhnama continued to be taught in all public schools and institutes of higher learning, teachers reported that such training decreased substantially. Extracurricular religious education was allowed only with CRA and presidential permission. While President Berdimuhamedov continued with 2006 plans to construct a Ruhnama university, the projected university's focus began to change from "studying the deep roots of the nation's great spirit" to include a more international outlook. Only one institution of Islamic education remained open, and the Government controlled the curriculum.

Although government-supported mosques continued to display copies of the Ruhnama, the former president's works disappeared from many other mosques. The Government did not allow the publication of religious literature. Government representatives informed religious groups they could only import as much religious literature as corresponded to registered congregants, but even registered groups had

difficulty importing religious literature. Unlike in previous years, ethnic Turkmen members of unregistered religious groups accused of disseminating religious material did not receive harsher treatment than members of other ethnic groups.

In August the president amnestied the former grand mufti, Nasruallah ibn Ibadullah, who had been sentenced in 2004 to 22 years in jail in a closed trial for his alleged involvement in the 2002 attack. It was widely reported the actual reason for Ibadullah's imprisonment was his resistance to placing the Ruhnama in mosques.

During the year the Government sponsored only 188 pilgrims to go on the hajj to Mecca, out of the country's quota of 4,600 persons. There were reportedly no restrictions on self-financed trips to perform the hajj, and there were anecdotal reports claiming that additional persons may have gone. However, Forum 18 reported that no more than 188 pilgrims from the country went on the hajj.

During the year authorities charged six Jehovah's Witnesses with evading compulsory military service, but all received suspended sentences after interventions from the international community. Begench Shakhmuradov, who served a sentence for the same charges in 2005, received a 2-year suspended sentence. Authorities sentenced Suleiman Udaev to 18 months in prison but commuted his sentence to a 2-year suspended sentence with compulsory labor. In July Aleksandr Zuyev, Bayram Ashirgeldyyev, and Nuryagdy Gayyrov received suspended sentences for refusing compulsory military service. The Government pardoned Zuyev, Gayyrov, and Udaev in the annual "Night of Omnipotence" amnesty. In December Ashirgeldy Taganov also received an 18-month suspended sentence for refusing compulsory military service.

Societal Abuses and Discrimination.—There were 2,000 self-identified Jews and no reports of anti-Semitic acts.

Ethnic Turkmen who chose to convert from Islam to other religious groups were viewed with suspicion and sometimes ostracized.

For a more detailed discussion, see the 2007 International Religious Freedom Report.

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons.—The Constitution and law do not provide for full freedom of movement and require internal passports and residency permits. The Government cooperated with the Office of the U.N. High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to refugees, stateless persons, and other persons of concern. The president eliminated police checkpoints on major roads soon after his inauguration in February and lifted controls requiring citizens to obtain permits for internal travel to border regions in July. The border permit requirement remained in effect for all foreigners.

The Government inconsistently applied its policy on dual-passport holders and occasionally demanded that Russian passport holders procure CIS visas based on their Turkmen passports. Beginning in June, the Government permitted at least four previously restricted citizens to travel overseas. However, the criteria for preventing travel remained unclear, and the Government was still barring citizens from departing the country at year's end.

The Government denied that it maintained a list of persons not allowed to depart the country. A restrictive 2005 migration law forbids travel by any citizen who has access to state secrets, has falsified personal information, has committed a serious crime, is under surveillance, might become a trafficking victim, has previously violated the law of the destination country, or whose travel contradicts the interests of national security.

Citizens were able to inquire about their travel status at the State Agency for the Registration of Foreign Citizens Immigration. However, only about half of those who inquired received information on their travel status. At least four individuals were able to successfully appeal restrictions on travel. In 2006 the niece of an accused participant in the 2002 attack, living in self-imposed exile and a participant in external opposition efforts, was denied permission to return to her university studies abroad. Also in 2006 the Government told the daughters of deceased journalist Ogulsapar Myradova that they will not be permitted to travel abroad.

On November 11, Turkmen Evangelical Church Pastor Ilmyrat Nurliyev was escorted off a plane bound for Ukraine. When Nurliyev wrote a letter of complaint to the State Agency for the Registration of Foreign Citizens, he received a reply noting that his claim of being forcibly removed from an airplane was not confirmed.

On November 24, authorities prevented Svetlana Orazova, the sister of exile opposition leader Khudayberdy Orazov, from boarding a plane to Moscow. Orazova had previously appealed her travel restriction and the State Agency for the Registration of Foreign Citizens told her that she would be allowed to leave the country. On De-

cember 17, she sent a letter of complaint to the State Agency for the Registration of Foreign Citizens; she had not received a reply by year's end.

The Government permitted citizens living in Dashoguz and Lebap provinces to spend only 3 days a month visiting relatives in the Bukhara and Khorezm provinces of neighboring Uzbekistan.

The law permits forced internal and external exile, and at year's end some individuals remained in forced exile. Authorities sent some prisoners, usually former government officials, into internal exile. Numerous former ministers and government officials were dismissed from their positions and sent into internal exile remained under house arrest. Almost all political opponents of the Government live in other countries for reasons of personal safety; none returned during the year.

There was no follow-up action in the 2005 case of Alexander Fataliyev, who continued to live in exile. Sazak Begmedov remained in internal exile in Dashoguz. Maral Yklymova, the daughter of one of the accused organizers of the 2002 attack, who had been under house arrest in Mary, was allowed to depart the country in July.

In contrast to previous years, the Government did not overtly discourage emigration of ethnic Turkmen living in Iran, Iraq, Turkey, and other countries or emigration of non-Turkmen from the former Soviet Union.

Protection of Refugees.—The laws provide for the granting of asylum or refugee status in accordance with the 1951 U.N. Convention relating to the Status of Refugees and its 1967 protocol, and the Government has established a system for providing protection to refugees. The Government granted refugee status or asylum. In practice, the Government provided protection against refoulement, the return of persons to a country where there is reason to believe they feared persecution. The Government granted refugee or asylum status to some ethnic Turkmen from Afghanistan and Tajikistan and to other groups of ethnic Uzbeks and Russians. There were 125 UNHCR mandate refugees in the country. The Government also provided temporary protection to individuals who may not qualify as refugees under the 1951 Convention and the 1967 protocol and in 2006 granted citizenship or legal residency to more than 16,000 individuals. Most of those granted citizenship were ethnic Turkmen who had fled conflict in Tajikistan in the early 1990s, ethnic Uzbeks, or Russians. The Government cooperated with the UNHCR and other humanitarian organizations in assisting refugees and asylum seekers.

Stateless Persons.—The U.N. Development Program (UNDP) reported that there were few stateless persons in the country. However, the UNDP also estimated that there may be as many as 9,000 undocumented residents who were Soviet Union passport holders at the time of the dissolution and who did not have a state affiliation selected when their Soviet passports expired in 1999. The Government administratively processed these residents and issued them residency permits while considerations of state affiliation continued. The UNDP cannot easily quantify these persons because they have not sought UNDP assistance nor have they sought a change in their status. The UNHCR considered these individuals as de facto stateless or at risk of becoming stateless. The Government streamlined its residency registration process via a 2005 decree and then issued citizenship to approximately 13,000 ethnic Turkmen refugees seeking haven from Tajikistan's civil war. A small but undefined number of ethnic Armenians and ethnic Azerbaijanis became refugees during the war between these states in the early 1990s. They resided in the country but were not considered stateless and thus carry U.N. refugee documentation. UNDP representatives reported that the Government was cooperative and responsive to refugee and migration concerns.

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

Citizens could not freely choose and change the laws and officials that governed them. The Constitution declares the country to be a secular democracy in the form of a presidential republic. It calls for the separation of powers among the various branches of government but vests a disproportionate share of power in the presidency. In practice the president's power over the state continued to be absolute; he made most important decisions. Unlike previous years, citizens swore a national oath of allegiance to the country rather than to the president.

According to the OSCE, the election law does not meet OSCE standards.

Elections and Political Participation.—Under the Constitution, upon the December 2006 death of former President Niyazov, then-Parliament Chairman Ovezgeldy Atayev should have become the interim president. However, Gurbanguly Berdimuhamedov, the deputy prime minister, was named instead, and authorities initiated a criminal investigation against Atayev. On December 26, 2006, the Peo-

ple's Council selected six presidential candidates, changing the Constitution to allow the candidacy of Interim President Berdimuhamedov. Residency requirements precluded the candidacy of some exiles who expressed a desire to run for president. Nurberdy Nurmamedov, a dissident figure living in Ashgabat and whom some of these exiles hoped would be a candidate, was detained on December 23, 2006 and released on December 30, 2006.

On February 11, citizens selected Berdimuhamedov president in an election that did not meet international standards. The OSCE noted the following problems: Lack of political pluralism, restrictions on the right of citizens to stand for president, lack of provisions regulating the media coverage of the campaign, prohibition for failed candidates to contest a repeat election, and negative voting—where voters cross out the names of all candidates except the name of the chosen candidate. Although the Government legally did not prohibit membership in political organizations, it banned all political parties other than the president's Democratic Party. The Government continued to ban the existence of political opposition in the country, leaving the exiled opposition movements in Europe as the only alternative political voice for the country.

There were eight women in the 50-member Parliament, including the new Mejlis Chairman, elected in 2005. Women were also represented in the 2,500-delegate People's Council. Women served in a few prominent government positions: Deputy Chairman of the Cabinet of Ministers for Culture and Television (a vice-premier position), Minister of Textiles, Director of the Institute for Democracy and Human Rights, the head of the Supreme Council on Science and Technology, and the head of the state news agency.

The one member of a minority group in the 50-seat Parliament died in November 2006, and his seat remained vacant. Ethnic minorities were also represented in the 2,500-delegate People's Council. The Government gave preference for appointed government positions to ethnic Turkmen, but ethnic minorities occupied several high governmental positions. Members of the country's largest tribe, the president's Teke tribe, held the most prominent roles in cultural and political life.

Government Corruption and Transparency.—The law provides criminal penalties for official corruption; however, the Government did not implement the law effectively, and officials reportedly often engaged in corrupt practices with impunity. Widespread corruption existed in all social and economic sectors. Factors included the existence of patronage networks, a lack of transparency and accountability mechanisms, and fear of government reprisal. According to the World Bank's Worldwide Governance Indicators, the country had a severe corruption problem. Transparency International's 2007 Corruption Perceptions Index noted that corruption among the country's public officials was perceived by experts to be rampant.

During the year authorities indicated they would charge at least seven senior government officials with crimes after firing them, including Akmurat Rejepov, chief of the presidential guard and close advisor to former President Niyazov; Payzegeldy Meredov, a former minister of agriculture accused of corruption; and Ovezgeldy Atayev, former chairman of the Mejlis. Atayev was sentenced to 5 years in prison; the status of the others was unknown at year's end.

There is no law that allows for public access to government information, and in practice the Government did not provide access. Authorities denied requests for specific information on the basis of information being a state secret. Some statistical data was considered a state secret. There was no public disclosure of demographic data, and published economic and financial data was manipulated to justify state policies and expenditures.

Section 4. Governmental Attitudes Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

There were no domestic human rights NGOs. The Government warned its critics against speaking with visiting journalists or other foreigners wishing to discuss human rights problems. During the year the Government continued to monitor the activities of nonpolitical social and cultural organizations.

There were also no international human rights NGOs with an ongoing permanent presence in the country; however, the Government permitted international organizations, including the OSCE and the UNHCR, to have resident missions. Government restrictions on freedom of speech, press, and association severely restricted international organizations' ability to investigate and criticize the Government's human rights policies. Some officials were more responsive to questions regarding alleged human rights abuses. The Government appeared to have relaxed somewhat past efforts to control its citizens' access to international organizations and missions and to discourage citizens from cooperating with foreigners. In October the OSCE reported that unlike in previous years, the Government did not prevent ordinary citi-

zens from visiting the OSCE Center or participating in OSCE-sponsored civil society-themed seminars and activities. In June 2006 the Council of Ministers accused diplomats and the mission of the OSCE of fomenting revolution in the country for passing journalism equipment to citizens.

The Government established a Human Rights Commission, which reports to the president, to oversee institutional human rights reform. The National Institute for Democracy and Human Rights (IDHR), nominally headed by President Berdimuhamedov, appeared to have little real authority. In 2005 the Committee on the Protection of Human Rights and Liberties was established in Parliament to oversee human rights-related legislation. The IDHR was mandated to support democratization and monitor the protection of human rights and also maintained a human rights library. In principle the institute reviewed citizens' complaints and returned its findings to the individual and the organizations involved; however, the institute was not an independent body, and its ability to obtain redress was limited.

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

Although the law prohibits discrimination based on race, gender, disability, language, or social status, violence against women, and discrimination against ethnic minorities continued to be problems.

Women.—Rape, including spousal rape, is illegal, with penalties of between 3 and 25 years based on the level of violence of the incident and whether the attacker was a repeat offender. A cultural bias against reporting or acknowledging rape made it difficult to determine how widespread the problem was.

The law prohibits domestic violence, including spousal abuse, but it is not effectively enforced. Penalties are based on the extent of the injury. Anecdotal reports indicated that domestic violence against women was common; most victims of domestic violence kept silent, either because they were unaware of their rights or afraid of increased violence from husbands and relatives. There were a few court cases and occasional references to domestic violence in the media. One official women's group in Ashgabat, an independent NGO, and several informal groups in other regions assisted victims of domestic violence.

Prostitution is illegal but remained a problem throughout the country. Authorities actively monitored prostitution but did not attempt to counter it. There is no law specifically prohibiting sexual harassment, and anecdotal reports suggested that sexual harassment existed in the workforce.

Women had equal rights under family law, property law, and in the judicial system. In December the Mejlis approved a new law on Women's Rights after consultation with UNDP and other partners. The Mejlis Committee on Human Rights and Liberties was responsible for drafting human rights and gender legislation, integrating a new gender program into the education curriculum, and publishing regular bulletins on national and international gender laws. According to legislation, women are on equal footing with men in all spheres, including wages, loans, starting businesses, and working in government. However, women continued to experience discrimination in practice due to hiring biases. Employers allegedly gave preference to men in order to avoid productivity losses due to pregnancy or child care issues. Women were underrepresented in the upper levels of government-owned economic enterprises and were concentrated in health care, education, and service professions. The Government restricted women from working in some dangerous and environmentally unsafe jobs.

The Government did not acknowledge or address discrimination against women.

Children.—The Government has taken modest steps to address the welfare of children, including increased cooperation with the U.N. Children's Fund (UNICEF) and other international organizations on programs designed to improve children's health and reinstating the 10th year of mandatory schooling.

Primary and secondary education was free and compulsory. The Government began a potentially significant reform of the educational system, adding a 10th year of mandatory education for girls and boys. The Government stated that approximately 95 percent of children between the ages of 7 and 16 attended school on a regular basis; however, a 2003 UNDP report listed school attendance at 81 percent, and an Institute for War and Peace Reporting release reported that by eighth grade attendance at some schools was approximately 40 to 50 percent. Most children completed secondary school.

The Government initiated reforms in the higher education system, including extending university education to 5 years from the 2 years under Niyazov and removal of the requirement that university students work for 2 years before embarking on a degree program. The Government eased its restrictions for students wishing to study abroad, but significant bureaucratic hurdles remained, and students had to pass a Turkmen language exam to obtain approval to study in some countries.

The Government revised the school curriculum, introduced new subjects, increased teacher salaries, and reduced class sizes, but facilities, especially in urban areas, remained overcrowded, and textbooks and supplies were inadequate.

By law the Government provides free health care for children until the age of 18. Hospital care was also free; however, parents regularly paid bribes for service, medicines, and adequate medical equipment, including syringes.

There were isolated reports of child abuse.

According to UNICEF, 9 percent of marriages involved minors.

Trafficking in Persons.—In December the Parliament passed a comprehensive law prohibiting trafficking in persons. There were some reports that persons were trafficked to, from, and within the country.

Available information is insufficient to substantiate a significant number of victims in the country. The Government continued to use the 2005 migration law to forbid suspected female trafficking victims from boarding planes to Turkey and the United Arab Emirates, the two countries considered to be the most important trafficking destination countries. Iran was also assumed to be a trafficking destination. NGOs noted that young women from minority ethnic groups were most vulnerable to being trafficked.

The International Organization for Migration assisted 20 trafficked persons with repatriation from Turkey during the year. Traffickers were subject to between 2 and 8 years' imprisonment and the confiscation of property, depending on which law they were convicted under. The State Service for the Registration of Foreigners was responsible for combating trafficking.

The MOJ worked with foreign Embassies and international organizations to promote public awareness of trafficking. Some social action groups carried out trafficking-awareness programs in the provinces. However, the Government did not publicly acknowledge trafficking as a problem and did not monitor the trafficking situation within its borders, nor did it have a strategy to do so. The Government did not systematically screen vulnerable population groups to identify trafficking victims.

Persons with Disabilities.—The law prohibits discrimination against persons with physical and mental disabilities in employment, education, access to health care, and other state services, although various regulations contradict the law, in effect nullifying it. Persons with disabilities encountered discrimination in employment, education, access to health care, and provision of other state services. The Government systematically categorized many persons with physical disabilities as persons with mental disabilities and housed them at facilities for the mentally ill. The Government provided subsidies and pensions for persons with disabilities, although they were inadequate to maintain a decent standard of living. Because they received these subsidies, the Government considered persons with disabilities "employed" and therefore ineligible to compete for government jobs, the country's largest employer.

Some groups of students with disabilities were unable to obtain education because there were no teachers. Students with disabilities did not fit the unofficial university student profile and were not admitted to universities. Children with disabilities, including those with mental disabilities, were placed in boarding schools through which they were to be provided with educational and future employment opportunities if their condition allowed them to work; in practice neither was provided. Special schools for the hearing and sight impaired existed in the larger cities.

Although the law requires that new construction projects include facilities to allow access by persons with disabilities, compliance was inconsistent and older buildings were not accessible. The Ministry of Social Welfare was responsible for protecting the rights of persons with disabilities.

National/Racial/Ethnic Minorities.—The law provides for equal rights and freedoms for all citizens, although the former president made statements promoting the importance of ethnic purity. Several minority groups tried to register as NGOs in order to have legal status to conduct cultural events. No minority groups succeeded in registering during the year.

The law designates Turkmen as the official language, although it also provides for the rights of speakers of minority languages. While Russian remained prevalent in commerce and everyday life in the capital, the Government continued its campaign to conduct official business solely in Turkmen. The Government required ministry employees to pass tests demonstrating knowledge of the Ruhnama, state symbols, and professional subjects in Turkmen; employees who failed the exam were dismissed. Turkmen was a mandatory subject in school, although it was not necessarily the language of instruction. The Government systematically replaced teachers and staff at Turkish schools with ethnic Turkmen. Only in schools did the Gov-

ernment dedicate resources toward providing Turkmen language instruction for non-Turkmen speakers.

Non-Turkmen speakers complained that some avenues for promotion and job advancement were closed to them, and only a handful of non-Turkmen occupied high-level jobs in the ministries. In some cases applicants for government jobs had to provide ethnicity information for the last three generations. The Government often first targeted non-Turkmen for dismissal when government layoffs occurred.

Other Societal Abuses and Discrimination.—Homosexuality between men is illegal and punishable by up to 2 years in prison.

Section 6. Worker Rights

a. The Right of Association.—The law provides for citizens to join unions, but in practice all existent trade and professional unions were government-controlled. Private citizens were not permitted to form independent unions.

The Government only permitted an umbrella organization Center for Professional Unions, led by a presidential appointee, under which numerous professional unions in most fields, including medicine, construction, banking, accounting, economics, entrepreneurship, and lease-holding existed. The law does not prohibit antiunion discrimination by employers against union members and organizers, and there were no mechanisms for resolving complaints of discrimination; however, there were no reports of discrimination.

b. The Right to Organize and Bargain Collectively.—All unions were government appendages and had no independent voice in their activities. The law does not protect the right of collective bargaining. There was no law regulating strikes or retaliation against strikers, and strikes were rare.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor.—The law prohibits forced or compulsory labor, including by children; however, there were reports it occurred.

A 2005 presidential decree bans child labor and states that no children would participate in the cotton harvest; there continued to be a decrease in the number of children working in the cotton fields.

d. Prohibition of Child Labor and Minimum Age for Employment.—There are laws and policies to protect children from exploitation in the workplace, but they were not implemented effectively. The minimum age for employment of children is 16 years; in a few heavy industries, it is 18 years. The law prohibits children between the ages of 16 and 18 years from working more than 6 hours per day. A 15-year-old child may work 4 to 6 hours per day with parental and trade union permission, although such permission was rarely granted. Child labor laws were not effectively enforced in practice, although implementation appeared to have improved during the year. The MOJ and the Prosecutor General's Office were responsible for enforcing child labor laws.

e. Acceptable Conditions of Work.—The state sector minimum monthly wage of approximately $40 to $60 (1 to 1.5 million manat) did not provide a decent standard of living for a worker and family. The Government increased teachers' salaries by 40 percent at the beginning of the school year, however, and reduced their weekly hours of work from 35 to 24. In November the president signed a law increasing the minimum wage by 10 percent.

The standard legal workweek is 40 hours with 2 days off. Most public-sector employees also worked at least 1/2 day on Saturdays. The law states overtime or holiday pay should be double the regular payment; maximum overtime in a year is 120 hours and cannot exceed 4 hours in 2 consecutive days. This law, however, was not enforced.

The Government did not set comprehensive standards for occupational health and safety. Industrial workers in older factories often labored in unsafe environments and were not provided proper protective equipment. Some agricultural workers were subjected to environmental health hazards. Workers did not always have the right to remove themselves from work situations that endangered their health or safety without jeopardy to their continued employment.

UZBEKISTAN

Uzbekistan is an authoritarian state with a population of approximately 27.3 million. The Constitution provides for a presidential system with separation of powers between the executive, legislative, and judicial branches; however, in practice President Islam Karimov and the centralized executive branch dominated political life

and exercised nearly complete control over the other branches. The two-chamber Oliy Majlis (Parliament) consisted almost entirely of officials appointed by the president and members of parties that supported him. The most recent general elections in 2004 for seats in the lower chamber of the Parliament fell significantly short of international standards. On December 23, President Karimov was elected to a third term in office; however, voters in the election were deprived of a genuine choice. Civilian authorities generally maintained effective control over the security forces.

Citizens did not have the right in practice to change their government through peaceful and democratic means. Security forces routinely tortured, beat, and otherwise mistreated detainees under interrogation to obtain confessions or incriminating information. In several cases authorities subjected human rights activists and other critics of the regime to forced psychiatric treatment. Human rights activists and journalists who criticized the Government were subject to harassment, arbitrary arrest, politically motivated prosecution, and physical attack. The Government generally did not take steps to investigate or punish the most egregious cases of abuse, although it prosecuted many officials for corruption. Prison conditions remained very poor, and outside monitors did not have full access to places of detention. In many cases those arrested were held incommunicado for extended periods without access to family or attorneys. Criminal defendants were often deprived of legal counsel. Guilty verdicts were almost universal and generally based upon defendants' confessions and witnesses' testimony obtained through coercion. The Government tightly controlled the mass media and treated criticism of the regime as a crime. The Government did not observe citizens' right to free assembly or association; police regularly detained citizens to prevent public demonstrations and forestalled contact with foreign diplomats. Authorities sought to control all nongovernmental organization (NGO) activity and forced the de facto closure of Human Rights Watch (HRW), one of the last international human rights organizations in the country. The departure of international human rights organizations from the country negatively affected the ability of foreign Embassies to report on human rights violations. The Government also limited access for international observers at trials. The Government restricted religious activity, treating virtually all religious observance outside state-sanctioned structures as a crime. Courts convicted many independent Muslims of extremist activity, and the Government harassed several Protestant groups. The Government pressured other countries to return forcibly Uzbek refugees who were under the protection of the Office of the U.N. High Commissioner for Refugees (UNHCR) and increased pressure on Afghan refugees to return home. There was a widespread public perception of corruption throughout society. While the Government took steps to combat trafficking in persons, it remained a problem. The use of compulsory labor, particularly in cotton harvesting, continued.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life.—There were no confirmed reports of political killings by the Government or its agents.

The Government continued to refuse to authorize an independent international investigation of the alleged killing of numerous unarmed civilians and others during the violent disturbances of May 12 and 13, 2005. Peaceful demonstrators had assembled in front of Andijon's courthouse in the weeks before in support of 23 local Islamic businessmen on trial, charged by the Government with involvement in an extremist group. On the evening of May 12, an unknown number of individuals attacked a police garrison, seized weapons, broke into a nearby prison, and released several hundred inmates, including the 23 businessmen. Several witnesses claimed that, on May 13, military vehicles drove into the main square, where several thousand civilians had gathered peacefully, and fired repeatedly into the crowd without warning. The Government claimed, based on its own 2005 investigation, that armed individuals initiated the violence by firing on government forces. The estimated number of dead varied between the Government's total of 187 and eyewitnesses' reports of several hundred. While an international investigation did not take place, the Government claimed to have conducted internal investigations into the May 2005 events. It discussed investigation techniques and results with diplomats and other international representatives in 2006 and 2007.

There were no further developments in resolving either the 2005 death of Islamic cleric Shavkat Madumarov, who died in custody 3 days after he was sentenced to 7 years' imprisonment for membership in a banned Islamic group, or the 2005 death of Azadbek Satimov, who died in police custody in the Shahrikhon District of Andijon Province. The absence of independent medical examiners and frequent official pressure on families to bury bodies quickly in accordance with Islamic traditions

made it difficult to confirm reports of deaths in custody that resulted from torture or mistreatment.

On June 29, Parliament adopted long-planned legislation abolishing the death penalty as of January 1, 2008, and replaced it with prison terms ranging from 20 years to life. The legislation contains a provision mandating that prisoners sentenced to life must serve 20 years before making an appeal and limits lifetime imprisonment to those convicted of premeditated murder and terrorism. There were no known executions during the year. In previous years, however, the Government provided no notification of execution to the families of condemned persons and treated the execution dates and places of burial of executed persons as state secrets, a practice the U.N. special rapporteur (UNSR) on torture condemned as "cruel and inhuman."

In previous reporting periods, Amnesty International (AI) estimated that scores were executed annually, and the local NGO Mothers against the Death Penalty and Torture put the number at well over 100. In previous years local and international observers reported that persons sentenced to death often were not given an adequate opportunity to mount a defense or to appeal their sentence.

b. Disappearance.—There were no reports during the year of politically motivated disappearances. There were still numerous unconfirmed reports of disappearances in 2005 of persons who were present at the violent disturbances in Andijon. The welfare and whereabouts of several of the refugees who were forcibly returned to the country during the year remained unknown.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—Although the Constitution and law prohibit such practices, police and officers of the National Security Service (NSS) routinely beat and otherwise mistreated detainees to obtain confessions or incriminating information. Police, prison officials, and the NSS reportedly also used methods of abuse including suffocation, electric shock, deprivation of food and water, and sexual abuse in addition to beatings. Torture and abuse were common in prisons, pretrial facilities, and local police and security service precincts. Informants reported several cases of medical abuse, including forced psychiatric treatment on political grounds. Defendants in trials often claimed that their confessions, on which the prosecution based its cases, were extracted by torture.

Reports by HRW on November 7 and the U.N. Committee Against Torture (CAT) on November 23 concluded that torture and abuse were systemic throughout the investigative process and had not improved since a 2003 UNSR on torture report drew the same conclusions. The CAT report stated that despite an amendment to Article 235 of the criminal code addressing elements of the definition of torture, punishment for violations was rare and did not reflect the severity of the crimes. However, during the year there were two reported cases of Ministry of Internal Affairs (MOI) officials convicted of committing torture. In 2005 government officials confirmed that prison regulations permitted beatings under the supervision of medical doctors, and prison authorities documented all such incidents in detail for prison records.

Authorities reportedly treated individuals suspected of extreme Islamist political sympathies, notably pretrial detainees who were alleged members of Hizb ut-Tahrir (HT), a banned extremist political organization, more harshly than ordinary criminals, subjecting them to particularly severe interrogation. Local human rights workers reported that authorities often paid or otherwise induced common criminals to beat suspected extremists and others who opposed the Government. As in previous years, there were credible reports that prison officials abused HT members to obtain letters of repentance, which are required for a prisoner to be eligible for amnesty. According to prisoners' relatives, amnestied prisoners, and human rights activists, the Government beat or sent into solitary confinement inmates who refused to write letters disavowing their connection to HT.

On February 12, a court sentenced Furkat Sagdiev to 12 years' imprisonment for murder and robbery after a trial in which his lawyer claimed that Sagdiev was tortured into confessing his guilt.

On April 6, the Tashkent City Criminal Court sentenced Saimjon Umarov to 16 years' imprisonment for robbery based on a confession that was reportedly elicited through torture. According to an investigation carried out by human rights activists, officers from Tashkent's Chilanzar region police station beat Umarov, threatened him with long-term imprisonment, and forced him to confess. At trial Umarov reportedly refuted his confession, and the alleged victim stated that Umarov was not among the robbers.

On November 30, Ihtiyor Hamroyev, an imprisoned member of HRSU and son of well-known human rights supporter Bakhtiyor Hamroyev, stabbed himself in protest after being beaten by prison guards. In January authorities transferred him to

the Zafarabad district hospital when he was diagnosed with a stomach ulcer reportedly caused or exacerbated by beatings to his midsection. In September 2006 authorities sentenced Hamroyev to 3 years in prison on charges of hooliganism.

In separate incidents in November, three men who had been convicted of membership in HT died at a prison in Andijon. Police delivered the bodies of Fitrat Salakhiddinov and Takhir Nurmukhammedov to their families on November 13 and 15, respectively. Family members reported signs of torture on the bodies. A third unnamed prisoner died on or about November 29. Human rights activists claimed the number of deaths in custody was higher than reported, but this could not be measured accurately due to lack of independent prison monitoring.

Before their June 2006 sentencing to 9 years' imprisonment for extortion, interrogators held Alisher Karamatov and Azam Farmonov of the Human Rights Society of Uzbekistan (HRSU) incommunicado for 1 month and reportedly subjected them to torture and abuse. After the verdict, Farmonov became the first human rights activist sent to Jaslyk prison, established in 1997 to house religious prisoners, and Karamatov was sent to Karshi prison. According to family members, Farmonov was tortured in prison. Between May 23 and June 19, Farmonov was held in solitary confinement, where prison guards allegedly beat him daily on the feet and head. Between October 10 and 20, Farmonov was again held in solitary confinement, during which time five guards reportedly beat him unconscious.

There were no developments in the 2005 torture in detention cases of two Sufi Muslims or of Yakubjon Aliev.

There were several confirmed instances of politically motivated medical abuse. As in past years, law enforcement authorities had local political and human rights activists committed to psychiatric institutions to stop their activities. Victims could request through legal counsel that their cases be reviewed by an expert medical board; however, in practice such bodies generally supported the decisions of law enforcement authorities.

On April 13, authorities extended for another 6 months the detention of journalist Jamshid Karimov, a nephew of President Karimov. In September 2006 a court committed Jamshid to the Samarkand Psychiatric Hospital, despite doctors' admission that he was "stable, in good health, intelligent, and educated." In May Karimov's family noted that he was malnourished and had a persistent fever. In July Karimov reported in a message allegedly smuggled out of the hospital that his health was declining, including memory loss, difficulty concentrating, and partial loss of vision from being forced to take psychotropic drugs.

Authorities often forcibly detained female human rights activists in psychiatric hospitals. In March and May 2006, police reportedly twice arrested human rights activist Shokhida Yuldosheva and subjected her to 3 weeks of forced treatment at a psychiatric institution in Karshi. Yuldosheva was involved in monitoring trials of regime opponents, and human rights activists believed her detention was politically motivated.

Prison and Detention Center Conditions.—According to prison officials, approximately 34,000 inmates were held at 53 detention facilities. Prison conditions remained poor and life threatening, and there continued to be reports of severe abuses in prisons. According to reports by human rights activists and relatives of prisoners, prison overcrowding remained a problem. Tuberculosis (TB) and hepatitis were endemic in the prisons, making even short periods of incarceration potentially life threatening. Prison officials stated that approximately 1,000 inmates were infected with TB. This number could not be confirmed by international health and other organizations, to which the Government did not grant access to prison facilities. Prisoners often relied on visits of relatives for food and medicine, which were reportedly in short supply in several prisons. Family members frequently reported that officials stole food and medicine that they tried to deliver to prisoners. There were reports of inmates working in harsh circumstances and, in some cases, being beaten in detention facilities.

Human rights activists reported that authorities held political prisoners and those convicted of membership in banned religious extremist organizations in specially demarcated sections of prisons and subjected these prisoners to harsher conditions and treatment than other prisoners. There were reports that authorities did not release prisoners, especially those convicted of religious extremism, at the end of their terms; instead, prison authorities frequently contrived to extend inmates' terms by accusing them of additional crimes, and these accusations were not subject to judicial review.

On April 5, former Surkhandarya Province military prosecutor Bakhtiyor Khasanov, who was sentenced in 2000 to 17 years in prison for narcotics smuggling, died after another inmate beat him at labor colony 64–21.

On July 18, Shuhrat Diyorov, an alleged HT member who was sentenced in 2000 to 9 years in prison for attempting to overthrow the constitutional order, died of TB at the hospital of prison 64–36 in Karshi. Family members claimed that authorities refused Diyorov proper treatment for his illness.

In July Inomjon Yoqubov, who was sentenced to 18 years in prison in 1998 for membership in HT, died in uncertain circumstances in prison. On July 29, authorities delivered the body to his family, who reported that it was marked by several wounds.

In mid-August, according to human rights sources, several hundred inmates convicted of religious extremism at prison 64–78 in the town of Zarafshon in Navoi assembled to protest prison conditions and the persecution of Muslims. Prison authorities reportedly intervened and allegedly killed and injured an indefinite number of prisoners. Afterwards authorities delivered the body of Ortikjon Mukhammedov, an inmate convicted of HT membership, to his family in Tashkent and ordered that the body be buried immediately. Family members reported that the body was covered with bruises and wounds.

Independent human rights organizations did not visit detention facilities to monitor conditions. Throughout the year the International Committee of the Red Cross (ICRC) negotiated with the Government to secure access to all detained persons consistent with ICRC's usual practices, but no agreement was reached.

d. Arbitrary Arrest or Detention.—The Constitution and law prohibit arbitrary arrest and detention; however, these practices remained problems.

Role of the Police and Security Apparatus.—The MOI controls the police, which are responsible for law enforcement and maintenance of order. The NSS, headed by a chairman who is answerable directly to the president, deals with a broad range of national security questions, including corruption, organized crime, and narcotics. Corruption among law enforcement personnel remained a problem. Police routinely and arbitrarily detained citizens to extort bribes. Impunity remained a problem, and the Government rarely punished officials responsible for abuses. The MOI's main investigations directorate has procedures to investigate abuse internally and discipline officers accused of rights violations and has done so in several isolated cases. The human rights ombudsman's office, affiliated with the Parliament, also has the power to investigate such cases. However, there was no independent body charged with investigating such allegations on a systematic basis. The MOI main investigations directorate incorporated human rights training into officers' career development.

On July 4, the MOI signed a memorandum of understanding with the Organization for Security and Cooperation in Europe (OSCE) on developing new curriculum and modern training methodologies for the MOI's training academy. The methodologies are designed to encourage the MOI to adopt Western models of community policing and cooperation. In September the OSCE Strategic Police Matters Unit and the MOI held a 4-day training course for MOI academy personnel led by experts from the International Law Enforcement Academy in Hungary and the national police Academy of Ireland.

Arrest and Detention.—The law does not require the judiciary to issue warrants and grants wide discretion regarding the proper basis for an arrest, but the law requires the arresting authority to forward a report justifying the arrest to a prosecutor within 24 hours of a person being taken into custody. The law also mandates that all detainees, whether they are considered suspects or accused, be questioned within 24 hours. Suspects have the right to remain silent. There is no judicial determination of detention. Detention without formal charges is limited to 72 hours, although a prosecutor may extend it for an additional 7 days, at which time the person must either be charged or released. In practice authorities continued detaining suspects after the allowable period through various means, including filing false charges. There were several cases in which individuals were detained initially as witnesses and later falsely charged with a crime. Once charges are filed, a suspect may be held in pretrial detention at the prosecutor's discretion during an investigation. A prosecutor may release a prisoner on bond pending trial, although in practice authorities frequently ignored these legal protections. Those arrested and charged with a crime may be released until trial on the condition that they provide assurance that they will appear at trial. In such cases the accused is not required to post bail, but he or she must register each day at a local police station.

On June 29, Parliament adopted a new law on habeas corpus that transfers the power to issue arrest warrants from the Prosecutor's Office to the judiciary. The law states that the judge conducting the arrest hearing is not allowed to sit on the panel of judges during the person's trial, and that persons detained will have the right to request a hearing with a judge to determine whether they should remain incarcerated or be released.

A supreme court decree provides for a defendant's right to counsel from the moment of detention. In practice authorities often denied or delayed access to counsel and denied communication with their families. Investigators often pressured defendants to sign statements refusing the services of private attorneys whom family members had hired. In their place authorities appointed state attorneys who did not provide effective defense.

During the year police frequently and arbitrarily arrested or detained individuals for expressing views critical of the Government. For example, on January 14, border guards detained Andijon-based human rights activist and forensic pathologist Gulbahor Turayeva at a border checkpoint as she returned from Kyrgyzstan. Turayeva had reported to international organizations on the killing of civilians during the 2005 Andijon unrest and alleged that doctors in the Ferghana Valley had performed medically unnecessary hysterectomies on women without their knowledge or consent. On April 24, an Andijon court sentenced Turayeva to 6 years' imprisonment for anticonstitutional activities, slander, and producing and spreading materials that threaten public order. In a second trial on May 7, the court convicted Turayeva of additional slander charges and fined her $510 (648,000 soum). On June 12, an appeals court in Andijon commuted her 6-year prison term to a 6-year suspended sentence and 3 years' probation; the fine remained intact.

On January 22, authorities arrested HRW staffer and journalist Umida Niyazova while she attempted to return from Kyrgyzstan and held her incommunicado for 4 days. On May 1, Tashkent's Sergeli District Criminal Court sentenced Niyazova to 7 years' imprisonment on charges of illegal border crossing, smuggling, and producing and spreading materials that threaten public order. On May 8, a Tashkent appeals court commuted her prison term to a 7-year suspended sentence and 3 years' probation and released her from custody.

Human rights observers maintained that the charges against Turayeva and Niyazova were politically motivated and that they were forced to confess in order to win their release. Since her appeal, Niyazova was subject to official and unofficial restrictions on her movement.

There were reports that police arrested persons on false charges as an intimidation tactic to prevent them or their family members from exposing corruption or interfering in local criminal activities. In many such cases, authorities resorted to false charges of economic crimes such as extortion or tax evasion.

Authorities continued to arrest persons arbitrarily on charges of extremist sentiments or activities, or association with banned religious groups. Local human rights activists reported that police and security service officers, acting under pressure to break up HT cells, frequently detained family members and close associates of suspected members. Authorities made little distinction between actual members and those with marginal affiliation with HT, such as persons who had attended Koranic study sessions with the group.

Unlike in previous years, there were few reports that authorities arrested and prosecuted persons based on the possession of HT literature.

Coerced confessions and testimony were commonplace. Even persons generally known to belong to HT stated that the cases against them were built not on actual evidence, but on planted material or false testimony.

Police harassed and sometimes arbitrarily detained members of the opposition Birlik, Free Farmers, and Erk parties.

During the year pretrial detention typically ranged from 1 to 3 months. Prison officials estimated that approximately 3,400 persons were held in pretrial detention at any one time.

In general prosecutors exercised near total discretion over most aspects of criminal procedure, including pretrial detention. Detainees had no access to a court to challenge the length or validity of pretrial detention. Even when no charges were filed, police and prosecutors sought to evade restrictions on the duration a person could be held without charges by holding persons as witnesses rather than as suspects.

Local police regularly employed house arrest to stifle dissent. In most cases police surrounded the homes of human rights activists and government critics to prevent them from participating in public demonstrations or other activities. Bakhtiyor Hamroyev of the HRSU and other human rights activists in Jizzakh Province reported that local police surrounded their homes on a regular basis to prevent their departure. Tashkent-based human rights activist Surat Ikramov reported similar surveillance of his home to prevent him from monitoring trials of religious extremists in Tashkent.

Amnesty.—Between November 2006 and February, the Government carried out the completion of the annual amnesty declared in November 2006. Prison officials stated that they released 3,661 inmates under the amnesty, including 26 minors and

72 persons in pretrial detention, and reduced the prison terms of another 9,482 persons. The Government announced that the amnesty applied to convicts sentenced for up to 10 years' imprisonment for membership in banned organizations and for crimes against peace and security. As in previous years, the amnesty resolution specifically excluded those who "systematically violate prison rules." Allegations of prison disciplinary violations were not subject to review by an independent judiciary, nor were they upheld by hearings that were open to outside observers. Human rights activists reported that prison authorities cited selected prisoners for repeated violations of internal discipline specifically to render them ineligible. Cases in which this tactic was suspected included those of human rights activist Mutabar Tojiboyeva, Ikhtiyor Hamroyev, and political opposition figure Sanjar Umarov.

Those released included: Uktir Pardayev, the brother of Jizzakh-based human rights activist Uktam Pardayev, arrested and convicted in 2006 on hooliganism charges that human rights activists maintained were politically motivated; Yodgor Turlibekov, sentenced to 3½ years in prison in October 2006 for insult and slander after he distributed leaflets critical of government policies; and Abdulgapur Dadabayev, the chair of the Andijon provincial branch of Ezgulik, detained for 18 months without charge after he was arrested crossing the Kyrgyz border in 2005.

As in previous amnesties, authorities reportedly forced prisoners to sign letters of repentance as a condition of release. There were allegations that authorities physically mistreated some prisoners who refused to sign such letters, and there were accounts of authorities not releasing many inmates, even after they had signed such letters. Local prison authorities had considerable discretion in determining who was reviewed for amnesty, despite established conditions allowing release, and, as in previous years, there were reports of corruption. In the past amnestied prisoners stated that government-approved imams were sent to some prisons to make the final determination whether a prisoner had truly repented. Authorities reportedly used such a procedure frequently in consultation with local "mahalla" (neighborhood) committees.

In December President Karimov approved an amnesty resolution adopted by the senate on November 30 in honor of the 15th anniversary of the Constitution.

e. Denial of Fair Public Trial.—While the Constitution provides for an independent judiciary, the judicial branch took its direction from the executive branch, particularly the General Prosecutor's Office, and exercised little independence in practice.

Under the law the president appoints all judges for 5-year terms. Removal of supreme court judges must be confirmed by Parliament, which is obedient to the president's wishes.

There are supreme criminal courts with jurisdiction over the Karakalpakstan Autonomous Republic. Decisions of district and provincial courts may be appealed to the next level within 10 days of a ruling. In addition a constitutional court reviews laws, decrees, and judicial decisions to ensure compliance with the Constitution. Military courts handle all civil and criminal matters that occur within the military. The Supreme Court is a court of general jurisdiction which handles selected cases of national significance.

Trial Procedures.—Most trials are officially open to the public, although access was often restricted in practice. Trials may be closed in exceptional cases, such as those involving state secrets, or to protect victims and witnesses. Courts often demanded that observers obtain written permission from the court chairman or from the Supreme Court. Permission was difficult and time-consuming to obtain, with the result that international observers in many cases missed important portions of trial proceedings. Local and international observers, including foreign diplomats, were often barred entry into trials.

The Government generally announced trials, including those of alleged religious extremists, only at the court in which the trial was to take place and only a day or two before the trial began.

Either committees of worker collectives or neighborhood committees select the three-judge panels of one professional judge and two lay assessors that generally preside over trials. The lay judges rarely speak, and the professional judge usually defers to the recommendations of the prosecutor on legal and other matters. There are no jury trials.

Defendants have the right to attend court proceedings, confront witnesses, and present evidence. These rights were generally observed, including in high-profile human rights and political cases. In almost all criminal cases that prosecutors brought to court, however, the verdict was guilty. Defendants have the right to hire an attorney, and the Government provides legal counsel without charge when necessary. However, state-appointed attorneys routinely acted in the interest of the

Government rather than of their clients. Authorities often violated the right to an attorney during pretrial detention, and judges in several cases denied defendants the right to an attorney of choice. There were several reports that investigators pressured defendants to refuse legal counsel. Defense counsel was often incompetent and, in most cases, the role of defense counsel was limited to submitting confessions and pleas for mercy. Several private law firms provided pro bono defense counsel, some financed through international contributions.

Government prosecutors order arrests, direct investigations, prepare criminal cases, and recommend sentences. Defendants do not enjoy a presumption of innocence. If a judge's sentence does not correspond with the prosecutor's recommendation, the prosecutor has a right to appeal the sentence to a higher court. Verdicts are often based solely on confessions and witness testimony often reportedly extracted through torture, threats to family members or other means of coercion. On the rare occasions when a guilty verdict is not pronounced, the judge seldom acquits the defendant; rather, the case is sent back for further investigation. Legal protections against double jeopardy do not apply in practice.

On May 14, the Government convicted Irfan Hamidov, a member of the Jehovah's Witnesses Samarkand congregation, of illegally teaching religion and sentenced him to 2 years' detention in a labor camp after a trial in which witnesses' testimony favorable to his case was erased from the record.

The law provides a right of appeal to defendants. Appeals did not result in convictions being reversed but in several cases resulted in a reduced sentence or suspended sentence.

Defense attorneys had limited access in some cases to government-held evidence relevant to their clients' cases. However, in most cases a prosecution was based solely upon defendants' confessions or incriminating testimony from state witnesses, particularly those cases involving suspected HT members. Lawyers may, and occasionally did, call on judges to reject confessions and to investigate claims of torture. Judges routinely ignored such claims or dismissed them as groundless.

Political Prisoners and Detainees.—It was impossible to estimate the number of political prisoners or detainees. Human rights activists believed that the number of political prisoners continued to rise during the year as the number of new prisoners sentenced likely exceeded the number of prisoners who were amnestied or completed their sentences. Most persons convicted of political crimes were charged with the crime for which they were arrested, such as anticonstitutional activity, involvement in illegal organizations, or preparation or distribution of material that threatened public security. However, courts convicted several human rights activists and journalists on politically motivated charges for crimes such as extortion and hooliganism. During the year courts convicted and imprisoned several human rights activists, journalists, and Andijon residents for speaking about the 2005 events or matters related to that incident. The Government did not allow independent monitoring groups to visit political prisoners or detainees during the year.

On February 19, a criminal court in Andijon Province sentenced Isroil Kholdorov, an Erk opposition party activist, to 6 years' imprisonment on charges of illegal border crossing, anticonstitutional activity, membership in an illegal organization, and distribution of materials constituting a threat to public order. Kholdorov had fled to Kyrgyzstan after the 2005 Andijon events. Kyrgyz human rights defenders, including the official Kyrgyz ombudsman, accused security agents of having kidnapped Kholdorov, along with other Andijon refugees.

On September 24, a Tashkent military court convicted former Ministry of Defense official Erkin Musaev of corruption. The conviction was Musaev's third in 2 years, and his prison sentence was lengthened from 16 to 20 years. In March authorities reportedly transferred Musaev from Bekabad Prison in Tashkent Province to the headquarters of the National Security Service in Tashkent, where he was ordered to serve as a witness against several border guards. When Musaev refused, he allegedly was made a defendant in the same case. His second conviction in connection with his work for the U.N. Development Program (UNDP) in Tashkent rendered Musaev ineligible for inclusion in the annual amnesty and added 1 more year to his prison sentence. Relatives and outside observers maintained that the charges against Musaev were false and politically motivated. Musaev reported suffering torture in detention during his interrogation for the first case, including severe beatings to his head, chest, and feet. After he refused to participate as a witness in the third trial, interrogators reportedly beat Musaev on the head, causing a severe concussion.

There were no developments in the case of human rights activist Saidjahon Zaynabitdinov, sentenced to 7 years' imprisonment in January 2006 by the Tashkent Province Criminal Court for extremist activity in connection with the 2005 Andijon events. The Government denied or failed to respond to several requests

from foreign diplomatic missions for access to Zaynabitdinov. In August 2006 authorities transferred him, after he served 5 months in the Karshi City Colony, to the Tashkent Prison and then in December 2006 to a prison colony in Zagatinskiy District outside of Tashkent. There he was able to meet with his lawyer, who reported that Zaynabitdinov was in satisfactory condition.

During the year authorities held Sanjar Umarov in a prison colony in Navoi region. His relatives reportedly had only two opportunities to visit him. Family members reported that his health declined considerably after being held in solitary confinement for over a year. At year's end he was being held among the general prison population. In two separate trials in March 2006, the Tashkent City Criminal Court convicted Umarov and Nodira Khidoyatova, cofounders of the political opposition Sunshine Coalition, of tax evasion and illegal commodities trading and sentenced them to 10 years' and 14½ years' imprisonment respectively. Authorities released Khidoyatova after a Tashkent appeals court commuted her sentence in May 2006, and they reduced on humanitarian grounds Umarov's sentence to 7 years and 8 months. The court also fined Umarov $8.2 million (10.4 billion soum). Human rights NGO observers criticized the two trials as politically motivated.

On August 14, the Government acknowledged that human rights activist Mutabar Tojiboyeva, arrested in 2005 and sentenced in March 2006 to 8 years in prison, had seen her family members four times and her lawyer once since she was imprisoned. According to her family, she made repeated but unsuccessful requests for additional visits. On January 15, a few days after Tojiboyeva's brother visited her, unknown persons reportedly threatened that he would be accused of membership in HT and imprisoned if he tried to see his sister again. In July 2006 Tashkent Prison authorities committed Tojiboyeva to a prison psychiatric ward for 10 days, where doctors reportedly administered oral medications.

Civil courts operate on the city or district level, as well as the interdistrict and provincial levels. Criminal courts operate on the city or district level. There are also supreme civil courts with jurisdiction over the Karakalpakstan Autonomous Republic.

Economic courts with jurisdiction over the individual provinces, the City of Tashkent, and the Karakalpakstan Autonomous Republic handle commercial disputes between legal entities. Decisions of these courts may be appealed to the Supreme Economic Court.

Civil and Judicial Procedures and Remedies.—Although the Constitution provides for it, the judiciary is not independent or impartial in civil matters. Citizens may file suit in civil courts, if appropriate, on cases of alleged human rights violations. There were reported cases in which courts decided in favor of plaintiffs in such cases. However, there were also many reports that bribes to judges influenced decisions in civil court cases.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The Constitution and law prohibit arbitrary interference with privacy, family, home or correspondence; however, in practice authorities did not respect these prohibitions. The law requires a search warrant for electronic surveillance by the prosecutor, but there is no provision for a judicial review of such warrants. Citizens generally assumed that security agencies routinely monitored telephone calls and employed surveillance and wiretaps of persons involved in opposition political activities.

There were numerous reports during the year of police and other security forces entering homes of human rights activists and religious figures without authorization of a representative of an independent judiciary. Members of Protestant churches who held worship services in private homes reported that on several occasions armed security officers raided worship services and detained church members on suspicion of illegal religious activity.

On September 24, a group of approximately 20 women and children forcibly entered the home of Saida Kurbanova in the Pakhtakor District of Jizzakh Province during a visit by Tashkent-based human rights activist Elena Urlayeva and attacked Kurbanova and Urlayeva; police reportedly witnessed the scene but failed to render assistance. Human rights activists claimed that the attack was carried out in collaboration with police.

The Government continued to use an estimated 12,000 local mahalla committees as a source of information on potential extremists. Committees served varied social support functions, but they also functioned as a link between local society, government, and law enforcement. Mahalla committees in rural areas tended to be much more influential than those in cities. Each committee assigned a "posbon" (neighborhood guardian) whose job was to ensure public order and maintain a proper moral climate in the neighborhood. In practice posbons prevented young persons from joining extremist Islamic groups. Neighborhood committees also frequently identified for police those residents who appeared suspicious and, working with local MOI and

NSS representatives, reportedly paid particular attention to recently amnestied prisoners and the families of individuals jailed for alleged extremism. During the year there were also several reports that neighborhood committees, on orders from the NSS, monitored individual religious practices and discouraged residents from associating with Protestant Christian churches.

Authorities frequently detained and mistreated family members of persons wanted or jailed for Islamic extremist activities, even if there was limited evidence of their involvement. There were numerous credible reports that police, employers, and neighborhood committees also harassed and arrested family members of human rights activists. There were no new reports that officials harassed relatives of residents who fled to Kyrgyzstan after the Andijon unrest in 2005.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution and law provide for freedom of speech and the press; however, the Government generally did not respect these rights in practice.

The law limits criticism of the president, and public insult to the president is a crime punishable by up to 5 years in prison. The law specifically prohibits articles that incite religious confrontation and ethnic discord or advocate subverting or overthrowing the constitutional order.

The Government continued to characterize the distribution of pamphlets by the banned HT as incitement for political and terrorist purposes. During the year police reportedly arrested some individuals for possessing HT literature.

The Uzbekistan News Agency (UNA) cooperated closely with presidential staff to prepare and distribute all officially sanctioned news and information. The government's press and information agency is responsible for monitoring all media. The Cabinet of Ministers owned and controlled three of the country's most influential national daily newspapers, Pravda Vostoka (Russian language), Halq So'zi (Uzbek language), and Narodnoe Slovo (Russian language). The government, or its government-controlled political parties or social movements, and the Tashkent municipal government and regional "hokimiyats" (administrations) owned or controlled several other daily and weekly publications. The Government also published news stories on official Internet sites including UzA.uz, operated by the National News Agency of Uzbekistan, and Jahon.mfa.uz, operated by the Ministry of Foreign Affairs (MFA). A few Web sites, most notably Press-uz.info, Gazeta.uz, and C-Asia.org, purported to be independent, yet their reporting reflected the Government's viewpoint.

There were a few private printing houses producing local newspapers with limited circulation. Government-owned printing houses generally printed a majority of newspapers. The Government allowed private newspapers containing advertising, horoscopes, and similar features but no substantive local news or editorial content. Three private national Russian-language newspapers—Novosti Uzbekistana, Noviy Vek, and Biznes Vestnik Vostoka—carried news and editorials favorable to the government, as did two Uzbek-language newspapers, Hurriyat (owned by the Journalists' Association) and Mohiyat (owned by Turkiston-Press, a nongovernmental information agency loyal to the state). The Government did not allow the general distribution of foreign newspapers and publications. However, two or three Russian newspapers and a variety of Russian tabloids and lifestyle publications were available, and a very modest selection of foreign periodicals was available in major hotels and at other locations in Tashkent.

On January 11, the Government granted a new publishing license to the editors of the legal affairs newspaper Advokat Press with the requirement that the publication change its name to Huquq Jarayoni (Legal Process) and cleared all future staff appointments with government authorities. In 2005 the Uzbekistan Press and Information Agency ordered the newspaper to close after it published a series of articles criticizing government officials for violations of the law.

On January 15, President Karimov signed legislation that placed further restrictions on mass media organizations than the March 2006 resolution that prohibited journalists from working without accreditation or working for unaccredited media outlets. The new law holds all foreign and domestic media organizations accountable for the "objectivity" of their reporting, bans foreign journalists from working in the country without official accreditation, and requires that foreign media outlets operating in the country be subject to mass media laws. It also prohibits the promotion of religious extremism, separatism, and fundamentalism, as well as the instigation of ethnic and religious hatred. It bars legal entities with more than 30 percent foreign ownership from establishing media outlets in the country.

On July 31, authorities closed the independent Odam Orasida, a popular Islamic-oriented weekly, citing alleged breaches of the media law. The weekly had discussed social issues such as infant mortality, homosexuality, and prostitution from a Mus-

lim viewpoint, competing with government-supported newspapers or publications that limited their content to mostly entertainment and celebrity gossip. Since its launch in February, it increased its circulation in Tashkent to 24,000, higher than that of most official publications.

The four state-run channels, all fully supporting the government, dominated television broadcasting. There were 24 privately owned regional television stations and 14 privately owned radio stations. The Government tightly controlled broadcast and print media. Journalists and senior editorial staff in state media organizations reported there were officials at the national television stations and newspapers whose responsibilities included actual black-pen censorship. Nevertheless, there were also reports that regional television media outlets were able to broadcast some moderately critical stories on local issues.

The Government continued to refuse Radio Free Europe/Radio Liberty and BBC World Service permission to broadcast from within the country. It also refused to accredit foreign journalists for those or other Western media.

The wave of government harassment against journalists sparked by the 2005 Andijon events continued during the year. Police and security services subjected print and broadcast journalists to arrest, harassment, intimidation, and violence, as well as bureaucratic restrictions on their activity.

In March prosecutors opened criminal proceedings against Nataliya Bushuyeva, a local reporter working for German broadcaster Deutsche Welle, for alleged tax evasion and operating without a license from the Foreign Ministry. Fearing that she would not receive a fair trial, Bushuyeva fled to a foreign country.

In April the Government charged three additional Deutsche Welle reporters with working without a license: Yuri Chernogayev, Sayyora Rozikulova, and Obid Shabanov. On June 4, the Tashkent Prosecutor's Office dropped charges against the three after announcing that they were covered by the November 2006 amnesty.

On June 14, a Samarkand court fined Kamiljon Ashoruv, head of the Center for Human Rights Initiatives, $1,575 (2 million soums) for publishing an article questioning whether President Karimov could legally seek reelection in December. On August 31, court bailiffs seized office equipment from Ashoruv's center as part of its collection efforts.

On October 11, two men who allegedly identified themselves as NSS officers assaulted Sid Yanyshev, a Tashkent-based correspondent for the Institute for War and Peace Reporting (IWPR) and the independent Ferghana.ru website. They attacked Yanyshev in Tashkent after he returned from the town of Chirchiq, where he was covering protests over bread shortages and the rising cost of wheat.

During the year there were reports that the Government harassed journalists from state-run media outlets in retaliation for their contacts with foreign diplomats. State-controlled media organizations warned some journalists not to attend discussions or participate in other programs sponsored by foreign Embassies.

The Interagency Coordination Committee issues the required broadcast and mass media licenses to approved media outlets and could revoke licenses and close media outlets without a court judgment. The Center for Electromagnetic Compatibility issues frequency licenses.

The National Association of Electronic Mass Media (NAESMI) reportedly used its directors' close relations with the Government to coerce local television stations to join the association and restrict the content of their programming. The Government subjected stations that resisted joining NAESMI to tax inspections and, in some cases, forfeiture of broadcast licenses. In many cases NAESMI required affiliated local stations to broadcast prescribed programming instead of locally produced content.

Government security services and other offices regularly gave publishers articles and letters to publish under fictitious bylines, as well as explicit instructions about the types of stories permitted for publication. Often there was little distinction between the editorial content of a government or privately owned newspaper. There was very little, if any, independent investigative reporting. During the year self-censorship remained standard practice. The number of critical newspaper articles remained very low and their scope extremely narrow.

The law establishes the right of government-accepted newspaper boards of directors to influence the editorial content of media reports. These legal provisions establish mechanisms by which the Government can indirectly influence media content and further encourage members of the media to practice self-censorship. Television and radio stations practiced self-censorship and carried critical reporting only occasionally.

In 2005 amendments to the criminal and administrative liability codes significantly increased fines for libel and defamation. In general the Government used

charges of libel, slander, and defamation to punish journalists, human rights activists, and others who criticized the president or government.

Internet Freedom.—The Government allowed access to the Internet, although Internet service providers, at the Government's request, routinely blocked access to Web sites the Government considered objectionable. The Government blocked several news Web sites and those operated by opposition political parties, although some remained available through proxy servers. There were reports that officials from the national telecommunications operator, Uzbektele.com, regularly visited Internet cafes to monitor which Web sites customers were using.

The amended media law signed by President Karimov on January 15 defines Web sites as media outlets, meaning that they fall under legislation requiring all local and foreign media to register with the authorities and inform them of the names of their founder, chief editor, and staff members. They also must provide the authorities with copies of each publication. According to local journalists, since the amended law came into force, Internet providers started blocking access to blogs that discuss any aspect of the country.

In October 2006 the Cabinet of Ministers passed a decree requiring that all Web sites seeking a ".uz" domain register with the state Agency for Press and Information. The decree generally affected only government-owned or government-controlled Web sites. Opposition Web sites and those operated by international NGOs or media outlets tended to have domain names registered outside the country.

On October 26, the Government blocked access to Web sites that reported on the murder of ethnic Uzbek journalist Alisher Saipov in Osh, Kyrgyzstan.

Academic Freedom and Cultural Events.—The Government limited academic freedom. Authorities often required department head approval for university lectures or lecture notes. Although authorities implemented the requirement inconsistently, university professors generally practiced self-censorship. Numerous university students reported that universities taught mandatory courses on "Karimov studies" devoted to books and speeches by the president and that missing any of these seminars constituted grounds for expulsion. A 2005 ministry of higher education decree effectively prohibited any cooperation between higher educational institutions and foreign organizations without explicit prior approval by the Government. During the year the Government pressured teachers and students not to participate in conferences sponsored by diplomatic missions or academic exchange programs. There were reports that students chose not to participate in international exchange programs after being threatened with the loss of scholarships. Others who participated in exchange programs reported losing their jobs at educational institutions upon their return to their country. There were numerous reports that government officials pressured local nationals to prevent them from participating in cultural events sponsored by foreign diplomatic missions.

b. Freedom of Peaceful Assembly and Association.

Freedom of Assembly.—The Constitution and law provide for freedom of assembly, but in practice the Government often restricted this right. Authorities also have the right to suspend or prohibit rallies, meetings, and demonstrations on security grounds. The Government did not routinely grant the required permits for demonstrations. Under 2005 amendments to the criminal and administrative liability codes, citizens are liable to large fines for facilitating unsanctioned rallies, meetings, or demonstrations by providing space or other facilities or materials. The amendments also significantly increased fines for violations of procedures concerning the organizing of meetings, rallies, and demonstrations.

In several cases authorities used a variety of tactics to prevent or stop peaceful protests. On January 2, Tashkent police broke up a demonstration in front of the General Prosecutor's Office by several human rights activists demanding the release of political prisoners. On January 31, police detained six persons attempting to petition Chairman of the Supreme Court Buritosh Mustafayev and reportedly forced them to sign a written pledge that they would not again participate in public demonstrations. Authorities allegedly beat one of the petitioners, Larisa Kuznetsova.

On February 21, Tashkent police broke up a protest by two human rights activists who were calling for the resignation of Foreign Minister Vladimir Norov. Three unknown women also reportedly assaulted the two activists; police detained the activists and charged them with assaulting the three women.

On March 8, International Women's Day, authorities disrupted a planned solidarity action in support of imprisoned female human rights defenders by placing dozens of opposition and human rights activists under house arrest. On March 21, police detained and beat Elena Urlaeva on her way to a demonstration at Tashkent's Hadra Square in support of the rights of persons with disabilities. Police detained nine other activists who planned to participate in the demonstration,and

placed under house arrest activists Jahongir Shosalimov and Rasul Tajiboyev several days before the protest.

In several other cases, however, human rights activists reported that local residents protested economic conditions, apparently without prior permission of the authorities, but did not face police pressure.

Freedom of Association.—While the law provides for freedom of association, the Government continued to restrict this right in practice. The Government sought to control completely all NGO activity. The law broadly limits the types of groups that may form and requires that all organizations be registered formally with the Government. The law allows for a 6-month grace period for new organizations to operate while awaiting registration, during which time they are classified officially as "initiative groups." Registration of NGOs and other public associations was difficult and time consuming, with many opportunities for government obstruction. The Government allowed nonpolitical associations and social organizations to register, but complicated rules and a cumbersome government bureaucracy made the process difficult. The Government compelled most local NGOs to register with a government-controlled NGO association, whose purpose was to control all funding and NGO activities.

On January 3, President Karimov signed legislation that immediately went into effect stipulating the rights and freedoms guaranteed by the state to NGOs. Provisions include a guarantee of state protection of NGOs and the right to conduct "any type of activity not prohibited by law and in line with the purposes set by their charters." The legislation also prohibits interfering with the activities of such organizations, provides for property rights and the rights of NGOs to "to seek, receive, research, disseminate, use, and keep information in accordance with legislation." The Government remains the arbiter of whether an organization's activities violate the law.

On April 28, the Cabinet of Ministers adopted a new decree, under which officially registered NGOs engaging in "socially significant activity" for at least 1 year are eligible to receive state funding in the form of subsidies, grants, and "state social orders." Grants and state social orders essentially are government contracts awarded competitively to NGOs to defray their basic operating expenses for the fulfillment of social projects. However, the funding is only available to officially registered NGOs, the majority of which are controlled by the Government.

Amendments to the administrative liability code in 2005 impose large fines for violations of procedures governing NGO activity, as well as for "involving others" in illegal NGOs. The law does not specify whether "illegal NGOs" are those that were forcibly suspended or closed or those that were simply unregistered. The amendments also increased penalties against international NGOs for engaging in political activities, activities inconsistent with their charters, or activities not approved in advance by the Government. The Government enforced the 2004 banking decree, although ostensibly designed to combat money laundering, to prevent registered and unregistered NGOs involved in human rights or political work from receiving outside funding.

The law allows independent political parties, but it also gives the Ministry of Justice (MOJ) broad powers to interfere with parties and to withhold financial and legal support to those opposed to the Government. Registered parties received funding from the Government. The Government controlled all five registered political parties.

The law criminalizes membership in organizations the Government deems extremist. The law banned the extremist Islamist political organization HT for promoting hate and praising acts of terrorism. Although HT maintained that it was committed to nonviolence, the party's virulently anti-Semitic and anti-Western literature called for the overthrow of secular governments, including those in Central Asia, to be replaced with a worldwide Islamic government.

The Government has pressured and prosecuted members of the Islamic group Akromiya (Akromiylar) since 1997. Independent religious experts claimed that Akromiya was an informal association promoting business along Islamic religious principles, while the Government claimed that it was a branch of HT and that it attempted, together with the Islamic Movement of Uzbekistan, to overthrow the Government through armed rebellion in the 2005 Andijon demonstrations.

During the year the Women's Committee, a government-controlled organization, monitored and often hampered the activities of women's NGOs, particularly those promoting women's political participation.

In May a court order suspended the operations of two international NGOs. In July the Government refused to renew the accreditation of HRW's remaining foreign staff member in the country, forcing HRW to close its office in Tashkent. In February Mercy Corps voluntarily departed from the country after completing its final con-

tract. None of the 15-plus foreign-funded organizations closed temporarily or permanently by court decisions in 2006 reopened during the year. In the past 2 years, the Government closed more than 300 local NGOs.

The Government followed a policy of auditing all international NGOs. Generally following an audit, the MOJ sent each audited NGO a letter outlining the violations discovered during the process, with a 30-day time limit to resolve the violations.

The Government insisted that NGOs coordinate their training sessions or seminars with government authorities. NGO managers believed this amounted to a requirement for prior official permission from the Government for all NGO program activities. NGOs under the auspices of the government-controlled Institute for the Study of Civil Society successfully conducted their events.

c. Freedom of Religion.—While the Constitution and law provide for freedom of religion and separation of church and state, in practice the Government restricted religious activity. The Government supported the country's Muslim heritage by funding an Islamic university, supporting preservation of historic Islamic sites, and providing logistical support for citizens' participation in the hajj. During the year, to mark Tashkent's designation as one of four capitals of Islamic culture by the Islamic Educational, Scientific, and Cultural Organization (ISESCO), the Government funded a major expansion of the Muslim Board of Uzbekistan (the Muftiate) offices and a large new mosque and library in the complex. The Government sought to promote what it considered a moderate version of Islam through the control and financing of the Muftiate, which in turn controlled the Islamic hierarchy, the content of imams' sermons, and published Islamic materials. The Committee for Religious Affairs (CRA), under the Cabinet of Ministers, oversaw registered religious activity and approved all religious literature. The Government allowed a small number of unofficial, independent mosques to operate under the watch of government-sanctioned imams.

The law requires all religious groups and congregations to register and provides strict and burdensome registration criteria, including that each group present to the MOJ a list of at least 100 national citizen members and that a congregation already have a valid legal address. These and numerous other provisions enabled the Government to cite technical grounds for denying a group's registration petition, such as grammatical errors in a group's charter. The process suppressed the activities of Muslims who sought to worship outside the system of state-sponsored mosques, as well as members of unregistered Christian churches and other groups.

Any religious service conducted by an unregistered religious organization is illegal. Police occasionally broke up meetings of unregistered groups, which were generally held in private homes. Authorities occasionally detained and beat members of some Christian evangelical congregations.

Under law the practice of proselytizing is a crime, which has resulted in several prosecutions, particularly of evangelical Baptists and Jehovah's Witnesses. Using 2006 criminal statutes, the Government sentenced a Christian pastor on criminal charges for religious activities. On March 9, the Andijon Province Criminal Court convicted Pastor Dmitry Shestakov, leader of a registered Full Gospel Pentecostal congregation, and sentenced him to 4 years in an open labor colony on charges of organizing an illegal religious group, inciting religious hatred, and distributing religious extremist literature. After a second trial on May 25, authorities transferred Shestakov to a harsher labor camp in Navoi province.

During the year the number of registered religious congregations increased by three to 2,229, of which 2,048 were Muslim. Several Protestant churches remained unregistered, including churches in Tashkent, Chirchiq, Samarkand, Nukus, Gulistan, Andijon, and Gazalkent. Some, particularly evangelical churches, did not apply because they did not expect local officials to register them, and they were afraid to give the authorities a list of their members, especially ethnic Uzbeks. Other groups, including those with too few members, reported that they preferred not to bring themselves to the attention of authorities by submitting a registration application that obviously would not meet legal requirements.

Jehovah's Witnesses applied for registration at local, regional, and national levels and received either denials or no official answer.

Most Muslims arrested for religious reasons were tried for anticonstitutional activity and participating in "religious extremist, separatist, fundamentalist, or other banned organizations," a charge that encompasses both political and religious extremism. The overwhelming majority of those arrested on this charge were accused of HT membership. The Government also arrested members of other groups that it broadly labeled Wahhabi. Individuals arrested on suspicion of extremism often faced severe mistreatment including torture, beatings, and particularly harsh prison conditions. They were typically sentenced to between 7 and 12 years' imprisonment and suffered job loss. Prison authorities reportedly did not allow many prisoners sus-

pected of Islamic extremism to practice their religion freely and, in some circumstances, did not allow them to own a Koran. Authorities reportedly punished inmates who attempted to fulfill their religious obligations despite prison rules, or who protested the rules themselves, with solitary confinement and beatings.

Unlike in previous years, there were no reports of arrests or harassment of Muslim believers based on outward expressions of their religious belief such as beards, veils, or mosque attendance. The law prohibits the wearing of "cult robes" (religious clothing) in public except by those serving in religious organizations; however, this provision did not appear to be enforced. There were reports that authorities distributed instructions to imams about the undesirability of children attending mosques, especially during Ramadan, and police occasionally prevented children from attending Friday prayers.

On February 28, the Tashkent Province Criminal Court convicted Abdumalik Ibragimov of membership in Akromiya and sentenced him to 8 years' imprisonment. In December the General Prosecutor's Office in Andijon charged Anvarjon Mahsadaliyev with membership in Akromiya and complicity in the 2005 Andijon events.

On April 18, the Tashkent City Criminal Court convicted Gulnora Valijonova of HT membership and sentenced her to 6 years' imprisonment. Seven other female defendants in the same trial were convicted of HT membership but were given suspended sentences. According to human rights activists who monitored the trial, the Government failed to provide persuasive proof of their membership in HT, and it appeared that they were targeted because each had family members in prison on extremist charges. On April 11, police in the Chinoz region of Tashkent Province detained seven other women on charges of membership in HT. Like the women tried in Tashkent, those in Chinoz were all wives, mothers, or other close relatives of men convicted of extremism.

In October a court in Bukhara sentenced eight men to between 3 and 10 years' imprisonment for membership in HT. According to observers, police tortured the men during pretrial investigation.

In December a court in Khorezm province convicted three men of membership in Tabligh Jamoat, an Islamic group with origins in South Asia, and sentenced each of them to between 11 and 14 years in prison.

In public statements the Government referred to all persons on trial, in prison, and those killed on May 13, 2005, as religious extremists. In 2006 approximately 70 persons were convicted of various charges, including Islamic extremism, murder, terrorism, and anticonstitutional activity, in connection with the Andijon events, in addition to the 187 convicted in 2005. All Andijon-related trials were closed to outside observers, and details of the cases, including names of defendants and lengths of sentences, were not available.

There were no developments in the cases of the followers of former Tashkent imam Abidkhan Nazarov, seven of whom were tried, convicted and sentenced to an average of 6 years' imprisonment on charges of Islamic extremism. A court committed an eighth follower, Shoirmat Shorakhmetov, to an institution for the criminally insane, while it sentenced a ninth, former Tashkent imam Rukhitdin Fakhrutdinov, in September 2006 to 17 years on charges of extremism and involvement in the 1999 Tashkent car bombings.

Christians who tried to convert Muslims or who had among their congregations members of traditionally Muslim ethnic groups often faced official harassment, legal action, or, in some cases, mistreatment. The law prohibits proselytizing and severely restricts activities such as the importation and dissemination of religious literature.

On January 15, police in Nukus raided a Presbyterian church service held in a private home and arrested 18 worshipers. Authorities charged several on violations of the administrative code and fined them. On May 10, the Nukus Criminal Court convicted one detainee, Salavat Serikbayev, on criminal charges of teaching religion illegally, but released him with a 2-year suspended sentence, which was later reduced to 1 year.

Jehovah's Witnesses came under particular scrutiny and occasionally faced arbitrary fines and arrest on charges of proselytizing. On June 6, the Government sentenced Dilafruz Arziyeva of the Jehovah's Witness Samarkand congregation to 2 years of corrective labor for illegally teaching religion.

On November 29, the Pap District Criminal Court in Namangan Province sentenced Nikolai Zulfikarov, the leader of a small unregistered Baptist church in Khalkabad, near Pap, to 2 years of corrective labor for illegally teaching religion. On December 27, the Namangan Criminal Case Appeal Court amnestied Zulfikarov.

The law limits religious instruction to officially sanctioned religious schools and state-approved instructors and does not permit private instruction or the teaching of religion to minors without parental consent. While the country has several func-

tioning institutions that train clergy, there are very few options for those wishing to learn about their faith without pursuing a career in a religious institution.

The Government controlled the publication, importation, and distribution of religious literature, discouraging and occasionally blocking the production or importation of literature that religious censors deemed objectionable. The Government required a statement in every domestic publication indicating the source of its publication authority. Possession of literature deemed extremist could lead to arrest and prosecution. Illegal production, storage, importation or distribution of religious materials could result in fines of 100 to 200 times the minimum monthly wage or "corrective labor" of up to 3 years. The Government confiscated and destroyed religious literature imported illegally. Other criminal and administrative codes punish the production and distribution of "literature promoting racial and religious hatred."

Societal Abuses and Discrimination.—Society is generally tolerant of religious diversity but not of proselytizing. In particular, Muslim, Russian Orthodox, Roman Catholic, and Jewish leaders reported high levels of acceptance in society. Evangelical or Pentecostal Christian churches and churches with ethnic Uzbek converts encountered difficulties stemming from social prejudices. There were persistent reports of discrimination against and harassment of ethnic Uzbek Muslims who converted to Christianity.

There were no reports of anti-Semitic acts or patterns of discrimination against Jews. There were eight registered Jewish congregations, and observers estimated the Jewish population to be approximately 15,000 to 20,000 persons, concentrated mostly in Tashkent, Samarkand, and Bukhara. Their numbers were declining due to emigration, largely for economic reasons. There were no reports during the year of HT members distributing anti-Semitic fliers. Although the international press carried initial stories speculating on possible anti-Semitic motives for the unsolved September 6 killing of well-known Ilhom theater director Mark Weil, there was no evidence that anti-Semitism was a motive.

For a more detailed discussion, see the 2007 International Religious Freedom Report.

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees and Stateless Persons.—The Constitution and law provide for free movement within the country and across its borders, although the Government severely limited this right in practice. Permission from local authorities is required to move to a new city. The Government rarely granted permission to move to Tashkent, and local observers reported that persons had to pay bribes of up to $80 (100,000 soum) to obtain registration documents required to move.

The Government required citizens to obtain exit visas for foreign travel or emigration, and while it generally granted these, local officials often demanded a small bribe. In 2005 the Government introduced a registration system requiring citizens to obtain a special stamp from local authorities in their place of residence to leave the country. Citizens continued generally to be able to travel to neighboring states, and the new stamp requirement was not uniformly enforced. Land travel to Afghanistan, however, remained difficult, as the Government maintained travel restrictions on large parts of Surkhandarya Province bordering Afghanistan, including the border city of Termez. Citizens needed permission from the NSS to cross the border, while Afghans did not need permission, aside from a visa, to enter the country to trade.

In January authorities reportedly seized the passport of Akhmadjon Madmarov, a human rights activist who was planning to travel to a conference in Turkey. A few days before, an unknown attacker beat and robbed activist Salima Kadirova, taking her passport and airline ticket.

From March through year's end, authorities refused to renew the passport of Birlik opposition party leader and citizen Pulat Akhunov, who permanently resides in Sweden. Akhunov traveled to Andijon to apply for a new passport, as regulations require citizens to renew their passports at 25 and 45 years of age. Authorities reportedly delayed renewing the passport without offering an explanation, rendering Akhunov unable to return to Sweden.

In May authorities denied an exit visa for the second time to journalist Alo Khojayev, former editor in chief of the news site Tribune.uz. In May 2006 authorities denied an exit visit to Khojayev and another journalist, Alisher Taksanov. Khojayev closed down the Tribune.uz Web site after his wife became the victim of a hit-and-run accident in July 2006, shortly after he received a warning to shut down his Web site.

Foreigners with valid visas generally could move within the country without restriction; however, visitors required special permission to travel to Surkhandarya Province, which borders Afghanistan.

The law does not explicitly prohibit forced exile, but the Government did not generally employ it. At year's end several opposition political figures and human rights activists remained in voluntary exile.

Emigration and repatriation were restricted in that the law does not provide for dual citizenship. In practice returning citizens had to prove to authorities that they did not acquire foreign citizenship while abroad, or face prosecution. In practice citizens often possessed dual citizenship and traveled without issue. In some cases individuals who had previously emigrated and/or acquired foreign citizenship while abroad and who were traveling in former Soviet countries that enforced the Uzbek exit permission regime experienced difficulty departing those countries.

Protection of Refugees.—The law does not provide for the granting of asylum or refugee status in accordance with the 1951 U.N. Convention relating to the Status of Refugees and its 1967 protocol, and the Government has not established a system for providing protection to refugees. In practice the Government provided some protection against "refoulement," the return of persons to a country where there is reason to believe they feared persecution. However, between January and March and again between August and September, there were several reported cases in which the Government forced Afghans who had been given refugee status by the UNHCR to leave the country. In practice the Government did not cooperate with the UNHCR in allowing it to provide assistance to refugees and asylum seekers.

During the year the UNDP continued to assist with monitoring and resettlement of the approximately 1,000 Afghan refugees who remained in the country. The UNDP also performed some of Uthe NHCR's humanitarian functions, as it has done since the Government forced the UNHCR office to close in April 2006. The UNHCR assisted Uzbek refugees who had fled into Kyrgyzstan following the 2005 unrest in Andijon.

In March the MFA informed the UNDP that UNHCR mandate certificates would not be considered as the basis for extended legal residence, and persons carrying such certificates must apply for the appropriate visa or face possible deportation. The Government appeared to be effectively ending an agreement with the UNHCR in place since 1999, under which the Government had tolerated the presence of mandate refugees despite not having ratified the 1951 Convention on Refugees and its 1967 protocol.

The Government considered the Afghan and Tajik refugee populations economic migrants and subjected them to harassment and bribery when they sought to regularize their status as legal residents. Such persons could be deported if their residency documents were not in order. Most Tajik refugees were ethnic Uzbeks; unlike their Afghan counterparts, Tajik refugees were able to integrate into and were supported by the local population. Although most Tajik refugees did not face societal discrimination, many of them faced the possibility of becoming officially stateless, as many carried only old Soviet passports rather than Tajik passports.

During the year the harassment of Afghan refugees increased noticeably. In March and February, there were at least one dozen reported instances in which police detained Afghan refugees and tore up their UNHCR refugee certificates, stating that they were meaningless. Between January and March, there were four reported cases of the refoulement of Afghan refugees. Two of the deported Afghans reportedly returned to Uzbekistan by year's end. In August and September, there were additional reported cases of the refoulement of Afghan refugees.

The UNHCR reported that Afghan refugees had no access to the legal labor force and, therefore, had limited means to earn a livelihood.

In February a court in Urumqi, China, charged Husein Dzhelil, a UNHCR-mandated refugee, with fomenting terrorism. Dzhelil testified that he was tortured into signing a confession after being extradited to China in June 2006. Dzhelil, a Canadian citizen, was visiting his wife's family in the country when he was arrested. He originally fled China to Central Asia in the mid-1990s after being detained for his political activities, including advocating the rights of the Uigher minority in China.

The Government pressured several other countries to return forcibly citizens who were under UNHCR protection in those countries. For example, in May the Russian Federal Migration Service refused to allow 12 citizens to remain in Russia after their March 5 release from the Ivanovo region detention facility, where they were held for almost 20 months. Uzbek authorities accused the 12 of involvement in the 2005 violence in Andijon and demanded their extradition. Their lawyers filed a case with the European Court of Human Rights. On June 13, according to AI, apparent members of the Uzbek NSS detained Mukhamadsolikh Abutov outside his apartment in Krasnogorsk, Moscow region, and transferred him to the local police. Although Abutov had applied for refugee status with the UNHCR, police reportedly refused to return his application. On June 26, the city court ordered his detention to continue so that he could be deported to Uzbekistan. After being transferred to

a pretrial detention center, he applied for asylum in the Russian Federation. On August 30, a Moscow district court ordered the extradition of Yashin Dzhurayev, who claimed that he had been persecuted for religious reasons in Uzbekistan. On December 5, Russian officials in Tyumen deported Abdugani Kamaliev to Uzbekistan, where he was wanted on religious extremism charges since 1999. Kamaliev was stripped of his Russian citizenship and forcibly returned to Uzbekistan despite objections from the European Court of Human Rights that he might be subjected to torture.

There were no developments in the following refoulement cases: The February 2006 return by Ukrainian authorities of 10 citizen asylum seekers whom the Government accused of involvement in the Andijon events; the August 2006 deportation by Kyrgyz authorities of four Uzbek UNHCR-mandate refugees and one asylum-seeker who had fled after the Andijon events; and the 2005 return by Kazakh authorities of nine Uzbek asylum seekers, some of whom had registered with the UNHCR.

There have been problems in the past with a few individuals whose status was unclear. They were often those who failed to arrange their documents properly with authorities following independence and now face recurring difficulties.

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

The Constitution and law provide citizens with the right to change their government; in practice this was not possible through peaceful and democratic means. The Government severely restricted freedom of expression and repressed the political opposition. The Government was highly centralized and ruled by President Karimov and the executive branch through sweeping decree powers, primary authority for drafting legislation, and control of government appointments, most of the economy, and the security forces.

Elections and Political Participation.—On December 23, President Karimov was reelected to a third term. The election manifested some procedural elements of the democratic process but overall fell short of international democratic norms. In December the OSCE deployed a limited election observation mission (LEOM) to monitor the election and noted that there were more candidates than in previous elections (a total of four), including a female candidate and a non-partisan candidate nominated by an initiative group. However, the LEOM concluded that the electorate was deprived of a genuine choice, as all candidates publicly endorsed the incumbent's policies and the campaign itself was characterized by the absence of any real competition of ideas and political views. Administrative hurdles kept other potential candidates off the ballot, and the Government tightly controlled the media. The LEOM noted procedural problems and irregularities in vote tabulation. Other observers labeled the election free and fair, but their comments lacked credibility.

A 2002 parliamentary resolution established the December 23 election date. Some human rights and opposition activists argued that the resolution was unconstitutional, as President Karimov's authority ended either on January 9, the 7-year anniversary of his reelection, or on January 22, the 7-year anniversary of his last inauguration. The Constitution prohibits presidents from seeking a third term in office, an apparent contradiction never publicly addressed by the Government.

In 2000 President Karimov was reelected to a second term. The OSCE declined to monitor the election, determining preconditions did not exist for it to be free and fair. A 2002 referendum, which multilateral organizations and foreign Embassies also refused to observe, extended presidential terms from 5 to 7 years.

On August 30, President Karimov announced that the next parliamentary elections would be held in 2009. The OSCE found that the 2004 elections for the lower house of the Parliament fell significantly short of international standards for democratic elections, resulting in the majority of seats being held by progovernment political parties. In 2005 President Karimov personally appointed the 16 of 84 members of the new upper chamber, or senate; provincial assemblies selected those to occupy the remaining seats.

The law makes it extremely difficult for opposition parties to organize, nominate candidates, and campaign. To register a new party requires 20,000 signatures. The procedures to register a candidate are burdensome, and the Central Election Commission (CEC) may deny registration; for example, the CEC may deny registration of presidential candidates if they would "harm the health and morality of the people." CEC decisions cannot be appealed. The law allows the MOJ to suspend parties for up to 6 months without a court order. The Government also exercised control over established parties by controlling their financing. A 2005 Cabinet of Ministers decree allows the MOJ to adjust state funding to parties according to the size of

a party's parliamentary caucus and the ministry's judgment whether the party is acting in accordance with its charter, among other factors.

In addition to registered political parties, only citizen initiative groups with 300 or more members may nominate candidates. Initiative groups may nominate parliamentary candidates by submitting signatures of at least 8 percent of the voters in an election district. For presidential candidates, initiative groups must submit signatures of at least 5 percent of voters—but no more than 8 percent from one province—in at least eight provinces, two of which must be Tashkent and Karakalpakstan. The CEC stated in September that a total of 300,000 signatures would be required, but higher estimates range from almost 700,000 by human rights activists to nearly 815,000 on a state-controlled Web site. Nominations for presidential candidates may be submitted only between 45 and 65 days prior to the election. Two of the registered, government-supported political parties failed to get a sufficient number of signatures to qualify their candidates. Thus, there were four presidential candidates, three from registered, government-supported parties, including the incumbent President Karimov, and one nominated by an "initiative" group.

With the exception of registered political parties or initiative groups, the law prohibited organizations from campaigning, and candidates were allowed to meet with voters only in forums organized by precinct election commissions. Only the CEC may prepare and release presidential campaign posters.

The law prohibits judges, public prosecutors, NSS officials, servicemen, foreign citizens, and stateless persons from joining political parties. The law prohibits parties based on religion or ethnicity; those that oppose the sovereignty, integrity, and security of the country and the constitutional rights and freedoms of citizens; those that promote war, or social, national, or religious hostility, and those that seek to overthrow the Government.

On January 31, police detained the wife of Human Rights Alliance member Jahongir Shosalimov for 7 hours shortly before Shosalimov was to hold a press conference announcing his candidacy for president. Police reportedly told Shosalimov to cancel his press conference in exchange for his wife's freedom. Earlier in January Shosalimov attempted to file suit in the Supreme Court contesting President Karimov's right to remain in office until the presidential elections in December. The court rejected the suit, stating that it would not consider actions filed by private citizens.

In November 2006 the Birlik opposition political party applied with the MOJ for registration for the sixth time, but it did not receive a response. Authorities most recently denied registration to the party in 2005. Birlik members were among those arrested and detained in connection with the 2005 Andijon events. The leaders of three of the four unregistered opposition political parties—Mohammed Solikh of Erk (convicted on terrorism charges in absentia in 1999), Abdurakhim Polat of Birlik, and Babur Malikov of the Free Farmers Party—remained in voluntary exile. One of the cofounders of the fourth unregistered opposition party—Sanjar Umarov of the Sunshine Coalition—was imprisoned.

There were 21 women in the 120-member lower chamber of the Parliament and 15 women in the 100-member senate. There was one woman in the 28-member Cabinet.

There were nine members of ethnic minorities in the lower house of Parliament and 15 minorities in the senate; the number of members of ethnic minorities in the Cabinet was unknown.

Government Corruption and Transparency.—There was a widespread public perception of corruption throughout society, including in the executive branch. It was generally accepted that applicants could buy admission to prestigious educational institutions with bribes. Likewise, bribery was widespread in the traffic enforcement system, and there were several reports that bribes to judges influenced the outcomes of civil suits. It was also reported that authorities removed local administrative or police officials from office in isolated cases in response to charges of corruption. The World Bank's Worldwide Governance Indicators reflected that corruption was a severe problem.

The law states that all government agencies must provide citizens with the opportunity to examine documents, decisions, and other materials affecting their freedoms. In practice the Government seldom respected these rights. The public generally did not have access to government information, and information normally considered in the public domain was seldom reported. In 2004 the NGO Article 19 Global Campaign for Free Expression released an analysis of the country's secrecy and freedom of information laws, concluding that the types of information that can be considered classified, and thus protected by the state, were so broad as to include virtually all information.

Section 4. Governmental Attitudes Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A number of domestic human rights groups operated in the country, although they were hampered by a fear of official retaliation. The Government frequently harassed, arrested, and prosecuted human rights activists.

Two domestic NGOs—Ezgulik and the Independent Human Rights Organization of Uzbekistan—were registered with the government; others were unable to register but continued to function at both the national and local levels. The Government continued to deny registration to organizations such as the Human Rights Society of Uzbekistan (HRSU), Mazlum ("Oppressed"), and Mothers against the Death Penalty and Torture. The Government denied registration for a variety of reasons, including grammatical errors in applications. These organizations did not exist as legal entities but continued to function, although they had difficulty renting offices or conducting financial transactions and could not open bank accounts, making it virtually impossible to receive funds legally. Operating an unregistered group was technically subject to government prosecution.

Government officials occasionally met with domestic human rights defenders, some of whom noted that they were able to resolve some cases of abuse through direct engagement with authorities. A foreign NGO continued to provide a forum for domestic human rights defenders to meet with members of the police, prison directorate, and security services. The Government cooperated on a limited basis with the NGO.

Police and security forces continued to harass domestic human rights activists and NGOs during the year. Security forces regularly threatened and intimidated human rights activists to prevent their activities. Unknown assailants frequently attacked human rights activists. Authorities regularly detained or arrested human rights activists and subjected them to house arrest, occasional involuntary psychiatric treatment, or false criminal charges. Additionally, government officials publicly accused specific activists of conspiring with international journalists to discredit the Government.

On March 15, a court in Namangan sentenced Mukhamadali Karabaev, a local leader of the Birlik opposition party, to 6 years in prison for extortion and fraud. Human rights observers maintain that the charges were politically motivated. On March 20, police detained Ezgulik leader Vasila Inoyatova 1 hour before she was to meet with a delegation from the European Parliament to discuss human rights abuses.

In May several articles aimed at discrediting the Pakhtakor branch of the HRSU in Jizzakh Province appeared in regional newspapers. The articles, allegedly written by "war veterans," called for the criminal prosecution of HRSU members. On May 27, at a communal meeting the hokim (mayor) of the Pakhtakor District declared Saida Kurbonova, the Pakhtakor HRSU leader, a "traitor of the motherland."

In September well-known human rights activist Yodgor Turlibekov fled the country and applied for refugee status with the UNHCR after authorities in Kashkadarya Province threatened to arrest him for his work as a human rights activist. On May 20, police detained Turlibekov, accusing him of orally insulting the honor and dignity of the president. In July 2006 police arrested Turlibekov on what human rights groups maintained were fabricated charges; he was amnestied in December 2006.

On December 3, a court in Gulistan in Syrdarya Province convicted local Ezgulik leader Karim Bozorboev to 3½ years' imprisonment on politically motivated charges of fraud. Police originally arrested Bozorboev on October 23, 1 day after he tried to mediate a public protest by market traders. He was later amnestied and released under the December amnesty.

In February Lieutenant Otabek Mahkamov, a lecturer at the MOI academy, was reportedly detained on espionage charges after attending without permission from his superiors a February 12–14 human rights workshop at the Budapest-based International Law Enforcement Academy.

During the year authorities at Navoi prison 64–29 reportedly tortured Dilmurod Muhitdinov, a local Ezgulik leader in Andijon who was sentenced to 5 years' imprisonment in January 2006 on what appeared to be politically motivated charges of anticonstitutional activity. There were no developments in the case of Ezgulik activist Mamarajab Nazarov, convicted in July 2006 of extortion and sentenced to 3½ years' imprisonment. He was held in a prison in Jizzakh Province.

Since the 2005 Andijon events, the Government severely restricted the activities of international human rights NGOs and subjected their employees to frequent harassment and intimidation. Government officials and the government-controlled press frequently accused international NGOs of participating in an international "information war" against the country.

The Government continued to restrict the work of international bodies and foreign diplomatic missions and severely criticized their human rights monitoring activities and policies. The Government refused to reopen the Tashkent office of the UNHCR, which was forced to close in March 2006, and has not agreed to expand the OSCE office, whose mission it forced in July 2006 to reorganize, with a substantially reduced emphasis on human rights programming. On several occasions, police and other government agents harassed and threatened human rights activists who met with foreign diplomats and ordered the activists to cease contact with foreigners. In previous years the Government denied accreditation to some foreign diplomats, thus forcing them to leave the country. During the year the Government criticized some diplomats for meeting with members of unregistered organizations, especially those outside of Tashkent.

The Government continued to ignore earlier demands by foreign governments, the U.N., the OSCE, the European Union (EU), and other international organizations for an independent international investigation into the 2005 Andijon unrest. A 2005 UNHCR report on the Andijon violence concluded that "consistent, credible eyewitness testimony strongly suggests that grave human rights violations . . . were committed by Uzbek military and security forces . . . it is not excluded . . . that the incidents amounted to a mass killing."

There was a limited formal discussion of the Andijon events and human rights abuses between the EU and the Government. A delegation of EU representatives visited the country in April following up on a visit in December 2006. At year's end neither party had published results of the talks. The EU and the Government also conducted a formal discussion on human rights abuses on May 9 under the auspices of the Joint EU/Uzbekistan Consultative Council's Subcommittee on Justice, Interior, and Human Rights. The EU and the Government agreed to an annual discussion of human rights issues.

The human rights ombudsman's office, affiliated with the Parliament, had the stated goals of promoting observance and public awareness of fundamental human rights, assisting in shaping legislation to bring it into accordance with international human rights norms, and resolving cases of alleged abuse. The ombudsman could mediate disputes between citizens and the Government and make recommendations to modify or uphold decisions of government agencies, but its recommendations were not binding. The ombudsman had offices in all provinces of the country, as well as in the Karakalpakstan Autonomous Republic and Tashkent. During the year the office handled hundreds of cases, a majority of which dealt with abuse of power and various labor and social welfare issues. The ombudsman published reports identifying the most serious violations of human rights by government officials; the majority of these involved procedural violations and claims of abuse of power by police and local officials.

Throughout the year the ombudsman's office hosted meetings and conferences with law enforcement, judicial representatives, and limited international NGO participation, to discuss its mediation work and means of facilitating protection of human rights. In February the office monitored the observance of women's labor rights in the textile industry in several provinces and made recommendations for improvements in legal protections for women in the industry. In June the ombudsman held meetings to discuss religious freedom issues with a representative of the Jehovah's Witnesses and a representative of a diplomatic mission. In July as part of a 2-day conference in Andijon Province, the ombudsmen's office met with farmers to discuss problems they faced and exchange views on farmers' rights. In August as part of a workshop on improving conditions at penitentiaries, the ombudsman visited a Nukus detention facility to monitor conditions and meet with detainees.

The National Human Rights Center is a government agency responsible for educating the population and officials on the principles of human rights and democracy and for ensuring the Government complies with its international obligations to provide human rights information. According to many observers, the center was neither independent nor effective.

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

The law prohibits discrimination on the basis of race, gender, disability, language, or social status; the Constitution prohibits discrimination on the basis of race, gender, disability, and language, but does not specifically prohibit discrimination on the basis of disability. Societal discrimination against women and persons with disabilities existed, and child abuse persisted.

Women.—The law prohibits rape. Marital rape is implicitly prohibited under the law, although there were no cases known to have been tried in court. Cultural norms discouraged women and their families from speaking openly about rape, and instances were almost never reported in the press.

The law does not specifically prohibit domestic violence, which remained common. While the law punishes physical assault, police often discouraged women from making complaints against abusive husbands, and abusers were rarely taken from home or jailed. Wife beating was considered a personal affair rather than a criminal act; such cases were usually handled by family members or elders within the neighborhood committee and rarely came to court. Local authorities emphasized reconciling husband and wife, rather than addressing the abuse. NGOs working on domestic violence reported that local government officials cooperated on education programs, with a number of initiatives taken to increase cooperation with neighborhood committees. Some police and religious leaders participated in NGO training.

As in past years, there were many reported cases in which women attempted or committed suicide as a result of domestic violence. Information indicates that most cases went unreported, and there were no reliable statistics on the problem's extent. Observers cited conflict with a husband or mother-in-law, who by tradition exercised complete control over a young bride, as the usual reason for suicide. NGOs assisting survivors of suicide attempts reported inconsistent cooperation from officials and neighborhood committees.

The law prohibits prostitution; however, it was an increasing problem, particularly among ethnic minorities. Police enforced the laws against prostitution unevenly; some police officers harassed and threatened prostitutes with prosecution to extort money.

The law does not prohibit sexual harassment. Social norms and the lack of legal recourse made it difficult to assess the scope of the problem.

The law prohibits discrimination against women; however, traditional, cultural, and religious practices limited their role in society. Women were severely underrepresented in high-level positions and in the industrial sector. The Government charged a deputy prime minister at the Cabinet level with furthering the role of women in society and headed the National Women's Committee. In practice the committee was widely viewed as ineffective and at times even obstructed the work of NGOs promoting women's rights.

Children.—The Government was generally committed to children's rights and welfare.

The law provides for children's rights and for free compulsory education for 12 years through basic and secondary school. In practice shortages and budget difficulties meant that many families had to pay education expenses. Teachers earned extremely low salaries and routinely demanded regular payments from students and their parents. According to government statistics, 98 percent of children completed 9 years of education. However, anecdotal evidence indicated that children increasingly dropped out of middle and high schools for economic reasons.

The Government subsidized health care, including for children, and boys and girls enjoyed equal access. As with education, low wages for doctors and poor funding of the health sector led to a widespread system of informal payments for services; in some cases this was a barrier to access for the poor. With some exceptions, those without an officially registered address, such as street children and children of migrant workers, did not have access to government health facilities.

Child abuse was a problem that was generally considered an internal family matter, although elders on neighborhood committees frequently took an interest at the local level in line with the committees' responsibilities to maintain harmony and order within the local community. There were no government-led campaigns against child abuse, although efforts against trafficking involved the protection of underage victims.

Child marriage was not prevalent, although in some rural areas girls as young as 15 sometimes married in religious ceremonies not officially recognized by the state. According to a 2006 report endorsed by UNICEF and the Uzbek State Statistical Committee, 5 percent of women aged 15 to 19 were married.

There were reports that girls were trafficked from the country for the purpose of sexual exploitation and that girls were engaged in forced prostitution.

During the cotton harvest, many school children, particularly in rural areas, were forced to work in the cotton fields.

Trafficking in Persons.—The law prohibits trafficking in persons; however, the Constitution does not specifically prohibit it. Trafficking continued to be a significant problem. The Government took some modest steps to combat it, although it did not fully comply with minimum standards for elimination of trafficking.

There was at least one report of prosecution of a corrupt official involved in trafficking. On February 28, the state-controlled newspaper Hurriyat reported that Tashkent Airport-based Ministry of Internal Affairs Lieutenant Colonel Jaloliddin

Khojiev was convicted and sentenced to 10 years in prison for soliciting a bribe from a trafficking victim.

The country was primarily a source and, to a lesser extent, a transit country for the trafficking of women and girls for the purpose of sexual exploitation and men for labor exploitation. There were no reliable statistics on the extent of the problem, although NGOs and the Government reported labor trafficking was much more prevalent than trafficking for sexual exploitation and was likely rising due to poor economic conditions.

There were credible reports that women traveled to the United Arab Emirates (UAE), Kuwait, Bahrain, India, Israel, Georgia, Malaysia, Russia, South Korea, Thailand, Turkey, Japan, and Western Europe for the purpose of prostitution; some of them reportedly were trafficking victims. Major transit countries were identified as Kyrgyzstan, Kazakhstan, Russia, Georgia, Armenia, Azerbaijan, and Ukraine. Labor trafficking victims were typically trafficked to Kazakhstan and Russia to work in the construction, agricultural, and service sectors. Some transit of trafficked persons may also have taken place from neighboring countries and to or from countries for which the country was a transportation hub—Thailand, Malaysia, Indonesia, India, South Korea, and the UAE. Women between the ages of 17 and 30 were highly vulnerable to sexual exploitation, and men of all ages were targets for labor trafficking. A local antitrafficking NGO registered a total of 497 cases of human trafficking during the year, a decrease from 527 cases in 2006 and 874 cases in 2005.

Traffickers operating within nightclubs, restaurants, or prostitution rings solicited women, many of whom had engaged in prostitution. In large cities such as Tashkent and Samarkand, traffickers used newspaper advertisements for marriage and fraudulent work opportunities abroad to lure victims. Travel agencies promising tour packages and work in Turkey, Thailand, and the UAE were also used to recruit victims. In most cases traffickers confiscated travel documents once the women reached the destination country. Victims of labor trafficking were typically recruited in local regions and driven to Kazakhstan or Russia where they were often sold to "employers." Traffickers held victims in a form of debt bondage, particularly in the case of those trafficked for sexual exploitation.

Recruiters tended to live in the same neighborhood as the potential victim and often may have known the victim. These recruiters introduced future victims to the traffickers, who provided transportation, airline tickets, visas, and instructions about meeting a contact in the destination country.

The law prohibits all forms of trafficking and provides for prison sentences of 5 to 8 years for international trafficking. Recruitment for trafficking is punishable by 6 months' to 3 years' imprisonment and fines of up to approximately $708 (900,000 soum). The recruitment charge may be brought against international or domestic traffickers. All law enforcement agencies are charged with upholding the antitrafficking provisions of the criminal code. During the year law enforcement authorities continued to focus on trafficking offenses, and state television ran numerous public service announcements and similar programs on state television regarding human trafficking. Enforcement was not generally effective; convicted traffickers with sentences under 10 years were amnestied and served little or no jail time. According to the MFA, during the year two individuals convicted of trafficking-related crimes were amnestied and released from prison, while another 15 persons had their prison terms reduced. Convicted traffickers often were women, who were less likely to receive jail time than men.

According to the MFA, during the year authorities investigated 273 cases of alleged trafficking, while in 2006 authorities investigated 259 cases of alleged trafficking. At year's end, 66 persons were imprisoned on trafficking-related charges.

Government offices with responsibility for fighting trafficking included the MOI's Office for Combating Trafficking, Crime Prevention Department, and Department of Entry-Exit and Citizenship; the NSS's office for Fighting Organized Crime, Terrorism, and Drugs; the Office of the Prosecutor General; the Ministry of Labor; the Consular Department of the Ministry of Foreign Affairs; and the State Women's Committee. The Government formed an antitrafficking working group that met monthly and consisted of representatives from the Government entities listed above.

In June the Government instituted an interim antitrafficking action plan.

There were no reports that the Government prosecuted victims of trafficking for illegal migration in the course of being trafficked. In previous years, some local officials working at the MOI, customs, and border guards reportedly accepted bribes in return for ignoring instructions to deny exit to young women suspected to be traveling to work as prostitutes. In previous years local sources claimed that officials were involved in document fraud and accepted bribes from persons attempting to travel illegally or from the traffickers themselves.

Repatriated victims often faced societal and familial problems upon return. At year's end internationally-supported NGOs operated two shelters to help victims reintegrate into society. The shelter in Tashkent provided assistance to more than 200 trafficking victims since opening in 2004, while the shelter in Bukhara supported 46 trafficking victims since opening in 2006. There were no reports of local police harassing shelter residents. From June 2005 through January, officials from the Tashkent City hokimiyat Women's Committee provided a trafficking victim with free lodging at a government-run hostel in Tashkent's Sergeli District. In February the victim reportedly moved into a rented apartment.

According to the MFA, during the year the Government cooperated with the International Organization for Migration (IOM) to provide assistance to 21 repatriated trafficking victims. IOM also reported that police, consular officials, and border guards referred women returning from abroad who appeared to be trafficking victims to the organization for services. The Government routinely allowed IOM to assist groups of returning women at the airport, help them through entry processing, and participate in the preliminary statements the victims gave to the MOI.

During the year the Government registered a local antitrafficking NGO in Urgench and provided office space free of charge to a registered local antitrafficking NGO in Jizzakh. In previous years, the Government registered such local NGOs in Tashkent, Andijon, Bukhara, Samarkand, Gulistan, and Termez.

In several different regions of the country, antitrafficking NGOs, with the participation of law enforcement and local government officials, conducted seminars for orphanages, secondary schools, and higher education institutions; placed antitrafficking notices in local newspapers; and developed informational brochures and educational manuals for teachers and students. These NGOs also worked with Uzbekistan's mahallas to raise awareness about trafficking, especially in rural areas. During the summer the NGOs organized about 70 antitrafficking summer camps for 6,000 youth.

During the year the Government continued to focus on trafficking prevention. A specialized antitrafficking unit in the MOI established in 2004 continued to cooperate with NGOs on antitrafficking training for law enforcement and consular officials; the unit also supported victims who testified against traffickers and organized public awareness campaigns.

On June 28, the state-controlled Institute for the Study of Civil Society organized an antitrafficking roundtable attended by representatives from the MOJ, MOI, Parliament, and NGOs. The roundtable noted that human trafficking was an "urgent" problem and recommended further cooperation with NGOs to prevent trafficking and provide assistance to victims.

Government-controlled newspapers carried targeted articles on trafficked women and prostitution. During the year there were 1,337 items in the state-controlled media, including 184 items on radio, 793 on television, and 360 in newspapers and magazines, compared with 2006 numbers of 1,277 public service announcements and longer programs, including 831 items on radio, 151 on television, and 295 in newspapers and magazines.

Government radio continued a weekly call-in program for women who were involved in the sex trade and broadcast antitrafficking public service announcements. The Government television broadcast numerous documentary features on trafficking. Government-owned television stations worked with local NGOs to broadcast antitrafficking messages and to publicize the regional NGO hot lines that counseled actual and potential victims. The Government worked with NGOs to place posters on trafficking hazards on public buses, in passport offices, and in consular offices abroad. The IOM reported an increase in the number of calls to its 10 antitrafficking hot lines that were directed at victim assistance. The hot lines received more than 17,000 calls during the year, but fewer than 1,000 of the calls dealt with specific trafficking cases, while the majority of the calls were from individuals inquiring about opportunities to work abroad.

Persons with Disabilities.—Although the law prohibits discrimination against persons with disabilities in the workplace and in education, the Constitution does not specifically prohibit it, and there is no law specifically prohibiting such discrimination in housing or in access to state services. There was some societal discrimination against persons with disabilities, and the Government generally placed children with disabilities in separate schools. The Government provided care for persons with mental disabilities in special homes. The law does not mandate access to public places for persons with disabilities; however, there was some wheelchair access throughout the country. The law does not provide effective safeguards against arbitrary or involuntary institutionalization. The Ministry of Health controlled access to health care for persons with disabilities, and the Ministry of Labor and Social Protection facilitated employment of persons with disabilities.

National/Racial/Ethnic Minorities.—The population was mainly Uzbek, with significant numbers of Russians, Tajiks, Tatars, Kazakhs, and Karakalpaks, as well as ethnic Koreans and Uighers.

The law prohibits employment discrimination on the basis of ethnicity or national origin; while the Constitution does not specifically prohibit such discrimination, it does provide for the right of all citizens to work and to choose their occupation. However, Russians and other minorities frequently complained about limited job opportunities. Senior positions in the Government bureaucracy and business generally were reserved for ethnic Uzbeks, although there were numerous exceptions.

The law does not require Uzbek language ability to obtain citizenship; however, language remained a sensitive issue. Uzbek is the state language, and the Constitution requires that the president speak it. The law also provides that Russian is "the language of interethnic communication." Russian was spoken widely in the main cities, and Tajik was spoken widely in Samarkand and Bukhara.

Other Societal Abuses and Discrimination.—There was social stigma against HIV/AIDS patients. Persons living with HIV reported social isolation by neighbors, public agency workers, health personnel, law enforcement officers, landlords, and employers after their HIV status became known. Recruits in the armed services found to be HIV-positive were summarily expelled. The MOI's Department of Corrections made greater efforts to raise awareness about the realities of HIV/AIDS in its training for prison staff. The government's restrictions on local NGOs left only a handful of functioning NGOs to assist and protect the rights of persons with HIV/AIDS.

Nearly all of the risk behaviors associated with being HIV-positive, including prostitution, injecting drug use, and homosexual activity, are crimes. Homosexual activity is punishable by up to 3 years' imprisonment. Some homosexuals reportedly left the country due to the restrictive environment.

Section 6. Worker Rights

a. The Right of Association.—The law provides workers the right to form and join unions of their choice; however, workers were unable to exercise this right in practice. The law declares unions independent of governmental administrative and economic bodies, except where provided for by other laws. In practice unions remained centralized and dependent on the Government. The state-run Board of the Trade Union Federation of Uzbekistan was the largest union. All regional and industrial trade unions at the local level were state-owned. There were no independent unions. The law prohibits discrimination against union members and officers; however, this prohibition was irrelevant due to unions' close relationship with the Government.

b. The Right to Organize and Bargain Collectively.—Unions and their leaders were not free to conduct activities without interference from the Government. The law provides the right to organize and to bargain collectively; in practice the Government did not respect these rights. Unions were government-organized institutions that had little power, although they did have some influence on health and work safety issues.

The law states that unions may conclude agreements with enterprises, but because unions were heavily influenced by the state, collective bargaining in any meaningful sense did not occur. The Ministry of Labor and Social Protection and the Ministry of Finance, in consultation with the Council of the Federation of Trade Unions (CFTU), set wages for government employees. In the small private sector, management established wages or negotiated them individually with persons who contracted for employment. There is no state institution responsible for labor arbitration.

The law neither provides for nor prohibits the right to strike. The law gives unions oversight for individual and collective labor disputes.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor.—The Constitution and law prohibit forced or compulsory labor, including by children, except as legal punishment such as for robbery, fraud or tax evasion, or as specified by law; however, there were reports that such practices occurred, particularly during the cotton harvest.

d. Prohibition of Child Labor and Minimum Age for Employment.—The Government did not effectively implement laws and policies to protect children from exploitation in the workplace. The national labor code establishes the minimum working age at 16 and provides that work must not interfere with the studies of those under 18. The law establishes a right to a part-time job beginning at age 14, and children with permission from their parents may work a maximum of 24 hours per week when school is not in session and 12 hours per week when school is in session. Children between the ages of 16 and 18 may work 36 hours per week while school is not in session and 18 hours per week while school is in session. A 2001 government

decree prohibits those under age 18 from engaging in manual cotton harvesting and other jobs with unhealthy working conditions; however, in rural areas children often helped to harvest cotton and other crops. Children as young as 7 or 8 routinely worked in family businesses in cities during school holidays and vacations, and children also worked in street vending, services, construction, building materials manufacturing, and transportation.

The large-scale compulsory mobilization of youth and students to help in the fall cotton harvest continued in most rural areas. Such labor was poorly paid; living conditions were poor, and children were forced to inhale harmful chemicals and pesticides sprayed on the fields. There were reports from human rights activists that local officials in some areas pressured teachers into releasing students from class to help in the harvest and, in many areas, schools closed for the harvest. Although most of the students involved in the cotton harvest were older than 15, there were occasional reports from human rights sources that children as young as 11 also participated. The latest available statistics from 2006 on the percentage of children involved in labor ranged from 2 to 19 percent. Much child labor was concentrated in family-organized cotton harvesting.

Current legislation does not explicitly provide jurisdiction for inspectors from the Ministry of Labor and Social Protection to focus on child labor enforcement. Enforcement of child labor laws is implicitly under the jurisdiction of the Ministry of Labor, the prosecutor general, and the MOI and its general criminal investigators. The law provides both criminal and administrative sanctions against violators, but authorities did not punish violations related to the cotton harvest, and there were no reports of inspections resulting in prosecutions or administrative sanctions. Enforcement was lacking due in part to long-standing societal acceptance of child labor as a cheap method of cotton harvesting.

e. Acceptable Conditions of Work.—The Ministry of Labor and Social Protection, in consultation with the CFTU, sets and enforces the minimum wage. At year's end the minimum wage was approximately $12 (15,525 soum) per month, which did not provide a decent standard of living for a worker and family.

The law establishes a standard workweek of 40 hours and requires a 24-hour rest period. Overtime pay exists in theory, but it was rarely paid in practice.

The Ministry of Labor and Social Protection establishes and enforces occupational health and safety standards in consultation with unions. Reports suggested that enforcement was not effective. The press occasionally published complaints over the failure of unions and the Government to promote worker safety. While regulations provide for safeguards, workers in hazardous jobs often lacked protective clothing and equipment. Workers legally may remove themselves from hazardous work without jeopardizing their employment, although few workers, if any, attempted to exercise this right, as it was not effectively enforced. In July the country signed bilateral labor migration agreements with Russia to increase protections on a range of labor rights for Uzbek labor migrants.

WESTERN HEMISPHERE

ANTIGUA AND BARBUDA

Antigua and Barbuda is a multiparty, parliamentary democracy with a population of approximately 83,000. In the 2004 parliamentary elections, which observers described as generally free and fair, the United Progressive Party (UPP) defeated the ruling Antigua Labour Party (ALP), and Baldwin Spencer became prime minister. The civilian authorities generally maintained effective control of the security forces.

While the Government generally respected the human rights of its citizens, there were problems in a few areas, including excessive use of force by police, poor prison conditions, violation of press freedoms, societal discrimination and violence against women, and sexual abuse of children.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life.—There were no reports that the Government or its agents committed arbitrary or unlawful killings.

b. Disappearance.—There were no reports of politically motivated disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Constitution specifically prohibits such practices, and the authorities generally respected these prohibitions in practice. Nonetheless, there were occasional reports of police brutality, corruption, excessive force, discrimination against homosexuals, and allegations of abuse by prison guards.

Authorities exonerated the police officer who shot Kelly Jackson in the leg while taking him into custody in January 2006.

There was no information about what happened to the police officer who shot a 13-year-old suspect running away from detention in June 2006.

Authorities brought murder charges against one of two police officers who responded to a domestic disturbance in October 2006 and shot the husband during an altercation. At year's end he was detained pending trial.

Prison and Detention Center Conditions.—Prison conditions were poor. Her Majesty's Prison, the country's only prison, held 198 inmates, including 10 juveniles and five women. The prison did not have toilet facilities, and slop pails were used in all 122 cells.

Prison overcrowding was attributed in part to a law that limited the ability of magistrates to grant bail to those accused of certain offenses. This resulted in an increase in the number of people held on remand or awaiting trial, which totaled 80 at year's end. Due to space limitations, authorities sometimes held persons on remand together with convicted prisoners.

Female prisoners were held in a separate section and were not subject to the same problems encountered in the men's prison.

Juveniles were held with adult inmates.

The Government permitted prison visits by independent human rights observers, although no such visits were known to have occurred.

d. Arbitrary Arrest or Detention.—The Constitution prohibits arbitrary arrest and detention, and the Government generally observed these prohibitions.

In July a police constable threatened, falsely imprisoned, and attempted to extort a Chinese national, who was placed in jail for 4 days without any charges made against her. The person recorded the constable's threats and presented it to the police commissioner, who launched an investigation. Authorities gave the constable the option to resign, face disciplinary action, or face criminal charges, and he chose to resign.

Role of the Police and Security Apparatus.—Security forces consist of a police force, the small Antigua and Barbuda Defence Force, and the Office of National

Drug Control Policy, which coordinates law enforcement and prosecutorial action to counter narcotics trafficking. The police force comprised 546 officers, 147 of whom were part of the country's fire brigade, and 329 constables. The police force is a male-dominated profession, but the number of female officers increased to 113. Corruption and impunity were not problems.

On February 11, the police established a Discipline Department, which investigates complaints against the police. The Discipline Department is headed by the deputy police commissioner and decides whether an investigation is conducted. The police fall under the prime minister's area of responsibility, and he can call for an independent investigation into an incident as needed. In the wake of a number of drug-related gang murders that took place between September and October, the prime minister announced that the Defence Force would be deployed to assist the police. The announcement included a 10 p.m. curfew for minors, extended hours for local police stations, random stops of pedestrians and motorists, and a ban on windshield tinting.

Arrest and Detention.—The law permits police to arrest without a warrant persons suspected of committing a crime. Criminal defendants have the right to a prompt judicial determination of the legality of their detention. The police must bring detainees before a court within 48 hours of arrest or detention. Criminal detainees were allowed prompt access to counsel and family members. The bail system requires those accused of more serious crimes to appeal to the High Court for bail, taking this responsibility away from the lower court magistrates.

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary, and the Government generally respected judicial independence in practice.

The judicial system is part of the Eastern Caribbean legal system and reflects historical ties to the United Kingdom. The first level is the magistrate's court, followed by the Court of Appeals and the High Court. The Constitution designates the Privy Council in the United Kingdom as the final court of appeal, which is always employed in the case of death sentences.

Trial Procedures.—The Constitution provides that criminal defendants should receive a fair, open, and public trial, and an independent judiciary generally enforced this right. Trials are by jury. Defendants enjoy a presumption of innocence, have timely access to counsel, may confront or question witnesses, and have the right to appeal. In capital cases only, the Government provides legal assistance at public expense to persons without the means to retain a private attorney. Courts often reached verdicts quickly, with some cases coming to conclusion in a matter of days.

Political Prisoners and Detainees.—There were no reports of political prisoners or detainees.

Civil Judicial Procedures and Remedies.—A court of summary jurisdiction, which sits without a jury, deals with civil cases involving sums of up to $550 (EC$1,500); three magistrate's courts deal with summary offenses and civil cases of not more than $185 (EC$500) in value. Persons may apply to the High Court for redress of alleged violations of their constitutional rights.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The Constitution prohibits such actions, and the Government generally respected these prohibitions in practice.

In 2002 the Government expropriated property of a private citizen, who filed an injunction that alleged abuse of power, harassment, and threats by the Government to acquire the property. The Eastern Caribbean Court of Appeal upheld a lower court's decision that refused to bar the expropriation. In June the Privy Council rejected the owner's appeal. At year's end the Government had not provided prompt, adequate, and effective compensation to the claimant, as stipulated under law.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech and of the press, but the Government respected these rights on a somewhat limited basis. Although privately owned print media, including daily and weekly newspapers, were active and offered a range of opinion, criticism of the Government was met with government harassment, usually via legal action and in some cases physical censorship. Foreign members of the media were deported for their criticism of the government.

In June Reporters Without Borders and the Association of the Caribbean Media criticized the Government for expelling two journalists: Trinidadian Vernon Khelawan, former editor in chief of the Antigua Sun newspaper and Dominican Lennox Linton, former manager at the privately owned Observer Radio. Both journalists are citizens of Caribbean Community countries that have agreements allowing for the free movement of media workers. Prime Minister Spencer justified the expul-

sion on grounds that the journalists failed to comply with immigration laws. Both journalists allegedly were working for opposition politicians, and both indicated that they would pursue further legal action against the authorities.

There was continued tension between the Government and ZDK Radio, which is owned by the family of Lester Bird, the former prime minister and leader of the opposition ALP. In 2005 authorities arrested government critic and ZDK radio announcer James "Tanny" Rose for "misbehavior in public office" in connection with Rose's position as chief information officer of the state-owned ABS Radio and Television Authority in 1994. The prosecutor brought criminal charges against Rose, but the case was dismissed in June. Rose continued to broadcast a daily program on ZDK Radio.

Internet Freedom.—There were no government restrictions on access to the Internet or reports that government monitored e-mail or Internet chat rooms. Individuals and groups could engage in the peaceful expression of views via the Internet, including by e-mail.

Academic Freedom and Cultural Events.—There were no government restrictions on academic freedom or cultural events.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for freedom of assembly and association, and the Government generally respected these rights in practice.

c. Freedom of Religion.—The Constitution provides for freedom of religion, and the Government generally respected this right in practice.

Societal Abuses and Discrimination.—Rastafarians complained of discrimination, especially in hiring and in schools. There were no other reports of societal abuses or discrimination, including anti-Semitic acts. The Jewish community was very small.

For a more detailed discussion, see the 2007 International Religious Freedom Report.

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons.—The law provides for freedom of movement within the country, foreign travel, emigration, and repatriation, and the Government generally respected these rights in practice.

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

Protection of Refugees.—The law provides for granting asylum or refugee status in accordance with the 1951 U.N. Convention relating to the Status of Refugees and its 1967 protocol, but the Government has not established a system for providing protection to refugees. In practice the Government provided protection against refoulement, the return of persons to a country where there is reason to believe they feared persecution.

The Government did not grant refugee status or asylum during the year. The Government cooperated with the Office of the U.N. High Commissioner for Refugees and other humanitarian organizations in assisting refugees and asylum seekers, but normally the Government immediately deported foreigners who could not provide legal documentation.

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

The Constitution provides citizens with the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections held on the basis of universal suffrage.

Elections and Political Participation.—In the 2004 elections, the opposition UPP won 12 of 17 seats in the House of Representatives and 55 percent of the popular vote. Members of a Commonwealth observer group reported that the elections were free and fair. UPP leader Baldwin Spencer replaced Lester Bird, whose ALP had held power continuously since 1976.

In October the prime minister denounced election fraud by voters who vote more than once, and Parliament passed legislation that increased the fine for this crime to $11,321 (EC$30,000).

There was one woman in the 17-seat House of Representatives and two women appointed to the 17-seat Senate. In July the first female governor general was sworn into office. The speaker of the House of Representatives and the president of the Senate, both appointed positions, were women. There were no women in the cabinet. In November the director of gender affairs noted that 17.2 percent of the members of Parliament were women, significantly short of a 1995 commitment to achieve 30 percent female representation by 2005.

There were no members of minorities in Parliament or in the cabinet.

Government Corruption and Transparency.—The law provides criminal penalties for official corruption, and the Government generally implemented these laws effectively. There were isolated reports of government corruption during the year. A Special Task Force on Crime and Corruption focused on continued investigations of former ALP officials. Defendants included the former prime minister (who lost an appeal in December), a former finance minister, and a former ambassador.

The Integrity in Public Life Act requires public officials to disclose all income, assets (including those of spouses and children), and personal gifts while in public office. The law established an Integrity Commission, appointed by the governor general, to receive and investigate complaints regarding noncompliance with or contravention of any provisions of this law or the Prevention of Corruption Act.

The Freedom of Information Act gives citizens the statutory right to access official documents from public authorities and agencies, and it created a commissioner to oversee the process. In practice citizens found it difficult to obtain documents, possibly due to funding constraints rather than government obstruction.

Section 4. Governmental Attitudes Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A number of 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 Constitution prohibits discrimination based on race, sex, creed, language, or social status, and the Government generally respected these prohibitions in practice.

Women.—Rape, including spousal rape, is illegal and carries maximum sentences (rarely imposed) ranging from 10 years' to life imprisonment. While victims reported a total of 29 cases of rape during the year, at year's end there was at least one rape reported each week. The Directorate of Gender Affairs, part of the Ministry of Labor, Public Administration, and Empowerment, established and publicized a crisis hot line for victims and witnesses to sexual assault. When rape cases are reported to the police, a female police officer accompanies the victim for both questioning and medical examinations. Once the doctor's report is completed, an investigation commences. If a suspect is arrested, he is placed in a line-up and must be identified by the victim face to face, without the use of a one-way mirror. Although there were no recent data on prosecutions and convictions, they were most frequent when the victim knew the assailant. In situations where the victim did not know her assailant, the cases rarely made it to trial.

Violence against women, including spousal abuse, was a problem. The Domestic Violence Act prohibits and provides penalties for domestic violence, rape, and other sexual offenses. Many women were reluctant to testify against their abusers. Organizations such as the Directorate of Gender Affairs sought to increase women's awareness of their rights under the law in cases of domestic violence. The directorate operated a domestic violence program that included training for police officers, magistrates, and judges. The directorate also ran a domestic abuse hot line and worked with a nongovernmental organization (NGO) to provide safe havens for abused women and children.

Prostitution is prohibited, but it remained a problem. There were a number of brothels that catered primarily to the local population.

Sexual harassment is illegal, but it was rarely prosecuted.

According to the Labor Department, there was a high incidence of sexual harassment reported by employees in both the private and public sectors. No information was available whether any cases had been brought to the labor courts.

While the role of women in society is not restricted legally, economic conditions in rural areas tended to limit women to home and family, although some women worked as domestics, in agriculture, or in the large tourism sector. Women were well represented in the public sector, accounting for 54 percent of the public service and more than half of the permanent secretaries—the most senior level in each government department. In addition 41 percent of bar association members were women. However, in November the labor minister confirmed that a glass ceiling remained firmly in place between men and women in political and economic affairs. There was no legislation requiring equal pay for equal work, but women faced no restrictions involving ownership of property. The Directorate of Gender Affairs organized a march in November called "Demanding Implementation, Challenging Obstacles, End Violence against Women" as part of 16 days of activism against all forms of violence against women.

The Professional Organization for Women of Antigua is a networking and resource group for professional women that held seminars for women entering the workforce.

Children.—While the Government repeatedly expressed its commitment to children's rights, in practice its efforts to protect those rights were limited. The Government provided free, compulsory, and universal education for children through the age of 16. Schools faced many shortages, however, and parents typically provided desks and chairs. Although shared textbooks were provided, parents often purchased books; parents also provided uniforms. More than 95 percent of school-age children attended school, and most children achieved a secondary education.

Boys and girls had equal access to health care and other public services.

Child abuse remained a problem. The press reported regularly on the rape and sexual abuse of children. Adult men having regular sexual relations with young girls was also a problem. According to one regional human rights group, the girls were often the daughters of single mothers with whom the perpetrators also had regular sexual relations.

Trafficking in Persons.—There are no laws that specifically address trafficking in persons. Although there were no reports that persons were trafficked from or within the country, there were a number of brothels staffed mostly by women from various Caribbean countries who traveled to Antigua as "entertainers" or "dancers." It is possible that in some cases brothel owners retained their documents to exert influence over the victims. However, authorities usually deported the women immediately before information on possible trafficking could be obtained.

Persons with Disabilities.—There was no reported discrimination against persons with disabilities in employment, education, access to health care, or in the provision of other state services. Although the Constitution contains antidiscrimination provisions, no specific laws prohibit discrimination against, or mandate accessibility for, persons with disabilities.

Other Societal Abuses and Discrimination.—There were no reports of violence or discrimination based on sexual orientation or directed toward persons with HIV/AIDS. Nonetheless, the ministers of labor and health both spoke out publicly against such discrimination. The Ministry of Health supported local NGO efforts to register human rights complaints and seek assistance related to cases of discrimination against those with HIV/AIDS. The Ministry of Labor encouraged employers to be more sensitive to employees with HIV/AIDS.

Section 6. Worker Rights

a. The Right of Association.—Workers have the right to associate freely and to form labor unions. Approximately 60 percent of workers belonged to a union.

The law prohibits antiunion discrimination by employers but does not specifically require reinstatement of workers illegally fired for union activity, although a court could impose it.

In 2005 the owner of Caribbean Star Airlines, based in the country, fired nine pilots and five flight attendants who had organized a union. Although the Industrial Relations Court conducted hearings, the matter remained unresolved at year's end.

b. The Right to Organize and Bargain Collectively.—The law allows labor organizations to organize and bargain collectively without interference, and the Government protected this right. The labor code applied equally to workers in the country's free trade zones.

The labor code provides for the right to strike, but the Industrial Relations Court may limit this right in a given dispute. Workers who provide essential services (including bus, telephone, port, petroleum, health, and safety workers) must give 21 days' notice of intent to strike. Once either party to a dispute requests that the court mediate, strikes are prohibited under penalty of imprisonment. Because of the delays associated with this process, unions often resolved labor disputes before a strike was called. In addition an injunction may be issued against a legal strike when the national interest is threatened or affected.

Members of the Guild of Antigua and Barbuda Air Traffic Controllers conducted one of the most publicized industrial actions, protesting low salaries, poor working conditions, and the absence of a transition plan for workers under the new aviation authority as well as a new collective agreement. The strike resulted in the shutdown of the country's only airport, where security staff members had also protested delayed overtime pay and poor working conditions only a few weeks earlier. The airport's chief of security, union president, and airport operations manager intervened and convinced the workers to return to work.

c. Prohibition of Forced or Compulsory Labor.—The Constitution prohibits forced or compulsory labor, including by children, and there were no reports that such practices occurred.

d. Prohibition of Child Labor and Minimum Age for Employment.—The law stipulates a minimum working age of 16 years, which corresponds with the provisions of the Education Act. In addition persons under 18 years of age must have a medical clearance to work and may not work later than 10 p.m. The Ministry of Labor, which is required by law to conduct periodic inspections of workplaces, effectively enforced this law. The labor commissioner's office also had an inspectorate that investigated exploitive child labor matters.

e. Acceptable Conditions of Work.—The labor code provides that the minister of labor may issue orders, which have the force of law, to establish a minimum wage. The minimum wage was $2.26 (EC$6.00) an hour for all categories of labor, which provided a barely adequate standard of living for a worker and family. In practice the great majority of workers earned substantially more than the minimum wage.

The law provides that workers are not required to work more than a 48-hour, 6-day workweek, but in practice the standard workweek was 40 hours in 5 days. Laws provide for overtime work in excess of the standard workweek; excessive or compulsory overtime is not specifically prohibited.

Union representatives alleged numerous instances of poor working conditions and nonpayment of wages throughout the year. Employees at the Central Housing and Planning Authority protested nonpayment of wages. Longshoremen and other port laborers advocated better working conditions in the Antigua and Barbuda Port Authority. Employees at the Central Marketing Corporation protested delays in meeting their demands for improved pay and addressing concerns of improper storage of chemicals on the compound. Line staff employees of the State Insurance Corporation protested that negotiations with the employees' bargaining agent broke down on the issue of wage increases.

Although the Government had not developed occupational health and safety laws or regulations apart from those regarding child labor, the labor code includes provisions regarding occupational safety and health. While not specifically provided for by law, in practice workers could leave a dangerous workplace situation without jeopardy to continued employment.

ARGENTINA

Argentina is a Federal constitutional republic with a population of approximately 40.3 million. On October 28, the country held national presidential and legislative elections, and voters elected President Cristina Fernandez de Kirchner in generally free and fair multiparty elections. The civilian authorities maintained effective control of the security forces.

While the Government generally respected the human rights of its citizens, the following human rights problems were reported: Killings by police or security forces and use of unwarranted or excessive force; violent, overcrowded, substandard, and life-threatening prison and jail conditions; occasional arbitrary arrest and detention; prolonged pretrial detention; continued weak judicial independence; official corruption; domestic violence and sexual harassment against women; trafficking in persons for sexual and labor exploitation, primarily within the country; and child labor.

During the year the Government convicted several perpetrators of human rights abuses committed during the 1975–83 Dirty War era and continued trials that were suspended in 1989–90 when the Government pardoned such perpetrators.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life.—While the Government or its agents did not commit any politically motivated killings, police committed killings involving unwarranted or excessive force. Authorities investigated and, in some cases, detained, prosecuted, and convicted the officers involved.

In April Neuquen provincial police officials used force to end a teachers' strike, which resulted in the death of school teacher Carlos Fuentealba. A police officer implicated in the shooting was swiftly arrested and dismissed from the force; at year's end he remained in detention pending trial.

In November Carlos Madrid, an off-duty Buenos Aires police sergeant, shot and killed 18-year-old Daniel Ezequiel Cespedes when the officer intervened in a fight between his son and the victim. The sergeant immediately turned himself in. Madrid was indicted on homicide charges and was in pretrial detention at year's end.

In April a key witness who had testified in the 2006 trial of five police officers accused of torturing and killing Andrea Viera in a Buenos Aires Province police sta-

tion in 2002 was killed. The investigation focused on police officers, but no suspects were named by year's end. Other witnesses in the trial, which sentenced one officer to life imprisonment and acquitted the others, reportedly received anonymous death threats.

The trial of two former police officers and a civilian charged with homicide in the May 2006 beating and shooting death of 15-year-old Miguel Eduardo Cardozo was pending at year's end.

In June trials began in Jujuy Province for three police officers and an agent implicated in the June 2006 death of Saul Mendoza, a 17-year-old found hanged and reportedly tortured in a police station restroom.

b. Disappearance.—There were no reports of politically motivated disappearances.

Judicial proceedings related to killings, disappearances, and torture committed by the 1976–83 military regime continued. According to the Center for Legal and Social Studies (CELS), approximately 130 judicial investigations implicating 873 persons for these crimes were conducted during the year. An estimated 280 persons have been indicted, of whom 210 were in pretrial detention for crimes committed during this era.

In March a trial began in Mar del Plata against the National University Concentration, an organization disbanded by law in 1978 that handed over young dissidents to the extremist armed group known as the Argentine Anti-Communism Alliance.

On July 13, the Supreme Court overturned a 1989 presidential pardon granted by then president Carlos Menem to General Santiago Riveros, a former military official accused of crimes against humanity for heading up clandestine detention centers during the 1976–83 military dictatorship. The decision opened the door to prosecute hundreds of officials who were specifically pardoned by Menem for human rights abuses during the Dirty War.

On October 9, Father Christian Von Wernich, a Roman Catholic priest and ex-chaplain of the Buenos Aires Police during the Dirty War, was sentenced to life imprisonment for his involvement in several cases of murder, torture, and illegal imprisonment. Von Wernich was the first ecclesiastical figure to be tried and convicted of Dirty War-related human rights abuses since the 2005 Supreme Court decision to annul amnesty laws that had granted immunity to ex-military personnel.

On October 18, a trial began against ex-naval official Hector Febres on charges of torturing four people at the Navy Mechanics School, a clandestine detention center, during the 1976–83 military dictatorship. On December 10, Febres died in his cell 4 days before the court was to announce his sentence. An autopsy revealed a large amount of cyanide in his body. Two prefects, in addition to Febres's wife and two children, were in detention at year's end. The president dismissed Coast Guard Chief Carlos Fernandez on December 17, in part for the lax conditions of Febres's detention and failure to ensure Febres's safety while in custody.

In October the Government opened a judicial investigation against Ernesto Barreiro for his role in committing human rights abuses during the military dictatorship, when he served as an army officer and chief interrogator at the La Perla clandestine torture center. Barreiro remained in pretrial detention at year's end.

In December a judge sentenced seven former senior army officials and one ex-police official to prison terms ranging from 20 to 25 years for various charges linked to the kidnapping, torture, and disappearance of six individuals during the military regime. The ruling marked the first time that a group of former ranking officers was convicted since the Supreme Court revoked 1980s-era amnesty laws in 2005. Also in December a Federal court decided that a 1976 guerilla attack on the Central Police Department cafeteria, in which 24 persons were killed, was not a crime against humanity and therefore was subject to the statute of limitations.

There were no developments in the 2006 missing-persons case of Jorge Julio Lopez, a 77-year-old victim of torture during the Dirty War and a key witness in the case against Miguel Etchecolatz, former commissioner general of the Buenos Aires Province police. Lopez remained missing at year's end despite government searches and a government reward offer of $315,000 (1 million pesos) for information that would help locate him.

The investigation into the 2006 kidnapping of Luis Gerez continued at year's end. Gerez was missing for 2 days and reportedly suffered torture and psychological trauma. Gerez had testified against Luis Patti, a politician and former police chief accused of human rights abuses during the 1976–83 military dictatorship. In November Patti was placed in pretrial detention on charges of crimes against humanity for the kidnapping and torture of three persons in 1976 and 1977.

The National Human Rights Secretariat maintained the files of the National Commission on Disappeared Persons. As of July the Secretariat had received 32,404 claims for financial compensation since it began accepting claims in 1991 from fami-

lies of those who died or disappeared during the military dictatorship. During the year the Secretariat granted 250 financial awards.

Judicial authorities continued to investigate cases of kidnapping and illegal adoption by members of the former military regime of children born to detained dissidents. At year's end 88 persons born to detained and disappeared dissidents and illegally adopted had been identified and made aware of their true backgrounds.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—Although the law prohibits such practices and provides penalties for torture similar to those for homicide, some police and prison guards continued to employ torture and brutality. CELS reported police brutality and occasional torture of suspects. While the Government investigated reports of police brutality in prisons, there were few convictions.

In Misiones two police officers were removed from their positions in January on suspicion of covering up the sexual abuse of 15-year-old Rosa Yamila Gauna, who was reportedly arrested without cause in December 2006 and killed in January by a fire in the women's police station where she was held. At year's end, an investigation of her death continued, including whether the fire was set in an attempt to cover up sexual and physical abuse.

Two lower-ranking Navy officials and a civilian remained in pretrial detention for the June 2006 kidnapping, beating, torture, and killing of 15-year-old Lucas Ivarrola, who was accused of stealing a television set. A trial date had not been set by year's end.

There were no developments in the case of the director of forensic medicine's alleged obstruction of an investigation into the 2005 electric shock torture of prisoner Julio Ortiz in La Plata Penitentiary.

Prison and Detention Center Conditions.—Prison conditions often were poor and life threatening. Inmates in many facilities suffered from extreme overcrowding, poor nutrition, inadequate medical and psychological treatment, inadequate sanitation, limited family visits, and frequent inhuman and degrading treatment, according to various reports by human rights organizations and research centers.

The research center Unidos por la Justicia estimated prison overcrowding at 30 to 40 percent nationwide but noted that the construction of new prisons in Buenos Aires and Mendoza provinces had increased capacity. The Buenos Aires Provincial Memory Commission's Committee Against Torture reported that in Buenos Aires Province, which accounted for approximately half of the total prison population nationwide, the prison population had decreased from 30,000 in 2005 to 25,000 in 2007. The Government reported that the number of detainees in police stations in Buenos Aires Province decreased significantly, from 7,507 in 2002 to 2,982 in 2007.

The National Secretariat for Human Rights reported 265 violent deaths in the country's prisons in the last 2 years. The report concluded that the violence was caused by overcrowded prison conditions.

The Buenos Aires Provincial Memory Commission's Committee Against Torture noted that there were 6,000 violent incidents in Buenos Aires provincial prisons in the 12 months preceding June, 96 of which resulted in one or more persons being killed or seriously injured. According to the committee, there were 66 killings in Buenos Aires provincial prisons from June 2006 to June 2007. The committee attributed the violence to prisoner-on-prisoner violence as well as prisoner-on-prison-official violence.

While women were held separately from men, human right groups reported that some women were held in police stations and that approximately 84 children under the age of 4 lived in Buenos Aires provincial prisons, 75 of whom lived in Los Hornos prison. In general, the men's prisons were more violent, dangerous, and crowded than the women's prisons.

Overcrowding in juvenile facilities often resulted in minors being held in police station facilities, although separate from adult detainees. According to a U.N. Children's Fund (UNICEF) and National Secretariat for Human Rights report, these institutions held approximately 20,000 children. The overwhelming majority had not committed a crime; rather, they were abandoned by their families or considered "at risk" for other reasons. In March the Inter-American Commission on Human Rights (IACHR) accepted the request of the Santa Fe provincial congress's human rights commission to look into the situation of detained children and adolescents.

Pretrial detainees often were held with convicted prisoners. CELS estimated that 5,147 Federal prisoners, or 57 percent of the Federal prison population, were awaiting trial. In Buenos Aires Province, provisional statistics from CELS indicated that close to 80 percent of detainees were in pretrial detention. Although the legal limit for pretrial detention is 2 years, it can be extended. CELS reported that prisoners waited an average of 3 years to be tried, with some cases taking as long as 6 years

to go to trial. According to CELS, 30 percent of pretrial detainees were eventually acquitted.

In February Buenos Aires Province created the Juvenile Penal Responsibility System to develop and implement policies to prevent juvenile crime, protect the rights of juvenile delinquents, and rehabilitate the children to reintegrate them into society.

Fifteen prison guards and officials remained in pretrial detention pending completion of the investigation into the 2005 fire at the Buenos Aires Magdalena Provincial Prison that killed 33 prisoners.

In February the Supreme Court instructed the national and Mendoza provincial governments to report concrete measures taken to improve prison conditions that would address several rulings by the Inter-American Court of Human Rights. In September the Mendoza government reported that it continued to build new prisons, had hired more penitentiary staff, and increased its per capita spending on inmates.

The Government permitted prison visits by local and international human rights observers, and such visits took place during the year.

d. Arbitrary Arrest or Detention.—The law prohibits arbitrary arrest and detention, and the Government generally observed these prohibitions; however, police reportedly arrested and detained citizens arbitrarily on occasion.

Role of the Police and Security Apparatus.—The Federal Police have jurisdiction for maintaining law and order in the Federal capital and for Federal crimes in the provinces. Other Federal police authorities include the Airport Security Police, the Gendarmerie, the Coast Guard, and the Bureau of Prisons. Additionally, each province has its own police force that responds to a provincial security ministry or secretariat. Individual forces varied considerably in their effectiveness and respect for human rights. Corruption was widespread in some forces, and internal controls to counter police abuses were weak.

The most frequent abuses included extortion of and protection for those involved in illegal gambling, prostitution, and auto theft rings, as well as detention and extortion of individuals under the threat of planting evidence to charge them for crimes. Some police also were involved in drug trafficking.

The Federal security forces have the authority to conduct internal investigations into alleged abuses and to fire individuals who have allegedly committed a human rights violation. The Federal Government can also file complaints with the Federal courts; provincial governments have the authority to do the same for provincial security forces. Members of security forces who are convicted of a crime are subject to stiff penalties.

Efforts to remove police for corruption and other offenses continued in the provinces of Buenos Aires, Tucuman, Rio Negro, Santa Fe, and Cordoba. For example, in August the Buenos Aires provincial security minister fired 105 corrupt policemen in an effort to reform the provincial police corps. In addition, these provinces offered improved police training to professionalize their forces.

Arrest and Detention.—Police may detain suspects for up to 10 hours without an arrest warrant if the authorities have a well-founded belief that the suspects have committed, or are about to commit, a crime or if they are unable to determine the suspected person's identity. Human rights groups reported that the police often detained suspects longer than 10 hours.

The law provides a person in detention with the right to a prompt determination of the legality of the detention, which entails appearance before a criminal lower court judge, who determines whether to proceed with an investigation. There were frequent delays in this process and in informing detainees of the charges against them.

The law provides for the right to bail, except in cases involving narcotics, violent crimes, and firearms violations. Although the bail system was used, civil rights groups claimed that judges were more likely to order the holding of indicted suspects in preventive or pretrial detention than to allow suspects to remain free pending their trial.

Detainees were allowed prompt access to counsel, and public defenders were provided for detainees unable to afford counsel, although such access was sometimes delayed due to an overburdened system. Strong demand and a lack of resources for the Public Defender's Office resulted in an excessive caseload for public defense attorneys. CELS reported that approximately 80 to 90 percent of detainees in Buenos Aires Province requested public defense attorneys. Detainees also were allowed access to family members, although not always promptly.

The law provides for investigative detention of up to 2 years for indicted persons awaiting or undergoing trial; the period can be extended in limited situations. The slow pace of the justice system often resulted in lengthy detentions beyond the pe-

riod stipulated by law. A convicted prisoner usually received credit for time already served.

e. Denial of Fair Public Trial.—The law provides for the right to a fair trial, and the judiciary generally enforced this right. However, there have been long-standing complaints that some provincial judges and judicial personnel were inefficient and at times subject to political manipulation, particularly in the provinces of Jujuy, Neuquen, Tucuman, Santiago del Estero, San Luis, Santa Cruz, and Tierra del Fuego.

The judicial system was hampered by inordinate delays, procedural logjams, changes of judges, inadequate administrative support, and general inefficiency caused by remnants of the inquisitorial criminal justice system used in Federal and many provincial courts. Judges have broad discretion as to whether and how to pursue investigations, contributing to a public perception that many decisions were arbitrary. Allegations of corruption in provincial courts were more frequent than at the Federal level, reflecting strong connections between the executive and judicial branches at the provincial level.

The judicial system is divided into Federal and provincial courts, both headed by a supreme court with appellate courts and district courts below it. The Federal courts are divided between the criminal courts and commercial courts.

There is a military court system, which has jurisdiction over military personnel and in some cases can impose more severe punishment for crimes and disciplinary violations than that contemplated by the civilian criminal code of justice.

Trial Procedures.—Trials are public, and defendants have the right to legal counsel and to call defense witnesses in the Federal and some provincial courts that have an accusatory system of criminal justice. If needed, a public defender is provided at public expense when defendants face serious criminal charges. During the investigative stage, defendants can submit questions in writing to the investigating judge. A panel of judges decides guilt or innocence. Federal and provincial courts continued the transition to trials with oral arguments in criminal cases, replacing the old system of written submissions. Although the 1994 Constitution provides for trial by jury, implementing legislation had not been passed by year's end. In Cordoba Province, defendants accused of certain serious crimes have the right to a trial by jury. Lengthy delays in trials were a problem. Defendants are presumed innocent and have the right to appeal, as do prosecutors. Minors under age 16 cannot be criminally prosecuted. By law defendants and attorneys have access to government-held evidence, but they may experience significant obstacles or delays in obtaining such evidence.

In February 2006 Congress passed a law to reduce the number of members of the Council of Magistrates from 20 to 13. Since then, the executive branch has reportedly delayed the nomination of 200 national judges (who only have jurisdiction in Buenos Aires city) and Federal judges, although nominations have already been publicly vetted and approved by the Council of Magistrates and the Ministry of Justice. As a result, courts have directly appointed acting judges, thereby circumventing the public vetting process. In May the Supreme Court declared this process of appointing acting judges unconstitutional and recommended that the Congress establish a constitutionally based process to appoint temporary judges by May 2008.

Political Prisoners and Detainees.—There were no reports of political prisoners or detainees.

Civil Judicial Procedures and Remedies.—There is an independent and impartial judiciary in civil matters, and anyone may bring lawsuits seeking damages or the protection of rights provided by the Constitution.

Government agencies, professional bar associations, universities, and nongovernmental organizations (NGOs) provide free legal counseling and may represent indigent persons before civil courts as well as assist them in alternative dispute resolution proceedings.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The Constitution prohibits such actions, and the Government generally respected these prohibitions in practice.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech and of the press, and the Government generally respected these rights in practice.

Individuals can criticize the Government publicly or privately, but there are criminal penalties, including prison sentences, for libel and slander, and government officials have sought to use these against the political opposition and other critics. The Government pressed criminal libel and slander charges against Elisa Carrio, head of the opposition Civic Coalition party, for accusing officials in 2004 of corruption.

The courts dismissed one case against her in August and acquitted her in a second case in November. At least two more civil cases against her were pending at year's end.

The independent media were numerous and active and expressed a wide variety of views without restriction. All print media were owned privately, as were a significant number of radio and television stations. The Federal Government owned the Telam wire service, a radio network, a television station, and a 20 percent stake in Telesur, a Venezuelan government-backed television service.

Some independent media, NGOs and international organizations claimed that government agencies interfered with media freedom by directing government advertising for partisan political purposes. In September the Supreme Court, in a landmark ruling, determined that the withdrawal of Neuquen provincial government advertising in retaliation against a leading daily's 2001 reporting of provincial corruption constituted nonlicit, indirect censorship. The court maintained that the province was free to allocate its resources at its own discretion but that it should not use official advertising as an indirect means of curtailing freedom of speech. Although the court ordered the Neuquen government to present an official advertising distribution plan within 30 days, it had not complied by year's end. A similar suit lodged against the Federal Government in 2006 by the country's second largest media company, Grupo Editorial Perfil, was pending at year's end.

Numerous FM radio stations continued to broadcast with temporary licenses pending conclusion of a licensing normalization process.

In September a provincial court in Salta gave journalist Sergio Poma a 1-year suspended prison sentence and barred him from practicing journalism for 1 year for slandering the governor of Salta. The Committee to Protect Journalists, Reporters without Borders, and local journalist organizations criticized the sentence. Poma's lawyers appealed the ruling, and the case was pending at year's end. Poma, meanwhile, remained free and able to work as a journalist.

Internet Freedom.—There were no government restrictions on access to the Internet or reports that the Government monitored e-mail or Internet chat rooms. Individuals and groups could engage in the peaceful expression of views via the Internet, including by e-mail. According to the government's National Statistics and Census Institute (INDEC), more than 28 percent of the population has access to the Internet.

Academic Freedom and Cultural Events.—There were no government restrictions on academic freedom or cultural events.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for freedom of assembly and association, and the Government generally respected these rights in practice.

Gendarmerie officials used force to end strikes in Santa Cruz in March and May, leaving 15 protesters injured.

In December seven casino workers and one Coast Guard agent were seriously injured when the Coast Guard used tear gas and batons to break up a casino workers' strike in Buenos Aires city. On December 17, the President dismissed Coast Guard Chief Carlos Fernandez, in part for the Coast Guard's response to the strike.

c. Freedom of Religion.—The Constitution provides for freedom of religion, and the Government generally respected this right in practice. The Constitution also states that the Federal Government "sustains the apostolic Roman Catholic faith," and the Government provided the Catholic Church with a variety of subsidies not available to other religious groups. Other religious faiths were practiced freely.

In order to hold public worship services, obtain visas for foreign missionaries, and obtain tax-exempt status, religious organizations must register with the Secretariat of Worship in the Ministry of Foreign Relations, International Trade, and Worship and report periodically to maintain their status.

Societal Abuses and Discrimination.—Acts of discrimination and vandalism against religious minorities, particularly the Jewish community, continued. The Jewish community was approximately 300,000. There were a number of reports of anti-Semitic acts, including threats against Jewish organizations and individuals.

In February the National Institute Against Discrimination (INADI) received a complaint over the definition of Jew found in a children's dictionary published by Clarin, a leading media group. Among the definitions were "miser" and "usurer." INADI asked Clarin to remove the dictionary from public sale. Clarin did so, acknowledging that the definition was "insulting," and in March offered a revised edition for sale, with a free exchange for customers who had purchased the earlier version.

There were numerous incidents of vandalism of Jewish-owned buildings and the appearance of anti-Semitic graffiti around the country. On January 10, Adriana

Dirson, a Jewish woman, complained to Rosario city police after her bar was vandalized and a group of youths belonging to a rugby club sent her a threatening e-mail message. On January 23, police questioned six members of the rugby club on their suspected involvement in the incidents.

On January 21, anti-Semitic graffiti were found sprayed on the synagogue and the entrances to the town of San Cristobal in the Department of Santa Fe. On March 13, anti-Semitic graffiti were found on houses and shops, including the house of a local Jewish leader, in General Roca, Rio Negro.

In May anti-Semitic graffiti was painted on a wall in the predominantly Jewish neighborhood of Once in Buenos Aires City.

From the beginning of October through year's end, anti-Semitic graffiti appeared several times on the walls of the synagogue in the town of Villa Maria in Cordoba Department.

There were incidents in which soccer fans taunted and insulted opposing teams and fans by singing anti-Semitic songs during matches. On May 22, during a high school sports event in Tucuman, a group of approximately 22 youths sang anti-Semitic songs at the Jewish pupils attending the event. The teachers present at the event did nothing to stop the incident; the leaders of the Jewish community issued a complaint to the Tucuman police.

In August an anesthesiologist was removed from his position at a public hospital in Santa Fe for openly discriminating against Jewish persons.

As of late September, the Delegation of Israeli Argentine Associations (DAIA) had received 235 complaints of anti-Semitic acts. Although the number of anti-Semitic e-mails declined during the year, hate e-mail, which the DAIA attributed to individuals rather than any organized group, remained a concern.

Interpol issued six of the nine arrest warrants requested by the country for suspects wanted for the 1994 terrorist bombing of the Argentine-Israeli Mutual Association building.

DAIA's case against activists from the left-wing group Quebracho who prevented Jewish community groups from demonstrating in front of the Iranian Embassy in August 2006 remained pending at year's end.

In April President Kirchner addressed the Jewish community during a ceremony commemorating the 64th anniversary of the Warsaw Ghetto uprising, where he paid homage to the lives lost during the Holocaust. The Government continued to support a public dialogue to highlight past discrimination and to encourage improved religious tolerance.

For a more detailed discussion, see the 2007 International Religious Freedom Report.

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons.—The Constitution provides for freedom of movement within the country, foreign travel, emigration, and repatriation, and the Government generally respected these rights in practice.

The Government cooperated with the Office of the U.N. High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to refugees, asylum seekers, and other persons of concern.

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

Protection of Refugees.—The law provides for the granting of asylum or refugee status in accordance with the 1951 U.N. Convention relating to the Status of Refugees and its 1967 protocol, and the Government has established a system for providing protection to refugees. The Government granted refugee status or asylum.

In practice the Government provided protection against refoulement, the return of persons to a country where they feared persecution. The Government granted refugee status and temporary protection for humanitarian reasons, consistent with the norms established by international law.

The law also allows the Government to provide temporary protection for humanitarian reasons, including family reunification, to individuals who may not qualify as refugees under the 1951 convention and the 1967 protocol.

According to the government's Refugee Eligibility Committee, the interministerial committee charged with evaluating refugee and asylum claims, the Government accepted refugees for resettlement and granted refugee status to 51 persons by year's end.

The Government continued to cooperate with the UNHCR to resettle at-risk Colombian families. According to UNHCR, the country resettled 57 Colombians during the year.

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

The law provides citizens the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections based on universal suffrage.

Elections and Political Participation.—In October national presidential and legislative elections were held. At the national level, one-half of the seats in the Chamber of Deputies and one-third of those in the Senate were contested. The media, the Ministry of Justice, and various NGOs observed the elections and judged them free and fair, although several opposition parties filed a complaint alleging that ballots listing opposition candidates were not available at voting stations in some provinces.

Provincial elections were also held throughout the year in 22 out of 23 provinces and the Autonomous City of Buenos Aires.

In accordance with the Electoral Code Reform and a 2006 presidential decree, more than 25,000 pretrial detainees from Federal prisons were allowed to vote. CELS monitored voting in Federal prisons.

Political parties generally operated without restriction.

Decrees provide that one-third of the members of both houses of congress must be women, a goal achieved through balanced election slates. There were 25 women in the 72-seat Senate and 82 women in the 257-seat Chamber of Deputies. The president, two of the seven Supreme Court justices, and three cabinet ministers were women.

During the year an indigenous person was elected to the National Chamber of Deputies. There were no other known ethnic or racial minorities in the national legislature. There were no known indigenous, ethnic, or racial minorities in the cabinet or on the Supreme Court.

Government Corruption and Transparency.—The law provides criminal penalties for official corruption; however, the Government did not implement the law effectively, and there were frequent press reports of executive officials engaged in corrupt practices.

According to the World Bank's worldwide governance indicators, government corruption was a serious problem. Historically weak institutions and an often ineffective and politicized judicial system made rooting out corruption in any systemic fashion difficult.

Public officials are subject to financial disclosure laws and the Ministry of Justice's Anti-Corruption Office (ACO) is responsible for analyzing and investigating Federal executive branch officials based on their financial disclosure forms. The ACO is also responsible for investigating corruption within the Federal executive branch or in matters involving Federal funds, except for funds transferred to the provinces. Although nominally a part of the judicial branch, the ACO does not have authority to independently prosecute cases, but can refer cases to other agencies or serve as the plaintiff and request a judge to initiate a case. The majority of high-profile corruption cases are investigated by individual judges.

According to the local NGO Center for the Study and Prevention of Economic Crimes, corruption cases take 14 years, on average, to be resolved, and only 15 out of the last 750 cases tried resulted in convictions. The government's Anti-Corruption Office continued to pursue anticorruption measures. The center calculated that corruption has cost the country $10 billion (30.2 billion pesos) since 1980 and estimated that approximately 20 percent of corruption cases were closed due to statute of limitations. In addition the press reported that six of the eight judgeships on the criminal court that handles 20 percent of pending corruption cases were vacant.

In May the Government removed two officials, Fulvio Madero, president of the country's natural gas regulatory authority, and Nestor Ulloa, manager of the public trust established to structure private funding for a number of public works projects, for allegedly taking bribes from the Swedish construction company Skanska, which had been awarded a government contract to expand a gas pipeline. The case was under investigation at year's end.

In June a bomb squad discovered a bag containing 100,000 pesos and $30,000 in the bathroom of Economy Minister Felisa Miceli, who subsequently resigned over the incident. Miceli was taken into custody and posted bail. In a December arraignment hearing, she was formally charged with covering up the scandal and withholding public documents. The case remained pending at year's end.

In August Claudio Uberti, the government's top regulator of toll roads and bridges, was forced to resign over a foiled attempt by a foreigner to smuggle almost $800,000 into the country from Venezuela. The government's investigation continued at year's end.

An ACO study concluded at year's end revealed that approximately 75 percent of government purchases between 2002 and 2005 were done via direct contracts, often with a sole provider, and not via public tenders. The ACO report expressed concern that the process can facilitate corruption. According to the report, some government officials defended this practice, claiming that sometimes only one provider was able to meet contract specifications and pointing out that many contracts were below the legally mandated limit for public tenders. The ACO report claimed, however, that officials used various methods to circumvent the procedures intended to prevent sole-sourcing of contracts.

An executive decree provides for public access to government information from executive agencies, which are required to answer requests for public information within 10 working days, with a 10-day extension. The capacity to comply with this requirement, however, varied across executive agencies. The NGO Poder Ciudadano estimated that executive branch agencies answer such requests within the required timeframe approximately 70 percent of the time. The NGO noted that politically sensitive requests, such as the operational costs of the presidency, were often delayed or went unanswered.

Section 4. Governmental Attitudes Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

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

According to Amnesty International, Pablo Salinas, a prisoners' rights advocate, received anonymous death threats in April in connection with his efforts to highlight police brutality and ill-treatment in Mendoza prisons. No information was available on the status of the case at year's end.

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

The law prohibits discrimination based on race, gender, disability, language, or social status, and the Government generally enforced these provisions in practice.

In November INADI published the results of a national survey that found that three out of 10 citizens had experienced discrimination and five out of 10 had witnessed an act of discrimination. Survey respondents indicated that sexual minorities, persons with disabilities, racial minorities, and nationals of other countries were among the groups most affected by discrimination.

Women.—Rape, including spousal rape, is a crime, but the need for proof, either in the form of clear physical injury or the testimony of a witness, often presented problems. The penalties for rape ranged up to 20 years' imprisonment. According to preliminary statistics from the Federal Unit for the Investigation of Crimes Against Sexual Integrity, Trafficking in Persons, and Child Prostitution (UFISEX) which only has jurisdiction in Buenos Aires city, the unit received 91 complaints of rape in the first 8 months of the year. Of these complaints, 80 percent of rape victims were adults and 20 percent were minors. Between January and April, the Judicial Unit for Women and Minors in the city of Cordoba received 295 complaints of crimes against sexual integrity, which include sexual abuse and rape. There were no reports of police or judicial reluctance to act on rape cases; however, women's rights advocates claimed that police, hospital, and court attitudes toward sexual violence victims often revictimized the individual, and according to preliminary 2006 UFISEX statistics, only 10 percent of the complaints of crimes against sexual integrity ended in conviction.

The law prohibits domestic violence, including spousal abuse, although the law defines violence against women as a misdemeanor, and complaints are addressed in civil rather than criminal courts. Family court judges have the right to bar a perpetrator from a victim's home or workplace. The law, however, only prescribes penalties for domestic violence when it involves crimes against sexual integrity, in which case the penalty can be as much as 20 years' imprisonment. However, lack of vigilance on the part of the police and the judicial system often led to a lack of protection for victims.

Domestic violence against women was a serious problem. According to press reports quoting official statistics, 18,000 complaints of domestic abuse—5,000 reporting injuries—were filed at the Women's Police Stations in Buenos Aires Province in the first half of the year.

The Interior Ministry's program to create mobile units to provide assistance to victims of sexual and domestic violence, created in March 2006, was operational only in the city of Buenos Aires. Between March and October, the mobile units assisted and provided legal counseling to 453 domestic violence victims throughout the

year. A free hot line servicing the city of Buenos Aires offered consultations and received complaints.

In early December the Buenos Aires Provincial Supreme Court ordered the province's criminal, family, and minors' courts, as well as provincial courts in civil and family matters, to have duty officers to receive complaints of domestic violence and assist victims after normal court hours.

Public and private institutions offered prevention programs and provided support and treatment for abused women, but there was little transitional housing. The Buenos Aires municipal government operated a small shelter for battered women; however, few other shelters existed.

The individual act of prostitution is legal, but the promotion, facilitation, or exploitation of persons into prostitution is illegal. NGOs considered sex tourism a problem but had no estimates of its extent. Trafficking of women to and within the country for prostitution was a problem.

Sexual harassment in the public sector is prohibited under laws that impose disciplinary or corrective measures. In some jurisdictions, such as the city of Buenos Aires, sexual harassment may lead to the abuser's dismissal, whereas in others, such as Santa Fe Province, the maximum penalty is 5 days in prison. The Ministry of Labor's Tripartite Committee on Equal Opportunity for Men and Women in the Workplace received 40 informal grievances of sexual harassment in the workplace during the year. No statistics were available on the government's enforcement of penalties for sexual harassment.

Although women enjoyed equality under the law, including property rights, they encountered economic discrimination and held a disproportionately high number of lower-paying jobs. According to a study by the Foundation for Latin American Economic Research, men earned 5 percent more than women for equivalent full-time work in the Greater Buenos Aires area and earned 21 percent more than women for equivalent part-time work, an imbalance explicitly prohibited by law. According to the Tripartite Committee, women on average earned 29 percent less than men. Approximately 70 percent of women employed outside the home worked in nonskilled jobs, although more women than men held university degrees. The law provides for prison terms of up to 3 years for discrimination based on gender. A December ILO study reported that of the 756,000 people between the ages of 15 and 24 who neither studied nor worked, 77 percent were young women who had dropped out of secondary school.

The National Council of Women carried out programs to promote equal social, political, and economic opportunities for women. The council worked with the special representative for international women's issues, the Ministry of Labor, and union and business organizations to form the Tripartite Committee on Equal Opportunity for Men and Women in the Workplace, which sought to foster equal treatment and opportunities for men and women in the job market. In January the committee created an Office of Labor Violence Counseling, which provided assistance in 320 cases during the year. Labor violence is defined as gender violence; mobbing; or psychological, moral, or sexual abuse in the workplace.

Children.—Although the Government voiced strong commitment to children's rights and welfare, many programs remained underfunded.

The law provides for free and compulsory education for 13 years, beginning at age 5. A World Bank 2005 appraisal stated that of 100 students entering primary school, 84 would enter the seventh grade, and 40 would enter the last year of secondary school. Attendance rates were lowest among children from low-income households. School enrollment rates for girls were slightly higher than for boys.

A Ministry of Education study that showed a 15 percent decline in the number of students who graduated from high school, from 301,073 graduates in 2002 to 255,196 in 2006, with Buenos Aires province registering the steepest decline in graduates over that time period at 30 percent. The report attributed the decline to lack of labor prospects for high school graduates and students preferring adult continuing education programs with flexible work-study arrangements.

There were numerous Federal and provincial health care programs available equally for boys and girls.

Child abuse continued to occur and was not uncommon; for example, according to press reports quoting official statistics, in the first half of the year there were 1,000 injuries to children reported to the Women's Police Stations in Buenos Aires Province. The Government took measures to combat child abuse. The National Council for Children, Adolescents, and the Family continued to conduct public awareness campaigns and operated a national hot line which children used to call for advice, make complaints, and report instances of abuse or other rights violations. Prosecutors and police pursued cases of Internet child pornography. The press and local NGOs reported that children were involved in sexual exploitation, sex tourism,

and drug trafficking, but there were no reliable statistics to determine the extent of such exploitation.

The lodging of children in juvenile detention centers due to social circumstances was a problem.

Trafficking in Persons.—The law criminalizes offenses often associated with trafficking, but there is no comprehensive law criminalizing trafficking itself. The country was a source, transit point, and destination for trafficked persons. Trafficking in persons primarily involved citizens trafficked within the country for the purposes of sexual and labor exploitation. They were trafficked mostly from the northern provinces to the central provinces and Buenos Aires, and from Buenos Aires to several southern provinces. To a lesser degree, the country was a destination for victims, principally women and minors from Paraguay, the Dominican Republic, Colombia, Bolivia, and Brazil. According to the press, the Federal Office of Victim Assistance (OFAVI) intervened in 85 trafficking in persons cases during the year. OFAVI reported that increased public awareness of the problem and improved training of judges and prosecutors led to an increase in the number of trafficking complaints the office received.

While there were no official reports on the activities of traffickers, the media reported that traffickers often presented themselves as employment agencies or as individual recruiters. Credible sources also identified large organized crime networks, which sometimes consisted of extended families plus their business associates, including recruiters and brothel managers. Traffickers confiscated travel documents to prevent victims from appealing to authorities for protection. Victims, particularly women and girls in prostitution, were at times denied contact with the outside world. Victims often were threatened or beaten.

The country lacks specific antitrafficking statutes. Traffickers are prosecuted under the criminal code and the 2005 immigration law for charges of prostitution through fraud, intimidation, or coercion, or, in the case of minors, alien smuggling, indentured servitude, and similar abuses. Penalties for trafficking ranged from 1 to 20 years in prison, depending on the nature of the violation and the age of the victim. In the absence of antitrafficking laws, officials were unable to provide accurate information regarding investigations and prosecutions against traffickers.

Trafficking detection and antitrafficking prosecution efforts continued, but with limited success. OFAVI, a unit under the Federal Prosecutor's Office, was the lead agency for coordinating antitrafficking efforts with law enforcement agencies. Although law enforcement officers lacked a clear mandate from political leaders and sufficient resources to pursue aggressively domestic and international traffickers, investigations and arrests continued. No statistics were available on the number of prosecutions and convictions for trafficking during the year.

There were no allegations of Federal Government official involvement in trafficking. However, there were reports of widespread corruption and collusion with traffickers at provincial and local levels, which impeded prosecution. There were some efforts to investigate and prosecute local police and officials suspected of involvement in human trafficking. For example, in April Corporal Gabriel Eduardo Jalil, a former Cordoba provincial police officer, was sentenced to 4 years' imprisonment, and Roberto Serniotti and Alejandra Suarez were each sentenced to 3½ years' imprisonment for their involvement in a trafficking case involving minors. Two others involved as accessories to the crime received lighter probation penalties.

At year's end prosecutors continued to investigate local police and official involvement in a case where 37 women were forced into prostitution in Chubut Province. In November 2006 two brothel owners, two former police officers, and four former public officials were charged. Only the brothel owners remained in pretrial detention at year's end.

Trafficking victims normally were not detained, jailed, or deported, although those arrested for prostitution-related crimes were sometimes jailed (for example, if trafficking victims later became abusers), or deported (particularly when cases were handled by prosecutors or judges with little experience or training in trafficking issues).

OFAVI coordinated victim-assistance policy and offered a limited number of victims access to medical and psychological treatment, legal counseling, referrals to other sources of assistance, and repatriation. The Government did not operate victim shelters dedicated to trafficking, but victim-assistance offices worked with social services agencies to ensure that trafficking victims received shelter and appropriate care. Some victims qualified for Federal Government assistance, but most provincial officials were not trained to identify or help victims of trafficking specifically. The International Organization for Migration (IOM) assisted with repatriation and reintegration of foreign victims of trafficking.

In July the Ministry of Justice established a national program to prevent human trafficking and provide victims assistance. In October the National Program to Prevent, Eradicate, and Assist Victims of Human Trafficking, headed by the Ministry of Interior, was established by executive decree.

Persons with Disabilities.—The Constitution and laws prohibit discrimination against persons with physical or mental disabilities in employment, education, access to health care, or the provision of other state services, but the Government did not effectively enforce these laws. A specific law also mandates access to buildings for persons with disabilities; however, the Government did not effectively enforce it.

Laws mandating greater access to buses and trains for persons with disabilities also were not enforced fully.

The Government supported the right of persons with disabilities to vote or participate in civic affairs. The National Senate employs individuals with Down syndrome as congressional pages.

The National Advisory Committee for the Integration of People with Disabilities, under the National Council for Coordination of Social Policies, has formal responsibility for actions to accommodate persons with disabilities.

In September the Government passed a law establishing that the reproduction and distribution of scientific and literary works in special systems for the blind and other disabled persons are exempt from copyright payments.

Indigenous People.—The Constitution recognizes the ethnic and cultural identities of indigenous people and states that congress shall protect their right to bilingual education, recognize their communities and the communal ownership of their ancestral lands, and allow for their participation in the management of their natural resources. In practice, indigenous people did not fully participate in the management of their lands or natural resources, in part because responsibility for implementing the law is delegated to the 23 provinces, only 11 of which have constitutions recognizing indigenous rights.

Estimates of the indigenous population range from 700,000 to 1.5 million. Poverty rates were higher than average in areas with large indigenous populations. Indigenous people had greater than average rates of illiteracy, chronic disease, and unemployment. The lack of trained teachers hampered government efforts to offer bilingual education opportunities to indigenous people. According to a 2004–05 survey, 33 percent of the Mbya Guarani in Misiones, and almost 20 percent of the Wichi over the age of 15 in Chaco, Formosa, and Salta never attended school or received any formal education.

In January flooding in Salta and Chaco Provinces disproportionately impacted indigenous communities; 19 members of the Toba community died of malnutrition as of the end of October. Various indigenous communities complained that neither provincial government offered to evacuate indigenous flood victims or provided adequate assistance after the disaster. In September the Supreme Court ordered the national and Chaco provincial governments to provide potable water, food, means of communication, and transportation to the indigenous communities in General Guemes and General San Martin. In November national and provincial officials briefed the Supreme Court on their relief efforts, with one national official noting that in the month of October alone 254 cases of malnutrition, 91 cases of suspected tuberculosis, 36 cases of confirmed tuberculosis, and 85 at-risk pregnancies were detected in the affected region.

In 2006 a Jujuy provincial court ruled in favor of a claim made by the Commission for Indigenous Participation and ordered the provincial government to return lands to indigenous communities by November. According to commission representatives, only 50 percent of disputed territory in Jujuy had been returned to indigenous communities by year's end.

In October local media reported that 397 indigenous land disputes in 12 provinces affecting approximately 21.4 million acres remain unsolved.

Negotiations in a land dispute between the Mbya Guarani community and La Plata National University over claims to territory in Misiones continued.

The IACHR continued to evaluate a petition presented by the Lhaka Honhat indigenous association regarding the National Government's failure to implement a titling policy that would return their traditional land.

Other Societal Abuses and Discrimination.—The Argentine Homosexual Community (CHA) received 1,600 complaints of discrimination during the year, including complaints of wrongful termination of employment of individuals on the basis of sexual orientation, gender identity, or HIV-positive status. The law prohibits termination of employment of HIV-positive employees. In December CHA reported that a Buenos Aires provincial police officer raped, beat, and tortured a transvestite.

There were no reports indicating that charges had been filed or that an investigation had begun by year's end.

On November 2, police detained Rodolfo Aguilares in connection with the November 2006 killing of transgender activist Pelusa Liendro, who was found stabbed in her car 10 days after the broadcast of an undercover video tape she and other activists made of police harassment and abuse of transgender persons in Salta Province. Aguilares, a friend of the murder victim, was in detention at year's end.

Section 6. Worker Rights

a. The Right of Association.—The law provides all workers, with the exception of military personnel, the right to form and join "free and democratic labor unions, recognized by simple inscription in a special register," and workers exercised this right. An estimated 35–40 percent of the work force was organized.

The Argentine Workers Central (CTA) and other labor groups not affiliated with the General Confederation of Labor contended that the Professional Associations Law provision for legal recognition of only one union per sector conflicts with the International Labor Organization's (ILO) Convention 87 and prevents the CTA from obtaining full legal standing. The IACHR continued to review the CTA's 2004 petition at year's end.

b. The Right to Organize and Bargain Collectively.—The law provides unions with the right to negotiate collective bargaining agreements and to have recourse to conciliation and arbitration. The Ministry of Labor, Employment, and Social Security (MOL) ratifies collective bargaining agreements, which covered roughly 75 percent of the formally employed work force. According to the ILO, the ratification process impeded free collective bargaining because the ministry considered not only whether a collective labor agreement contained clauses violating public order standards but also whether the agreement complied with productivity, investment, technology, and vocational training criteria. However, there were no known cases during the year of government refusal to approve any collective agreements under these criteria.

Unions have the right to strike, although those representing civil servants and workers in essential services are subject to the condition that undefined "minimum services" are rendered. In some cases, "minimum services" have already been incorporated in union bargaining agreements, but since the law does not define "minimum services," civil servants and workers in essential services have the right to strike only after they undergo a compulsory 15-day conciliation process. Once that term expires, civil servants and workers in essential services are required to give 5 days' notice to the administrative authority and the public agency that they intend to strike. All parties then negotiate which minimum services will continue to be provided and a schedule for their provision. The public agency, in turn, is required to provide 2 days' notice to users about the intended strike. Other workers exercised the right to strike by conducting legal strikes.

There are no special laws or exemptions from regular labor laws in the three functioning export processing zones.

c. Prohibition of Forced or Compulsory Labor.—While the law prohibits forced or compulsory labor, including by children, there were reports that such practices occurred. One person was indicted during the year as a result of an investigation begun in 2006 into an apparent case of forced labor involving potentially hundreds of Bolivian citizens working in clothing sweatshops in Flores Sur, a neighborhood in the city of Buenos Aires.

d. Prohibition of Child Labor and Minimum Age for Employment.—The law protects children from exploitation in the workplace. In 2004 the National Commission for the Eradication of Child Labor (CONAETI) estimated that up to 1.5 million children, or 22 percent of the children under the age of 15, worked in some capacity, an estimate still considered valid.

The law sets the minimum age for employment at 14 years; in rare cases the Ministry of Education may authorize a younger child to work as part of a family unit. Children between the ages of 14 and 18 may work in a limited number of job categories and for limited hours if they have completed compulsory schooling, which normally ends at age 18. Legal penalties for employing underage workers ranged from $350 to $1,750 (1,000 to 5,000 pesos) for each child employed. Provincial governments and the city government of Buenos Aires are responsible for labor law enforcement.

Most illegal child labor took place in the informal sector, where inspectors had limited ability to enforce the law. Child labor in urban zones included such work as small-scale garment production, trash recycling, street sales, domestic service, and food preparation. In June 2006, CONAETI approved a new list of hazardous jobs for children and introduced a bill in Congress to raise the age at which minors

can perform them; at year's end the list was awaiting the approval of the MOL. Children also were involved in prostitution, sex tourism, and drug trafficking.

In June CONAETI, together with the U.N. Development Program, ILO, and UNICEF, launched a national plan for the eradication and prevention of child labor, the purpose of which was to strengthen the family, prevent school dropouts, and provide psychological and health assistance to children. In October CONAETI, the ILO, IOM, UNICEF, and Fundacion Telefonica held a seminar to prevent and eliminate child labor in the recycling business that raised public awareness of the issue and established working groups to develop policy recommendations to eliminate child labor in recycling.

The Government also worked with the IOM, Save the Children Sweden, and the Center for the Study of Latin American Migration and provincial authorities in the triborder area with Brazil and Paraguay to address child sexual exploitation. The effort focused on education as a means of prevention, primarily through the distribution of learning materials in schools. A joint awareness and prevention campaign used television and radio advertisements, a documentary, printed brochures, and street signs in Spanish, Portuguese, and the indigenous language Guarani to provide basic information on how victims are captured, security measures to prevent the situation, and contact information for victim assistance. The campaign also established a trinational network between local government officials and civil society organizations to help coordinate efforts to fight human trafficking.

e. Acceptable Conditions of Work.—The monthly national minimum wage was approximately $283 (980 pesos), 11 percent less than the estimated amount of $318 (1000 pesos) needed by a family of four to maintain a "decent" standard of living. Most workers in the formal sector earned significantly more than the minimum wage. The MOL is responsible for enforcing legislation related to working conditions. The MOL increased inspections to formalize its workforce, and INDEC reported in September that informal labor decreased from the previous year from 44.1 percent to 40.4 percent. According to a December ILO study, 60 percent of employed citizens ages 15 to 24 were engaged in informal labor.

Federal labor law sets standards in the areas of health, safety, and hours. The maximum workday is 8 hours, and the maximum workweek is 48 hours. Overtime pay is required for hours worked in excess of these limits. The law sets minimums for periods of rest, requiring a minimum of 12 hours of rest to start a new workday. Sundays are holidays, and those required to work on Sundays are paid double. However, laws governing acceptable conditions of work were not enforced universally, particularly for workers in the informal sector.

The law requires employers to insure their employees against accidents at the workplace and when traveling to and from work. Workers have the right to remove themselves from dangerous or unhealthy work situations without jeopardy to continued employment. However, workers who leave the workplace before it has been proven unsafe risk being fired; in such cases, the worker has the right to judicial appeal, but the process can be very lengthy.

BAHAMAS

The Commonwealth of the Bahamas is a constitutional, parliamentary democracy with a population of approximately 320,000, not including an estimated 30,000 undocumented Haitians. Prime Minister Hubert Ingraham's Free National Movement (FNM) regained control of the Government in May 2 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, but there were problems in some areas, including complaints of abuse by police and prison and detention center guards, lengthy pretrial detention, poor detention conditions, delays in trials, violence against women and children, and discrimination against persons of Haitian descent.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life.—The Government or its agents did not commit any politically motivated killings; however, there were occasional killings by police. Police investigated all such incidents and referred them to a coroner's court when necessary for further evaluation.

On September 2, a police officer shot and killed a resident of Andros Island. Authorities placed the officer on administrative leave pending an investigation, and the case was sent to the coroner's court in November, according to police officials.

On November 9, an off-duty police officer shot at two men, reportedly while they were fleeing a Nassau crime scene, resulting in the deaths of both suspects, one due to gunshot wounds. Police also shot and killed a psychiatric patient on hospital grounds in Nassau in the course of a violent altercation on November 28. These cases were under investigation at year's end.

On December 21, police shot and killed a man on Bimini Island during an altercation, leading to civil disturbances including the burning of police cars, equipment, and premises. Authorities sent reinforcements from Nassau to quell the unrest and removed the officer involved from the island.

There were no new developments after a coroner's court recommended murder charges against prison guard Sandy Mackey, who allegedly killed inmate Neil Brown in January 2006 in retribution for the death of a fellow officer during a prison escape.

At year's end trials were pending for the police officers whom a coroner's court found committed unlawful manslaughter in two killings in 2003 and 2002.

b. Disappearance.—There were no reports of politically motivated disappearances.

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

On June 17, police allegedly beat a suspect, Desmond Key, so severely that he was hospitalized with serious injuries and remained on life support at year's end. Authorities removed the two police officers involved from duty and in August brought charges against them in connection with the beating. They were released on bail; the magistrate's hearing was expected to resume on January 31.

In August supreme court judges directed jurors in three cases, including that of a man accused of murdering a 9-year-old boy, to return not guilty verdicts because police illegally coerced confessions, in two cases through beatings.

In February authorities charged seven defense force members with beating a man on the island of Inagua in November 2006. All were released on bail pending trial.

The Privy Council in the United Kingdom has upheld the government's use of flogging as a punishment, which human rights observers considered inhuman and degrading punishment.

Prison and Detention Center Conditions.—Conditions at Fox Hill Prison, the country's only prison, remained harsh for many prisoners. Overcrowding was a major problem in the men's maximum-security block. Originally built in 1953 to hold 450 inmates, it held approximately 700 of the country's 1,400 prisoners. The remaining prisoners were held 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 approximately 600 prisoners awaiting trial, leaving many pretrial detainees confined in cells with convicted prisoners in the maximum-security unit. Male prisoners in the maximum-security unit were crowded into poorly ventilated cells that generally lacked regular running water and toilets. Prisoners lacked beds, slept on concrete floors, and if not participating in work programs were locked in small cells 23 hours per day, often with human waste. Maximum-security inmates were allowed outside for exercise 4 days a week for 1 hour per day. Inmates complained of inadequate potable water, medical care, and treatment.

There continued to be allegations of abuse by prison guards. Local attorneys and human rights observers asserted that the prison's internal affairs unit lacked the independence needed to investigate impartially allegations of abuse and misconduct; it conducted no investigations during the year. In 2006 the unit recommended that one officer be prosecuted for abuse of an inmate, which was pending at year's end.

The Government continued funding improvements in prison facilities and prisoner rehabilitation programs. In September the Government began issuing "prison discharge certificates" to sentenced inmates being freed after serving over 1 year. The certificate was an assessment of the inmate's conduct intended to aid ex-convicts to secure employment after release. Prison officials continued to offer technical and vocational programs to eligible prisoners.

Conditions for women prisoners were less severe and improved following housing renovations and additions. However, women did not have access to the same work-release programs available to male prisoners.

The prison 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. Several female minors from this facility were held in the female section of the prison, but separately from adult inmates.

The Carmichael Road Immigrant Detention Center held up to 500 detainees (with tent space for an additional 500), and women and men were held separately. Haitians and Jamaicans were the most commonly interdicted migrants. The highest occupancy during the year was approximately 500. 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 except during weekly visitation. Despite the possibility of being held for months, children did not have access to education.

Neither domestic nor international human rights groups made any requests to visit the detention center or prison during the year. However, organizations providing aid, counseling services, and religious instruction had regular access to inmates.

d. Arbitrary Arrest or Detention.—The Constitution prohibits arbitrary arrest and detention, and the Government generally observed these prohibitions, although police were occasionally accused of arresting and detaining persons arbitrarily.

In contrast to the previous year, police and immigration enforcement efforts in Haitian communities did not attract widespread public attention.

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, security at the Carmichael Road Detention Center, and some minor domestic security functions such as guarding foreign Embassies and ambassadors. The Ministry of National Security and Immigration oversees the RBPF and the RBDF. The well-respected police training center provided training to Haitian police recruits in an exchange program.

The Police Complaints and Corruption Branch, which reports directly to the deputy commissioner without any independent oversight, 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 Police Complaints and Corruption Branch lacked the independence needed to investigate impartially allegations of abuse and misconduct, and that perceived lack of impartiality discouraged full reporting of complaints.

Police officials insisted that their investigations were fair and thorough. A police officer involved in shooting or killing a suspect is automatically placed under investigation. Following investigations into complaints against police during the year, including assault, unethical conduct, unlawful arrest, and stealing, authorities dismissed one officer and reprimanded two. The number of criminal charges filed, if any, was not separately reported.

There were 174 complaints against police through October 17, compared with 283 in 2006. Of these 174 cases, authorities resolved 72, 52 awaited judicial determination of a complainant's pending case, and 50 were under investigation. Of the 72 completed matters, in addition to the action taken against three officers, six case were resolved informally, and the remainder were withdrawn (six) or dismissed as unsubstantiated (34), unfounded (12), or lacking sufficient evidence (11).

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 request 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. The Government generally respected the right to a judicial determination of the legality of arrests.

There is a functioning bail system. Judges sometimes authorized cash bail for foreigners arrested on minor charges; however, in practice foreign suspects generally

preferred 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.

Attorneys and other prisoner advocates continued to complain of excessive pretrial detention. The Constitution provides that suspects can be held for a "reasonable period of time" before trial. Government officials stated that approximately 600 of the 1,400 prisoners at Fox Hill prison were awaiting trial. In previous years prison officials estimated that approximately 100 prisoners had been held on remand without trial for more than 2 years, and that assessment remained accurate, according to available government statistics. This was a major, recognized problem in the justice system, as criminals accused of serious crimes made bail, often to commit more crimes, while others languished indefinitely without trial.

In May attorneys filed a wrongful detention claim in the Supreme Court on behalf of Ronel Pierre, who was released on January 18 after having spent 21 months in detention after a judge issued an order for his release due to lack of evidence in a pending criminal case.

In September the Court of Appeal allowed Atain Takitota, a Japanese man who had been held at Fox Hill Prison without trial since 1992, to proceed with his suit before the Privy Council asking for increased damages. In March 2006 the Court of Appeal awarded him $500,000 in damages as a result of illegal detention without provision of due process for over 8 years.

The authorities detained illegal immigrants, primarily Haitians, at the Carmichael Road Immigrant Detention Center until arrangements could be made for them to leave the country, or they obtained legal status. The average length of detention varied significantly by nationality, willingness of governments to accept their nationals back in a timely manner, and availability of funds to pay for repatriation. Haitians usually were repatriated within 48 hours, while Cubans were held for much longer periods. 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.

In May the Government granted work permits to five Cuban nationals, who had been held at Carmichael Road Detention Center for more than 2 years, for a work project on the island of Bimini. The Office of the U.N. High Commissioner for Refugees (UNHCR) determined that the five had a legitimate fear of persecution if repatriated to Cuba, but the Government would not grant refugee protection and sought a third country willing to accept the five. Instead of awaiting the outcome of their asylum proceedings, the Government released them, according to officials, due to the already inordinate delays in their cases.

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary, and the Government generally respected judicial independence in practice.

Magistrates' courts are the lowest level courts and only handle crimes with a maximum sentence of 5 years. Trial by jury is available only in the Supreme Court, which handles most major cases. Magistrates' court decisions may be appealed to the Court of Appeal; the Privy Council in the United Kingdom 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 Constitution 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 and view government evidence. Defendants have a right to appeal. There is a functioning system of bail, but individuals who could not post bail were held on remand indefinitely.

The judicial system had a large backlog of cases, and delays reportedly lasted as long as 4 years. Local legal professionals attributed delays to slow police investigation and inefficient prosecution strategies, as well as a lack of judicial capacity. Systemic problems included lengthy legal procedures, large numbers of detainees, staff shortages, and judicial inefficiency compounded by financial and space constraints.

Defendants may hire an attorney of their choice, but the Government provided legal representation only to destitute suspects charged with capital crimes, leaving large numbers of defendants without adequate legal representation. Lack of representation contributed to excessive pretrial detention, as the accused may lack the means to press his or her case towards trial.

Political Prisoners and Detainees.—There were no reports of political prisoners or detainees.

Civil Judicial Procedures and Remedies.—There is an independent and impartial judiciary in civil matters, and there is access to a court to bring lawsuits seeking damages for, or cessation of, a human rights violation.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The Constitution 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 Constitution provides for freedom of speech and of the press, and the Government generally respected these rights in practice. An independent press, an effective judiciary, and a functioning democratic political system combined to ensure freedom of speech and of the press. The independent media were active and expressed a wide variety of views without significant restriction.

During the election campaign, however, there were allegations that state-owned electronic media favored the incumbent party by limiting coverage of opposition rallies. There were also allegations that state-owned ZNS television, the main broadcaster, provided unbalanced coverage favorable to the incumbent Progressive Liberal Party's (PLP) election rallies.

Internet Freedom.—There were no government restrictions on access to the Internet or reports that the Government monitored e-mail or Internet chat rooms. Individuals and groups could engage in the peaceful expression of views via the Internet, including by e-mail.

Academic Freedom and Cultural Events.—There were no government restrictions on academic freedom or cultural events. However, the Plays and Films Control Board rates and censors entertainment.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for freedom of assembly and association, and the Government generally respected these rights in practice.

c. Freedom of Religion.—The Constitution provides for freedom of religion, and the Government generally respected this right in practice. The Constitution explicitly calls for respect for Christian values.

The practice of Obeah, a version of voodoo, is illegal, and those caught practicing it were liable to 3 months' imprisonment.

In 2005 police raided a Rastafarian religious service and briefly detained worshipers. In 2006 the Government reached out to the Rastafarian community, and there were no further incidents.

Societal Abuses and Discrimination.—There were no reports of societal violence or discrimination and no reports of anti-Semitic acts. There was a local Jewish community of approximately 200 persons.

For a more detailed discussion, see the 2007 International Religious Freedom Report.

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons.—The Constitution provides for freedom of movement within the country, foreign travel, emigration, and repatriation, and the Government generally respected these rights 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 U.N. 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. In practice the Government provided some protection against refoulement, the return of persons to a country where there was reason to believe they feared persecution. Applications for political asylum were adjudicated on a case-by-case basis at the cabinet level. The authorities did not grant asylum during the year.

The Government generally cooperated with the UNHCR and other humanitarian organizations in assisting refugees and asylum seekers. The UNHCR reviewed the interview records of cases provided to it and offered recommendations on certain cases.

Local and international human rights observers criticized the Government for failing to screen potential asylum applicants adequately and claimed that some Haitians with a legitimate fear of persecution may have been repatriated without hav-

ing the opportunity to make a claim for asylum. There were insufficient 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. Human rights observers claimed that the Government detained Cuban migrants for excessive periods. The Government asserted that all migrants who claimed asylum were interviewed and adequately screened by trained immigration officials.

Stateless Persons.—The Government has not effectively implemented laws and policies to provide certain habitual residents the opportunity to gain nationality in a timely manner and on a nondiscriminatory basis. Children born to non-Bahamian parents or to a Bahamian mother and a non-Bahamian father do not automatically acquire citizenship. Bahamian-born persons of foreign heritage must apply for citizenship during the year after their 18th birthday, sometimes waiting many years for a government response. Human rights activists claimed that the short window for application, difficult documentary requirements, and long waiting times created generations of de facto stateless persons, i.e., those without citizenship in any country. Individuals born in the country to Haitian parents were required, as a consequence, to pay the tuition rate for foreign students while waiting for their request for citizenship to be processed. There were no reliable estimates of the number of stateless persons.

The Immigration Department conducted an audit of outstanding residence and citizenship claims in August but did not make known any specific results by year's end. Despite initial suspicion about the new government's intentions, Haitian community leaders and human rights activists publicly encouraged participation. Approximately 2,000 applicants, the majority reportedly Haitian, presented their cases to immigration officials in three separate public meetings.

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

The Constitution provides citizens with the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections based on universal suffrage.

Elections and Political Participation.—The two principal political parties are the governing FNM and the opposition PLP. In May national elections generally considered free and fair, the FNM won 23 of 41 seats in the House of Assembly and formed the new government under Hubert Ingraham. The election campaign, however, was marred by instances of violence, the influential state-owned electronic media's alleged favoritism toward government candidates, and allegations of vote-buying.

The opposition PLP pursued court cases challenging the election results in three constituencies. On October 15, one case went to trial, in which arguments focused on whether some voters in the constituency satisfied legally stipulated residency requirements. There was no ruling by the end of the year.

The House of Assembly had five elected female members; there were nine appointed female senators, including its president, in the 16-seat Senate. There were three women in the new 21-member cabinet.

Information on racial background was not collected, but there were several members of minorities in prominent positions in Parliament and the cabinet.

Government Corruption and Transparency.—The law provides criminal penalties for official corruption, and the Government generally implemented these laws effectively. There were isolated reports of government corruption during the year. Both hiring and procurement practices under the PLP government came under intense scrutiny in the media and in Parliament since the elections and change of government, with official corruption alleged.

In October the Government made public excerpts from an outside auditor's report prepared in December 2006 stating that the Ministry of Works had awarded contracts without a competitive bidding process in the vast majority of cases reviewed.

On December 7, an Organization of American States (OAS) expert committee released a report on government implementation of the Inter-American Convention against Corruption. The exhaustive report, the second of its type, noted the absence of whistleblower protections and insufficient transparency in government hiring of public servants and said that public contracting provisions "are inadequate in ensuring transparency."

The OAS report noted little progress achieved in the implementation of previous OAS recommendations in the areas of prevention of conflicts of interest, developing enforceable accountability standards, reporting of official corruption by public servants, and registration and disclosure of their assets. No progress was noted in the

establishment of oversight bodies, systems of access to government information, and means for civil society and NGOs to participate in the prevention, detection, and investigation of corruption in public administration.

Senior public officials, for example, senators and members of Parliament, were subject to financial disclosure under the Public Disclosure Act. Antibribery legislation designates the attorney general responsible for combating government corruption.

The RBPF operated a complaints and corruption branch, but no data were available regarding the number of corruption complaints received or investigations undertaken during the year. The OAS report found the RBPF mechanism to be inadequate in light of the government's obligations under the convention.

There were no laws providing for public access to government information. Members of the local press complained that the Government failed to provide regular, open access to information, including information regarding alleged human rights violations. Specifically, press and local human rights groups complained that the Government was not forthcoming about alleged human rights abuses by prison and detention center guards, citing a lack of transparency in investigations and publication of investigative reports.

Section 4. Governmental Attitudes Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

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

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

The Constitution prohibits discrimination on the basis of race, place of origin, political opinion, or creed, and the Government generally enforced these provisions. However, the Constitution and the law contain provisions that discriminate against women.

Women.—Rape is illegal, but the law does not address spousal rape. 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. According to the RBPF, there were 134 rapes reported during the year, a significant increase from 72 in 2006. Prosecutions and convictions on rape charges were common.

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 do not effectively criminalize sexual violence within a marriage. The police reported that 14 of 79 killings recorded during the year were related to domestic violence. 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 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, including hosting in September a regional conference involving representatives from Caribbean countries. The Ministry of Health and Social Development's Department of Social Services, in partnership with a private organization, operated a safe house to assist battered women.

Prostitution is illegal and was not a widespread problem. 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 $5,000 (B$5,000) and a maximum of 2 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 than for women with foreign spouses to confer citizenship on their children. The law does not include gender as a basis for protection from discrimination. 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 did not allocate sufficient funding to maintain and improve standards.

Some public schools lacked basic educational materials and were overcrowded. Public education is compulsory and free for children through the age of 16, and 90.5 percent of school-age children attended school.

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. The RBPF operated a hot line regarding missing or exploited children.

The Department of Social Services reported 149 cases of child abuse during the year, including 10 reports of incest, 23 reports of physical abuse, 26 reports of sexual abuse, 44 reports of neglect, and three reports of abandonment. The ministry believed that only a minority of cases were reported.

The law requires that all persons having contact with a child they believe to have been physically or sexually abused report their suspicions to the police. Sexual exploitation of children through incestuous relationships occurred, and observers generally acknowledged that a small number of children were involved in illicit or unlawful activities. The ministry may remove children from abusive situations if the court deems it necessary. The ministry provided services to approximately 250 abused and neglected children through a public-private center for children, through the public hospital family violence program, and through a nonprofit crisis center.

The Department of Social Services is responsible for abandoned children up to 18 years of age but had very limited resources at its disposal. The Government found foster homes for some children, and the Government hospital housed from six to eight abandoned children (all of whom had physical disabilities) during the year when foster homes could not be found. The Government maintained a home for orphaned children infected with HIV/AIDS.

Trafficking in Persons.—There are no laws that specifically address trafficking in persons, but 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.

There were reports that persons were trafficked within, to, or from the country, but the full nature and extent of the problem was undetermined. The lack of a legal prohibition rendered it difficult to assess accurately the extent of trafficking within the vulnerable illegal migrant communities, especially Haitian communities.

According to limited reports, men, women, and children may be trafficked for the purpose of labor exploitation. Local sources indicated that labor exploitation of undocumented Haitians could be widespread, and some immigrants may be subjected to conditions of involuntary servitude. Employers could coerce migrants to work long hours for no pay or below the minimum wage by withholding documents or threatening arrest and deportation. Migrant workers usually do not have access to labor protections under local law.

A 2005 International Organization of Migration report on human trafficking suggested a link between irregular migration and forced labor for domestic servitude, agriculture, and construction. Some commercial sexual exploitation of women and minors has been identified. The maximum penalty for prostitution is 5 years' imprisonment; procurement for the purpose of prostitution carries a penalty of 8 years' imprisonment.

Local observers complained that the law does not protect trafficking victims, who might be fearful of pressing complaints due to local emphasis on immigration enforcement. Victim protection efforts were extremely limited. The Government had no formal procedures for identifying trafficking victims among vulnerable populations.

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

The social development ministry's Disability Affairs Unit worked with the Bahamas National 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 such persons. A mix of government and private residential and nonresidential institutions provided education, training, counseling, and job placement services for adults and children with both physical and mental disabilities.

In June former residents of the Cheshire Home, who alleged government disability discrimination in their 2005 eviction from the home, appealed to the new government to be allowed to return to the now disused location or be granted more suitable housing. They were relocated to new housing at government expense in 2006 but claimed that the new housing did not meet disability access requirements.

National/Racial/Ethnic Minorities.—According to unofficial estimates, between 10 and 25 percent of the population are Haitians or persons 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, flaring especially in smaller communities in outlying islands proportionally more affected by labor migration flows. Interethnic tensions and inequities persisted.

On May 4, an RBDF officer shot and wounded an illegal Haitian resident in Nassau. Authorities detained the Haitian and charged him with resisting arrest. On December 7, however, a magistrate ruled that there was no case, as the prosecution had not shown evidence that the defense force officer had acted in concert with immigration officials, as required by law. Lawyers for the Haitian, in turn, filed a civil suit seeking damages against the officer, the commander of the RBDF, and the attorney general for false arrest, false imprisonment, assault and battery, and malicious prosecution. Lawyers for the accused, including a leading human rights activist, feared the man could be deported before his next hearing on a remaining charge of "illegal landing."

There were no repeats of the controversial April 2006 raids by police and immigration officials, when hundreds of persons were arrested and detained, nor were there disturbances or protests in the Haitian community.

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. Those persons also complained of tactics used by immigration officials in raids of Haitian or suspected Haitian communities.

Other Societal Abuses and Discrimination.—Societal discrimination against homosexuals occurred, with some persons reporting job and housing discrimination based upon sexual orientation. 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. In March 2006 the Constitutional Review Commission found that sexual orientation did not deserve protection against discrimination.

Religious organizations and individual activists opposed a September request by a gay rights group for the cable monopoly to add a gay and lesbian channel to its programming. In the ensuing media controversy, opponents called for recriminalizing homosexual acts, and religious leaders criticized a major newspaper for giving what they considered undue coverage to the gay rights group. Media reports, in turn, referred to a "campaign" against the "gay agenda" or lifestyle by opponents of the proposal. The organizer of a gay and lesbian cruise accused authorities of harassment in shutting down a party at a downtown club on October 7, due to alleged lewd behavior and immigration violations. Police officials denied inappropriate conduct.

Sensationalistic media reporting of reputed gay links in two high-profile murders in Nassau in November, under police investigation at year's end, reflected the atmosphere of societal intolerance.

Section 6. Worker Rights

a. The Right of Association.—The law allows workers to form and join unions without previous authorization or excessive requirements, and those laws were applied in practice. Almost one-quarter of the work force (and 80 percent of the workers in the important hotel industry) belonged to unions. Members of the police force, defense force, fire brigade, and prison guards may not organize or join unions.

There were instances in past years of the Government frustrating unions, most commonly by not honoring industrial agreements.

Trade unions believed that some employers deliberately dragged out negotiations for more than a year, after which the employer may call for the union's recognition to be revoked.

The law prohibits antiunion discrimination, and employers can be compelled to reinstate workers illegally fired for union activity. This law was generally enforced.

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's decision is final and can be appealed in court only 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 law 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 Maritime Affairs must approve a strike ballot.

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. There are no export processing zones.

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.

d. Prohibition of Child Labor 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 labor ministry is responsible for enforcing these laws and did so adequately.

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 labor ministry was responsible for enforcing the minimum wage but did not do so effectively. Undocumented migrant workers often earned less than the minimum wage. 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 time-and-a-half payment for hours worked beyond the standard workweek. These standards were effectively enforced.

The labor ministry is responsible for enforcing labor laws and had a team of inspectors that conducted on-site visits to enforce occupational health and safety standards and investigate employee concerns and complaints, although inspections occurred infrequently. The ministry normally announced inspection visits in advance, and employers generally cooperated with inspectors to implement safety standards. It was uncertain whether these inspections effectively enforced health and safety standards. The law does not provide a right for workers to remove themselves from dangerous work situations without jeopardy to continued employment.

BARBADOS

Barbados is a parliamentary democracy with a population of approximately 278,000. In the 2003 elections, which were considered generally free and fair, citizens returned the Barbados Labour Party (BLP) to a third successive term in office over the opposition Democratic Labour Party (DLP). The civilian authorities generally maintained effective control of the security forces.

Although the Government generally respected the human rights of its citizens, problems included excessive use of force by police, poor prison conditions, and societal violence against women and children.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life.—There were no reports that the Government or its agents committed arbitrary or unlawful killings.

The June 2006 case in which police shot and killed an unidentified man who allegedly stabbed a police officer was before a coroner's court at year's end. Authorities were still investigating an August 2006 incident in which police returned fire after being shot at while intercepting a suspicious vehicle, killing one unidentified man and injuring two others. A coroner's enquiry into the death of Kevin Ellis, whom police shot and killed in October 2006, after a confrontation with officers, was set for early 2008.

b. Disappearance.—There were no reports of politically motivated disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—While the Constitution specifically prohibits torture and inhuman or degrading punishment or other treatment, there were reports that police sometimes used excessive force. The majority of complaints against the police alleged unprofessional conduct and beating or assault. Police were occasionally accused of beating suspects to obtain confessions, and suspects often recanted their confessions during their trial. There were many cases where the only evidence against the accused was a confession.

Prison and Detention Center Conditions.—Prison conditions remained very poor for most of the year. Until November, prisoners were held in a temporary prison facility constructed at Harrison Point after the 2005 riots destroyed Glendairy Prison. In November 1,084 prisoners were transferred to a new permanent prison, designed to meet modern international standards and with a capacity of approximately 1,250 prisoners.

Conditions and services at the temporary prison were inadequate. Press reports included complaints by prisoners and their families about poor conditions, including unsanitary cells, inedible food, and unclean drinking water. For 2 years, family members were denied the opportunity to visit or communicate with their relatives in prison, other than via video or audio connection. Attorneys also complained that they were denied access to their clients held at Harrison Point. The superintendent of prisons responded that the emergency situation necessitated temporary restrictions on visits but that attorneys were allowed to visit prisoners.

In March 2006 the authorities and Parliament created a Commission of Inquiry to investigate the Glendairy Prison fire. The commission issued notices of allegations of misconduct to a number of prison officers, requiring them to account for their actions prior to, during, or immediately after the fire. The commission conducted special hearings, which included testimony from the superindendent of prisons, that confirmed widespread crime within the prison, but also the frustrations and mistakes of prison employees who claimed to have been constrained by the lack of resources and support. In June 2006 the commission charged 26 inmates with arson. Where evidence was conclusive, inmates received extended sentences. There were no charges brought against prison guards.

While the Government normally permitted prison visits by independent human rights monitors, no such visits were known to have taken place during the year at the Harrison Point facility.

d. Arbitrary Arrest or Detention.—The Constitution prohibits arbitrary arrest and imprisonment, and the Government generally observed these prohibitions.

Role of the Police and Security Apparatus.—The Royal Barbados Police Force (RBPF) numbered 1,427—including 974 special constables—and is responsible for internal law enforcement. While still a male-dominated profession, the number of female recruits increased to 247. The small Barbados Defence Force (BDF) protects national security and may be called upon to maintain public order in times of crisis, emergency, or other specific need. The RBPF reports to the minister of home affairs, and the BDF reports to the minister of defense and security. Although the police largely were unarmed, special RBPF foot patrols in high crime areas carried firearms. An armed special rapid response unit continued to operate. The law provides that the police can request the BDF to assist them as needed with special joint patrols.

The Office of Professional Responsibility (OPR), headed by a superintendent, handled complaints of inappropriate police conduct. During the year the OPR received 49 reports of police brutality, closed 10 of them, and was still investigating the other 39 cases. The Government appointed a new chairman for the independent Police Complaints Authority, which had been inactive since its former chairman resigned in 2005.

Arrest and Detention.—Police are authorized to arrest persons suspected of criminal activity; a warrant is typically required. The Constitution permits detainees to be held without charge for up to 5 days; however, once charged, detainees must be brought before a court without unnecessary delay. There is a functioning bail system. Criminal detainees were given prompt access to counsel and were advised of that right immediately after arrest. Access to family members generally was permitted; however, some families complained that they did not receive regular access at the temporary facility in Harrison Point. Authorities confirmed this, asserting that the location and security provisions at the temporary facility limited accessibility.

Police procedures provide that, except when expressly permitted by a senior divisional officer to do otherwise, the police may question suspects, and other persons

they hold, only at a police station. An officer must visit detainees at least once every 3 hours to inquire about the detainees' condition. After 24 hours the detaining authority must submit a written report to the deputy commissioner. The authorities must approve and record all movements of detainees between stations.

There was no information available about the number of detainees in pretrial detention during the year.

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary, and the Government generally respected this provision in practice.

The judiciary includes the courts of first instance, or magistrate's courts, and the Supreme Court of Judicature, which consists of the High Court and the Court of Appeals. The Caribbean Court of Justice is the final court of appeal.

Trial Procedures.—The Constitution provides that persons charged with criminal offenses be given a fair public hearing without unnecessary delay by an independent and impartial court. Although the Government generally respected this right in practice, some accused persons spent years in prison awaiting trial. Defendants have the right to be present and to consult with an attorney in a timely manner. The Government provided free legal aid to the indigent in family matters, child support, serious criminal cases such as rape or murder, and all cases involving minors. Defendants are allowed to confront and question witnesses and present evidence on their own behalf. Defendants and their attorneys have access to government-held evidence relevant to their case. Defendants are presumed innocent until proven guilty and have the right of appeal.

Political Prisoners and Detainees.—There were no reports of political prisoners or detainees.

Civil Judicial Procedures and Remedies.—Magistrates' courts have both civil and criminal jurisdiction, but the civil judicial system experienced heavy backlogs. Citizens can seek redress for human rights or other abuses through the civil system.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The Constitution prohibits such actions, and the Government generally respected these prohibitions in practice.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech and of the press, and the Government generally respected these rights in practice. An independent press, an effective judiciary, and a functioning democratic political system combined to ensure freedom of speech and of the press.

The Government restricted the receipt and importation of foreign publications deemed to be pornographic.

Internet Freedom.—There were no government restrictions on access to the Internet or reports that the Government monitored e-mail or Internet chat rooms. Individuals and groups could engage in the peaceful expression of views via the Internet, including by e-mail.

Academic Freedom and Cultural Events.—There were no government restrictions on academic freedom or cultural events.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for freedom of assembly and association, and the Government generally respected these rights in practice.

c. Freedom of Religion.—The Constitution provides for freedom of religion, and the Government generally respected this right in practice.

Societal Abuses and Discrimination.—There were no reports of societal abuses or discrimination, including anti-Semitic acts. The Jewish community was very small.

For more detailed information, see the 2007 International Religious Freedom Report.

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons.—The Constitution and the law provide for freedom of movement within the country, foreign travel, emigration, and repatriation, and the Government generally respected these rights in practice.

The law prohibits forced exile, and it was not used.

Protection of Refugees.—The laws do not provide for the granting of asylum or refugee status in accordance with the 1951 U.N. Convention relating to the Status of Refugees and its 1967 protocol, and the Government has not established a system for providing protection to refugees. In practice the Government provided protection against refoulement, the return of persons to a country where there is reason to believe they feared persecution. The Government did not grant refugee status or asylum during the year.

Although no known cases occurred, the Government was prepared to cooperate with the Office of the U.N. High Commissioner for Refugees and other humanitarian organizations in assisting refugees and asylum seekers.

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

The Constitution provides citizens the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections based on universal suffrage.

Elections and Political Participation.—In the 2003 elections, the BLP, led by Prime Minister Owen Arthur, won its third parliamentary election, returning to office with 23 seats, compared with seven for the DLP.

There were no restrictions on the political opposition. Individuals and parties were free to declare their candidacy and stand for election.

Approximately one-third of cabinet members were women, including the deputy prime minister, who served concurrently as the minister of economic affairs and development. There were four women and no minorities in the 30-seat House of Assembly. There were seven women and three minorities in the 21- member Senate.

Government Corruption and Transparency.—The law provides criminal penalties for official corruption, and the Government generally implemented these laws effectively. There was one report of alleged corruption involving a government-funded housing development program overseen by a junior minister. Although the opposition party uncovered the alleged corruption and called for an independent investigation, the ruling party did not officially dispute the incident and also called for an investigation. The public perception of corruption in government was somewhat elevated since this case came into light.

There was no law that subjects public officials to financial disclosure. Parliament's Public Accounts Committee and the auditor general conduct investigations of all government public accounts, which include ministries, departments, and statutory bodies.

There was no law providing citizens access to information held by the government. While access to information was provided on government Web sites, responses to requests for specific government information by citizens and other interested parties often were slow.

Section 4. Governmental Attitudes Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A number of domestic 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 Constitution provides for equal treatment regardless of race, origin, political opinion, color, creed, or sex, and the Government effectively enforced these provisions.

Women.—The law prohibits rape, including spousal rape, and the maximum penalty for it is life imprisonment. There were legal protections against spousal rape for women holding a court-issued divorce decree, separation order, or nonmolestation order. At year's end the RBPF reported 63 rapes, seven assaults with intent to rape, and 30 cases of sex with a minor.

Violence and abuse against women continued to be significant social problems. The law prohibits domestic violence, provides protection to all members of the family, including men and children, and applies equally to marriages and to common-law relationships. Penalties depend on the severity of the charges and range from a fine for first-time offenders (unless the injury is serious) up to the death penalty for a killing. Victims may request restraining orders, which the courts often issued. The courts can sentence an offender to jail for breaching such an order. The police have a victim support unit, made up of civilian volunteers, which offered assistance primarily to female victims of violent crimes.

There were public and private counseling services for victims of domestic violence, rape, and child abuse. The Business and Professional Women's Club operated a crisis center staffed by trained counselors and provided legal and medical referral services. The Government funded one shelter for battered women, operated by nongovernmental organizations (NGOs), which accommodated up to 20 women and children. The shelter offered the services of trained psychological counselors to victims of domestic violence.

The Bureau of Gender Affairs cited a lack of specific information and an appropriate mechanism for collecting and evaluating data on incidents of domestic violence as the major impediments to tackling gender-based violence.

Prostitution is illegal, but it remained a problem, fueled by poverty and tourism. The media reported on prostitution, usually in the context of its role in the Cricket World Cup in March and concern over HIV/AIDS. There is no statute specifically prohibiting sexual tourism and no statistics on it, but anecdotal evidence suggested that it occurred.

The law does not deal with sexual harassment, and sexual harassment in the workplace was a problem, but no statistics were available. Media reports often indicated that women were afraid to report sexual harassment because they feared retribution in the workplace. An NGO advocacy group called the Coalition on Sexual Harassment, together with the Department of Labor, among others, developed draft legislation on this issue, but it remained under negotiation at year's end.

The Office of Gender Affairs in the Ministry of Social Transformation worked to ensure the rights of women. Women have equal property rights, including in a divorce settlement. Women actively participated in all aspects of national life and were well represented at all levels of the public and private sectors. A Poverty Eradication Fund focused on encouraging entrepreneurial activities to increase employment for women and youth. The Government reported that the number of women hired by the police force, as well as for other jobs traditionally held by men, continued to increase.

Children.—The Government was committed to children's human rights and welfare, although violence and abuse against children remained serious problems.

Education was free, compulsory, and universal until the age of 16. The Government estimated that 98 percent of children between the ages of 5 and 16 attended school. The highest educational level achieved by most children was secondary school.

The National Health Insurance Scheme provided children with free medical and dental services for most medical conditions.

The Child Care Board has a mandate for the care and protection of children, which involved investigating day care centers and cases of child abuse or child labor and providing counseling services, residential placement, and foster care. The Welfare Department offered counseling on a broad range of family-related issues, and the Child Care Board conducted counseling for child abuse victims.

Trafficking in Persons.—The Constitution and laws do not specifically prohibit trafficking in persons, although laws against slavery, forced labor, or other crimes could be applied. There were reports that persons were trafficked to the country.

A 2005 assessment by the International Organization for Migration (IOM) stated that persons were trafficked both to work as prostitutes and as domestic workers. Persons also reportedly were trafficked to work in the construction and garment industries, where they were subject to low wages and false contracts.

In March regional security forces dismantled a human trafficking ring destined for Barbados, which involved victims of human trafficking as young as 13 and 14 years old. The Royal Canadian Mounted Police senior liaison officer for the region confirmed that the principal organizers of the ring were from Barbados and Guyana while the number of the girls originated from China and Russia, as well as from throughout the region.

Authorities prosecuted two trafficking-related cases. In January a court acquitted racecar driver Geoffrey Ullyett of 2006 charges of aiding and abetting prostitution. The Government had deported immediately the two Ukrainians allegedly involved in prostitution, and other key witnesses were no longer in the country.

In March a court convicted an India-based construction company for trafficking foreign nationals and fined the firm $1,000 (BDS$2,000). In May 2006 authorities had filed criminal charges against the firm when illegal workers protested their working conditions; the Government immediately deported the workers.

Although prostitution is illegal, a number of brothels with women from Guyana, the Dominican Republic, and other Caribbean islands operated in the country. The police and immigration officers periodically raided brothels and deported women found working illegally. There were anecdotal reports of government officials involved in labor and sex trafficking.

The IOM noted that in cases where trafficking may have occurred, the Government typically deported the victims and failed to investigate or prosecute the alleged traffickers. The Government has no dedicated facilities to assist victims and does not provide funding to antitrafficking NGOs.

During the year the Immigration Department deported a total of 258 persons for unspecified immigration violations, the majority of whom were from Guyana (129),

followed by Jamaica (67), and Saint Vincent and the Grenadines (24). Trafficking victims were often treated as criminals and deported after being held only temporarily for questioning.

The Office of Gender Affairs organized public forums to raise awareness of trafficking in persons.

Persons with Disabilities.—There are no laws that specifically prohibit discrimination against persons with disabilities in employment, education, or the provision of other state services, other than constitutional provisions asserting equality for all. In practice persons with disabilities faced some discrimination. The Ministry of Social Transformation operated a Disabilities Unit to address the concerns of persons with disabilities, but parents complained of added fees and transport difficulties for children with disabilities at public schools.

While there is no legislation mandating provision of accessibility to public thoroughfares or public or private buildings, the Town and Country Planning Department set provisions for all public buildings to include accessibility to persons with disabilities. As a result, the majority of new buildings had ramps, reserved parking, and special sanitary facilities for such persons.

The government's National Disabilities Unit conducted numerous programs for persons with disabilities during the year, including Call-a-Ride and Dial-a-Ride public transportation programs, sensitization workshops for public transportation operators, inspections of public transportation vehicles, sign language education programs, integrated summer camps, and accessibility programs.

Other Societal Abuses and Discrimination.—The law criminalizes consensual homosexual relations, and there are no laws that prohibit discrimination against a person on the basis of sexual orientation in employment, housing, education, or health care. In March the U.N. Human Rights Committee expressed its concern over discrimination against homosexuals in the country. Although no statistics were available, anecdotal evidence suggested that societal discrimination against homosexuals occurred. In September the chief of prisons admitted that some homosexual prisoners had been placed in special security cells but were still beaten by other inmates for being homosexual.

The Government began programs designed to discourage discrimination against HIV/AIDS-infected persons and others living with them. In December the International Labor Organization (ILO) completed a 3-year program to reduce risk behavior among targeted workers and to reduce employment-related discrimination among persons with HIV/AIDS. Seven enterprises adopted workplace policies, and stakeholders met to discuss developing a national strategic plan on HIV/AIDS. The stakeholders, including the ILO, agreed in late November on a transitional sustainability program to allow the program to continue. The business community, labor unions, and the national AIDS commission worked together to form the AIDS alliance, which is developing private sector initiatives to combat HIV/AIDS discrimination in society and the work place.

Section 6. Worker Rights

a. The Right of Association.—Workers freely exercised their right to form and belong to trade unions. Approximately 25 to 30 percent of the 120,000-person workforce was unionized; unionized workers were concentrated in key sectors such as transportation, government, and agriculture. There were two major unions, one in the public sector and the other focused on the private sector; with no competition between them, the unions wielded significant influence.

Although employers were under no legal obligation to recognize unions under the law, most did so when a significant percentage of their employees expressed a desire to be represented by a registered union. While there is no specific law that prohibits discrimination against union activity, the courts provide a method of redress for employees who allege wrongful dismissal. The courts commonly awarded monetary compensation but rarely ordered reemployment.

b. The Right to Organize and Bargain Collectively.—Workers exercised the legal right to organize and bargain collectively. Since 1993 a series of negotiated protocols contained provisions for increases in basic wages and increases based on productivity. Government, private sector, and labor representatives signed a fifth such protocol in May 2005.

There are no export processing zones.

The law provides for the right to strike, and workers exercised this right in practice. All private and public sector employees are permitted to strike, but essential workers may strike only under certain circumstances and after following prescribed procedures.

c. Prohibition of Forced or Compulsory Labor.—The Constitution prohibits forced or compulsory labor, including by children, and there were no reports that such practices occurred.

d. Prohibition of Child Labor and Minimum Age for Employment.—The law provides for a minimum working age of 16, and this provision generally was observed in practice. Compulsory primary and secondary education policies reinforced minimum age requirements. The Labor Department had a small cadre of labor inspectors who conducted spot investigations of enterprises and checked records to verify compliance with the law. These inspectors may take legal action against an employer who is found to have underage workers.

e. Acceptable Conditions of Work.—The law provides for and the authorities established minimum wage rates for specified categories of workers. The categories of workers with a formally regulated minimum wage are household domestics and shop assistants. The minimum wage for these employees was $2.50 (BDS$5) per hour, which was only marginally sufficient to provide a decent standard of living for a worker and family. The Ministry of Labor and Social Security recommended that companies use this as the de facto minimum wage, and most employees earned more than the minimum wage. The Labor Department within that ministry was charged with enforcing the minimum wage. There were occasional press reports alleging that migrant workers received less than the minimum wage.

The standard legal workweek is 40 hours in 5 days, and the law requires overtime payment for hours worked in excess. The law prescribes that all overtime must be voluntary.

Parliament passed core regulations to implement the 2005 Occupational Safety and Health at Work Act, but the Government had not implemented them by year's end. The Labor Department enforced other health and safety standards and followed up to ensure that management corrected problems cited. The law requires that in certain sectors firms employing more than 50 workers create a safety committee that could challenge the decisions of management concerning the occupational safety and health environment. Trade union monitors identified safety problems for government factory inspectors to ensure the enforcement of safety and health regulations and effective correction by management. The Labor Department's Inspections Unit conducted several routine annual inspections of government-operated corporations and manufacturing plants. Workers had the right to remove themselves from dangerous or hazardous job situations without jeopardizing their continued employment.

BELIZE

Belize is a constitutional parliamentary democracy with an estimated population of 314,000. Prime Minister Said Musa's People's United Party (PUP) held 22 of the 29 seats in the House of Representatives following generally free and fair multiparty elections in 2003. While civilian authorities generally maintained effective control of the security forces, there were some instances in which elements of the security forces acted independently.

The Government generally respected the human rights of its citizens. Human rights problems included brutality and the use of excessive force by security forces, which the Government in most cases took steps to prosecute. Lengthy pretrial detention remained a problem. Domestic violence, discrimination against women, sexual abuse of children, trafficking in persons for sexual and labor exploitation, and child labor were also problems.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life.—There were no reports that the Government or its agents committed arbitrary or unlawful killings during the year.

In January the Supreme Court convicted and sentenced to prison a police constable for a 2004 killing.

b. Disappearance.—On May 27, three masked men allegedly kidnapped a politically active former minister of education not far from his home; his captors threatened to kill him if legislation related to a transfer of ownership of the country's monopoly telecommunications company was enacted. Although the legislation passed, the former minister was found bound but unharmed by the roadside 2 days later. Investigations reportedly did not develop any leads as to the identity of the kidnappers.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—While the Constitution prohibits torture or other inhuman punishment, there were numerous reports that police used excessive force.

The Office of the Ombudsman received complaints of alleged misconduct and abuse by police. Several cases of alleged abuse featured in the press were never reported to the ombudsman or to the Police Department's Office of Internal Affairs (OIA) for investigation. In a number of cases, the Government ignored reports of abuses, withheld action until the case had faded from the public's attention, and then failed to take punitive action or transferred accused officers to other districts. Through September the OIA recorded 23 allegations of police violence and 77 complaints of police abuse. In response, authorities suspended 11 police officers pending trial for offenses, while 21 cases remained under investigation. The Office of the Ombudsman received 229 complaints of alleged police abuse during the year and determined that police use of force was appropriate in the majority of cases investigated, even if the level of force used was sometimes excessive.

In August an individual complained to the ombudsman that police tied a rope around his waist and threw him into the sea. He claimed the officers sought to torture him to obtain information about the theft of the minister of home affairs' computers. Also in August, a woman from the same Ladyville district complained to the ombudsman that police beat her son to obtain information in connection with the burglary. After an investigation, the ombudsman closed the cases on the grounds that the evidence provided by the complainants was inconclusive.

On September 17, an individual claimed that a police corporal used excessive force against him while he was in police custody. The accused was released on $1,000 (BLZ $2,000) bail, and his court trial commenced on December 17.

An investigation into the August 2006 police beating of a man who intervened while police were arresting his son concluded that the police action was justified.

The September 2006 case in which police allegedly beat and otherwise abused a victim was dismissed after authorities were unable to locate the two key witnesses.

At year's end police disciplinary tribunal proceedings continued in the November 2006 case in which police allegedly used batons to beat three brothers in their home.

The solicitor general's effort to seek a settlement with two men from Stann Creek who claimed that Dangriga police tortured them in 2005 with electric shock and beating remained pending at year's end.

Prison and Detention Center Conditions.—Prison conditions were poor and did not meet international standards. The country's only prison, Hattieville Central Prison, which was designed for 1,200 inmates, held 1,377 inmates, including 26 women and 35 adolescents. Whereas the prison budget provided $6 ($12 BLZ) per prisoner per day to cover all operating costs, a local nonprofit organization, the Kolbe Foundation, which administered Hattieville Central Prison under a Ministry of Home Affairs contract, reported that actual costs were $7.50 ($15 BLZ) per inmate per day. Prison officials reported overcrowding in the two buildings that served as the remand section of the prison. Pretrial detainees were held separately from convicted inmates.

The ombudsman received some complaints that prison authorities brutalized prisoners. Inmates claimed that prison officials sometimes withheld food and water as further punishment, conducted strip searches and beatings, and extorted money for transfers to better conditions.

The Kolbe Foundation, which investigated formal complaints regarding prison conditions, reported no cases of abuse or excessive force by prison officials. Isolation in a small unlit, unventilated punishment cell called "supermax" was used to discipline inmates.

There were five reported incidents of inmate-on-inmate abuse with weapons, resulting in the death of one inmate. Prisoners convicted or accused of certain serious crimes such as child molestation were often held in the remand section of the Hattieville prison for their protection.

The government's Women's Department provided counseling and educational services for female inmates. The prison included a separate facility for women, located 200 yards outside the main compound. Conditions in the women's facility were significantly better than those in the men's compound. The Government does not incarcerate female juveniles charged or convicted of crimes but places them in the care of the Government social services authorities. During the year there were no female juveniles in the custody of the social services authorities. Juvenile males, on remand and convicted, lived in a separate facility outside the main perimeter fence.

The Government permitted visits by independent human rights observers, although none took place during the year.

d. Arbitrary Arrest or Detention.—Although the Constitution and law prohibit arbitrary arrest and detention, there were occasional accusations of arbitrary arrest and detention.

Role of the Police and Security Apparatus.—National and local police under the Office of the Commissioner of Police maintain internal security. The Ministry of Home Affairs supervises the Department of Police and the Department of Immigration and Customs, which also has national security responsibilities. The Belize Defense Force (BDF), under the Ministry of Defense, handles external security and also has some responsibilities for domestic security under the Office of the Commissioner of Police to complement mobile and foot patrols. The 988-member national police force responded to complaints. A lack of government resources, low pay for officers, and corruption remained problems. During the year there were no reported cases of impunity for security authorities.

The Police Department's OIA, the Department of Public Prosecutions (DPP), and the Office of the Ombudsman investigated allegations of police abuses. Through September the OIA handled 77 complaints concerning police abuse, including 23 for alleged police violence, resulting in the investigation of 56 cases in which 11 officers were suspended pending their trials. The OIA also received four complaints of police corruption.

Arrest and Detention.—Police were required to obtain search or arrest warrants issued by a magistrate, except in cases of hot pursuit, when there was probable cause, or when the presence of a firearm was suspected. Customs officers could search a premise with a writ of assistance issued by the Office of the Comptroller of Customs. The law requires police to inform a detainee (in writing) of the cause of detention within 48 hours of arrest and to bring the person before a magistrate to be charged within a reasonable time (normally 24 hours). In practice arresting police informed detainees immediately of the charges against them.

Police were required to follow the "Judges' Rules," a code of conduct governing police interaction with arrested persons. Although cases were sometimes dismissed when the Judges' Rules were violated, more commonly a confession obtained through violation of these rules was deemed invalid. Detainees usually were granted timely access to family members and lawyers, although there were occasional complaints that inmates were denied access or a phone call after arrest. Bail was available for all cases except killing and generally was granted. In cases involving narcotics, the law does not permit police to grant bail, but a magistrate's court may do so after a full hearing.

Detainees sometimes could not afford bail, and backlogs in the docket often caused considerable delays and postponement of hearings; the result was prison overcrowding and occasionally prolonged pretrial detention. Approximately 5 percent of the prison population was in pretrial detention.

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary, and the Government generally respected this provision in practice. The Constitution is the supreme law of the land and persons have the right to bring legal actions for alleged violations of rights protected under the Constitution, regardless of whether there is also implementing legislation.

The judiciary consists of the alcalde courts, which have jurisdiction over small civil claims and minor criminal infractions; family courts, which handle cases of child abuse, domestic violence, and child support; magistrates' courts; the Supreme Court, and the Court of Appeals. Defendants in family court may appeal to the Supreme Court. Those convicted by either a magistrate's court or the Supreme Court may appeal to the Court of Appeals. In exceptional cases, including those resulting in a capital sentence, the convicted party may make a final appeal to the Privy Council in the United Kingdom. Trial by jury is mandatory in capital cases.

Trial Procedures.—The law provides for the right to a fair trial, and an independent judiciary generally enforced this right. The law extends the following rights to persons accused of civil or criminal offenses: Presumption of innocence, protection against self-incrimination, defense by counsel only in capital cases, a public trial, and appeal. Defendants have the right to be present at their trial unless the court determines that the opposing party has a substantiated fear for safety, and in those cases, the court can grant interim provisions that both parties be addressed individually during a 5-day period.

The Government provided legal counsel for indigent defendants only in capital murder cases. Most defendants could not afford an attorney, and there was a higher rate of conviction of defendants without legal representation. From January through August 15, the sole staff attorney of the Legal Aid Center handled 189 new cases (including criminal, civil, administrative, and family court cases), but many defendants remained unrepresented. A severe lack of trained personnel constrained the ju-

dicial system, and very junior counsels or police officers often acted as prosecutors in the magistrates' courts.

Lengthy trial backlogs increased during the year. The DPP cited staffing constraints as the main reason for the growing backlog. The Government increased (from five to eight) the number of Supreme Court justices to help address the backlog. Routine cases without a defense attorney were decided within 1 month, but cases involving a serious crime or in which a defense attorney was present took more than 1 year. The Supreme Court infrequently dismissed cases. The DPP has in the past dismissed a large number of cases, citing uncooperative witnesses and a lack of evidence.

Political Prisoners and Detainees.—There were no reports of political prisoners or detainees.

Civil Judicial Procedures and Remedies.—Most civil suits are heard in the Supreme Court; however, the magistrates' courts have jurisdiction over civil cases involving sums of less than $2,500 ($5,000 BLZ). In addition to civil cases, the Supreme Court has jurisdiction over cases involving human rights issues. The backlog of civil cases in the Supreme Court lessened as a result of new rules and the increase in the number of justices.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The Constitution prohibits such practices, and government authorities generally respected these prohibitions in practice.

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. The Constitution, however, permits authorities to forbid any citizen to question the validity of financial disclosure statements submitted by public officials. Anyone who questions these statements orally or in writing outside a rigidly prescribed procedure is subject to a fine of up to $2,500 ($5,000 BLZ), imprisonment of up to 3 years, or both. There were no reports that this prohibition was used during the year.

The independent media were active and expressed a wide variety of viewpoints without restriction. All newspapers were subject to libel laws that were enforced during the year.

The Belize Broadcasting Authority regulated broadcasting and had the right to preview certain broadcasts, such as those with political content, and to delete any defamatory or libelous material from political broadcasts. This right was not exercised during the year.

Unknown assailants attacked two reporters at their homes soon after the reporters spoke out against corruption; police investigated but made no arrests.

Internet Freedom.—There were no government restrictions on access to the Internet or reports that the Government monitored e-mail or Internet chat rooms. Individuals and groups could engage in the peaceful expression of views via the Internet, including by e-mail. Lack of infrastructure and high costs limited public access to the Internet.

Academic Freedom and Cultural Events.—There were no government restrictions on academic freedom or cultural events.

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.

In May thousands of demonstrators gathered in Belmopan to protest a government guarantee of a firm's private debt. Although the demonstration began peacefully, the crowd began throwing rocks and other items at the police, and the riot squad responded with the use of tear gas and rubber bullets. Authorities reported no serious injuries and arrested several protesters.

c. Freedom of Religion.—The Constitution provides for freedom of religion, and the Government generally respected this right in practice. The law provides for students from kindergarten through sixth grade to receive up to one class period per week of religious instruction. However, parents may object to and students may abstain from attending religious observances.

Societal Abuses and Discrimination.—There were no reports of societal abuses or discrimination, including anti-Semitic acts. There were fewer than 10 persons in the Jewish community.

For a more detailed discussion, see the 2007 International Religious Freedom Report.

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons.—The Constitution provides for freedom of movement within the

country, foreign travel, emigration, and repatriation, and the Government generally respected these rights in practice. The Government cooperated with the Office of the U.N. High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to internally displaced persons, refugees, returning refugees, asylum seekers, stateless persons, and other persons of concern.

The Constitution prohibits forced internal or external exile of citizens, and there were no reports that the Government used it.

Protection of Refugees.—The law provides for the granting of asylum or refugee status in accordance with the 1951 U.N. Convention relating to the Status of Refugees and its 1967 protocol, but the Government has not established a system for providing protection to refugees. The nongovernmental organization (NGO) Help For Progress, UNHCR's implementing partner in the country, assisted with some refugee cases. The country has an asylum process, with individual cases handled through the Immigration Department.

In practice the Government provided protection against refoulement, the return of persons to a country where there is reason to believe they feared persecution. The Immigration Department attempted to repatriate a small number of undocumented foreigners (including some Cubans who were in detention in 2006) but was not successful in all cases. For instance, several of the Cubans could not obtain travel documents from the Cuban Government and were thus unable to be returned to their home country. These individuals were documented and released; only two of the eight continued to report regularly to the Immigration Department, while the whereabouts of the others were unknown.

The Government had no formal procedure in place to accept or resettle refugees. UNHCR reported the naturalization in early 2006 of 131 long-staying refugees originally processed through a central refugee desk prior to 1999.

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

The Constitution provides citizens the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections held by secret ballot and on the basis of universal suffrage for all citizens age 18 and older.

Elections and Political Participation.—In 2003 the PUP renewed its parliamentary majority in generally free and fair elections.

There were two women in the 29-seat House of Representatives, one of whom was appointed to serve as speaker of the house, and five women in the 12-member appointed Senate. Mestizo, Creole, Maya, Garifuna, and other minority and immigrant groups were represented in the National Assembly and at the highest levels of government.

Governmental Corruption and Transparency.—The law provides criminal penalties for official corruption; however, there have been no successful prosecutions for official corruption, and officials engaged in corrupt practices with impunity. The World Bank's worldwide governance indicators reflect that corruption was a serious problem.

There were public indications of government corruption during the year. Commissions appointed by the prime minister in 2006 investigated the Social Security Board (SSB) and the Development Finance Corporation (DFC). The DFC authorized the use of millions of dollars in public, domestic, and international loan funds to assist inappropriately the business interests of certain citizens. The SSB investigation resulted in resignations and firing of key personnel; although the commission also pledged to forward a copy of its report to the DPP for a determination of criminal charges, no charges were filed by year's end. A report by one of the co-chairs of the commission investigating the DFC was released to the public in July. The report indicated that several board members handled the institution as an extension of their own private businesses and that wrongdoing did occur. One of the businessmen involved contended that the report was not valid because only half of the commission endorsed it. A final resolution remained pending at year's end.

Under the Prevention of Corruption in Public Life Act, public officials are required to submit annual financial statements, reviewed by the Integrity Commission.

The law provides for public access to documents of a ministry or prescribed authority upon written request, although it protects a number of categories, such as documents from the courts or those related to national security, defense, or foreign relations. The Government must supply to the ombudsman a written reason for any denial of access, the name of the person making the decision, and information on the right to appeal. The ombudsman's office reported one complaint of denial of access of information. The ministry stated and the ombudsman confirmed that the re-

quested document was confidential; however, the case was resolved after the parties referenced in the document agreed to its release.

Section 4. Governmental Attitudes Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

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

The ombudsman, although appointed by the government, acts as an independent check on governmental abuses. In his eighth annual report, the ombudsman reported receiving 327 formal complaints (mostly against government agencies), including 101 against the Police Department, 20 against the Lands Department, 12 against magistrates' courts, 17 against the family court, and 15 against the Department of Corrections. The ombudsman investigated 90 percent of these cases, despite having limited resources to conduct investigations. According to the ombudsman, most cases were investigated and closed without involving any other authorities. Information on the outcome of cases was unavailable.

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

The Constitution prohibits discrimination based on race, gender, disability, language, or social status, and the Government effectively enforced these prohibitions.

Women.—The law criminalizes rape, including spousal rape. The Criminal Code states that persons convicted of rape or marital rape shall be sentenced to not less than 8 years' and up to life imprisonment. In practice, however, sentences were often much lighter. In a number of instances, the DPP dropped the charges if the accusing party did not testify at trial. Arrests and convictions for rape received widespread press coverage. Police and courts enforced statutory rape laws; however, in relation to the number of accusations, convictions were infrequent. During the year the Supreme Court tried 18 rape cases resulting in three convictions, seven acquittals, and eight cases that the prosecution discontinued because complainants were unwilling to proceed or requested no further court action.

The law prohibits domestic violence and contains penalties, including imprisonment for violations, depending on the crime. The law empowers the family court to issue protection orders against accused offenders. Domestic violence against women remained a significant problem. Between January and June, the Ministry of Health recorded 455 cases of domestic violence, of which 385 were cases of violence against women and 67 were sexual abuse. Domestic violence was most prevalent in the Belize District, which includes Belize City. There was one shelter for battered women; it contained nine beds and offered short-term housing.

The law does not explicitly address adult prostitution; therefore, the Government did not use law enforcement resources to combat prostitution. Loitering for the purposes of prostitution, operating a brothel, and sexual solicitation are illegal.

Under the Sexual Harassment Act, the magistrates' courts deal with sexual harassment complaints. There are no criminal penalties for sexual harassment, and no sexual harassment cases were brought during the year.

Despite legal provisions for gender equality, the media continued to report that women faced social and economic discrimination. There were no legal impediments to women owning or managing land or other real property. Women were active in all spheres of national life but held relatively few top managerial positions. Although the law mandates equal pay for equal work, women tended to earn less than men. The median monthly income for a working woman was $355 ($710 BLZ), compared with $374.50 ($751 BLZ) for a man based on the 2007 Belize Labor Force Survey.

The Women's Department under the Ministry of Human Development, Women and Children, and Civil Society is responsible for developing programs to improve the status of women. A number of officially registered women's groups also worked closely with various government ministries to promote social awareness programs.

Children.—The Government was committed to children's rights and welfare.

Education is compulsory for children between the ages of 5 and 15. After finishing primary education, children may enter a secondary school, a government-run apprenticeship program, or a vocational institution. These programs, however, had spaces for only half of the children completing primary school. Education was nominally free, but school, book, and uniform fees placed education out of reach for many poor children. According to a 2006 U.N. Children's Fund (UNICEF) survey, the primary school attendance rate was 90 percent while the secondary school attendance rate was 38 percent. The majority of students reached fifth grade. Schools expelled pregnant students, who then had to wait a year before applying for readmission.

Several government-run clinics provided health care to children, with boys and girls having equal access to such care.

Child abuse was not considered to be widespread or a societal problem. The Epidemiology Unit at the Ministry of Health recorded seven cases of domestic violence against children under 14 and seven cases of sexual abuse against minors from January to June. UNICEF indicated that in 2006 the Department of Human Services received 316 reports of sexual abuse against children. The law allows authorities to remove a child from an abusive home environment and requires parents to maintain and support children until the age of 18. UNICEF expressed concern about the criminal justice response to cases, as many of the perpetrators were not prosecuted and many cases were withdrawn due to lack of evidence and poor quality investigations. Many parents sold their daughters as child brides, often to a family friend.

The Family Services Division in the Ministry of Human Development, Women and Children, and Civil Society was the Government office devoted to children's issues. The division coordinated programs for children who were victims of domestic violence, advocated remedies in specific cases before the family court, conducted public education campaigns, investigated cases of trafficking in children, and worked with local and international NGOs and UNICEF to promote children's welfare.

Trafficking in Persons.—The law prohibits trafficking in persons, which is punishable by fines of up to $5,000 ($10,000 BLZ) and imprisonment of up to 5 years. There were reports that persons were trafficked within and to the country, mainly from neighboring countries, for purposes of forced labor and commercial sexual exploitation.

There were no reliable estimates of the extent of trafficking. There were reports that women were trafficked to the country from neighboring countries primarily for prostitution and nude dancing. NGOs that worked with persons engaged in commercial sex reported that most prostitutes were in the country (and in their current occupation) by choice, usually at the suggestion of a friend or family member who was also engaged in commercial sex work. Victims generally lived in squalid conditions in the bars where they worked. Some bar owners reportedly confiscated victims' passports.

There was evidence of persons trafficked for labor purposes, including instances of Chinese immigrants being forced to work in local Chinese-owned sweatshops and of children working in activities such as shining shoes or selling newspapers at kiosks.

On January 11, a court dismissed on grounds of insufficient evidence all charges of trafficking against an Indian businessman arrested in June 2006 on charges of withholding his employees' travel documents. Witnesses for the prosecution were uncooperative and failed to testify.

In December 2006 the Corozal Magistrate Court dismissed a 2006 case involving the alleged trafficking of a 19-year-old Guatemalan woman. The victim and witnesses had left the country and could not be located.

The government's National Committee for Families and Children reported instances of minors engaged in prostitution with older males. Although the girls were typically of high-school age, some were as young as 12, and many came from economically disadvantaged families in which their mothers also were victims of the same abuse. The girls often provided sexual favors to older men in exchange for clothing, jewelry, or school fees and books.

There were no successful prosecutions against traffickers during the year, although three police officers were charged with human trafficking in February after eight illegal immigrants were found in a van driven by one of the officers. Disciplinary hearings exonerated one of the officers but found the other two guilty and recommended their dismissals; a criminal trial of the two was pending at year's end.

In many cases, the Government was unable to prosecute individuals for unlawful carnal knowledge because the victims or their families were reluctant to press charges. The Supreme Court recorded 29 cases of carnal knowledge of a female child resulting in six convictions, four acquittals, and 19 nolle prosequi decisions, as well as 15 cases of unlawful carnal knowledge resulting in no convictions, two acquittals, one dismissed case, and 12 nolle prosequi decisions.

On April 24, the San Ignacio Magistrate's Court dismissed the 2005 case of a mother charged with forcing her 12-year-old daughter to have sexual intercourse with clients.

UNICEF has also observed children crossing into Belize from Guatemala on a daily basis to work as street vendors in the urban centers of the Cayo district; often children had been told by their parents not to return until all goods were sold.

The law provides for limited victims' assistance, although in practice government resources were insufficient to provide meaningful aid to victims. Noncitizen victims

willing to assist in prosecuting traffickers are legally eligible for residency status, and legal status was provided to two victims during the year.

The government's Anti-Trafficking in Persons Committee, led by the Ministry of Human Development and including representatives of various other ministries, departments, and NGOs, is the lead entity in combating trafficking.

Persons with Disabilities.—Although the law does not expressly prohibit discrimination against persons with physical and mental disabilities, the Constitution provides for the protection of all citizens from any type of discrimination. The law does not provide for accessibility for persons with disabilities. There are two schools—the Cayo Deaf Institute in Central Farm and the Stella Maris School for disabled children in Belize City—and four special education centers (located in Corozal, Punta Gorda, Orange Walk, and Dangriga) for children with disabilities.

CARE Belize reported a case involving a 4-year-old girl with spina bifida who was refused entry into three different schools because they were not equipped to handle her special needs. After publication of several news articles, the child received an invitation to attend a school with a special education section.

Informal government-organized committees for persons with disabilities were tasked with public education and enforcing protection. Private companies and NGOs, such as the Parents Association for Children with Special Needs and the Belize Council for the Visually Impaired, provided services to persons with disabilities. The Ministry of Education maintained an educational unit offering limited special education programs within the regular school system.

National/Racial/Ethnic Minorities.—Ethnic tension, particularly resentment of recently arrived Central American and Asian immigrants, continued to be a problem resulting in discrimination characterized largely by verbal mistreatment.

Indigenous People.—The country's pluralistic society comprises several ethnic minorities and indigenous Mayan groups. Among the country's indigenous population, the Mopan and Kekchi historically were characterized under the general term Maya, although self-proclaimed leaders more recently asserted that they should be identified as the Masenal ("common people"). The Maya Leaders' Alliance (MLA), which comprises the Toledo Maya Cultural Council, the Kekchi Council of Belize, the Toledo Alcaldes Association, and the Toledo Maya Women's Council, monitors development in the Toledo District with the goal of protecting Mayan land and culture. While there were legal disputes concerning land development, there were no reports of governmental violations of civil or political rights.

Other Societal Abuses and Discrimination.—There was some societal discrimination against persons with HIV/AIDS, and the Government worked to combat it through the public education efforts of the National AIDS Commission (NAC) under the Ministry of Human Development and through the Pan-American Social Marketing Organization, which received foreign government assistance. There were incidents of discrimination based on sexual orientation, but determination of its extent was difficult to ascertain.

Section 6. Worker Rights

a. The Right of Association.—By law and in practice, workers generally were free to establish and join trade unions. Eleven independent unions, whose members constituted approximately 7 percent of the labor force, represented a cross-section of workers, including most civil service employees. The Ministry of Labor recognizes a union after it has registered. The National Trade Union Congress of Belize only recognized unions that held free annual elections of officers. Both law and precedent effectively protect unions against dissolution or suspension by administrative authority.

The law prohibits antiunion discrimination but does not require reinstatement of employees fired for union organizing activities. In practice there was antiunion discrimination on the banana plantations and in the export processing zones, where employers do not recognize unions. While an aggrieved employee can seek redress from the courts, effective redress for workers dismissed for union organizing was extremely difficult to obtain. Although workers are able to file complaints with the Labor Department, it was difficult for workers filing complaints to prove that a termination was due to union activity, and fines imposed on employers in cases of antiunion discrimination were too low to discourage employers from such practices.

One union activist was terminated shortly after arguing on behalf of three employees who were allegedly fired without following collective bargaining procedures. After a lengthy court trial, she was ordered reinstated to her company. However, she resigned several months later citing harassment related to her union responsibilities.

b. The Right to Organize and Bargain Collectively.—The law provides for collective bargaining, and unions practiced it freely. Although employers and unions can set wages in free negotiations, more commonly employers simply established them. The labor commissioner or his representative has the authority to act as a mediator in deadlocked collective bargaining negotiations between labor and management, offering nonbinding counsel to both sides. If either union or management chooses not to accept the commissioner's decision, both may request a legal hearing.

Unions may organize freely, but the law does not require employers to recognize a union as a bargaining agent if no union within that sector covers more than 50 percent of the workers.

The law permits unions to strike and does not require notice before a strike. However, this right is not extended to public sector workers in areas designated as "essential services," which is broadly defined and includes postal, sanitary, health, and other services, as well as services in which petroleum products are sold. The law also empowers the Government to refer a dispute to compulsory arbitration in order to prohibit or terminate a strike.

There are no special laws or exemptions from the regular labor laws in the country's four general and 26 special export processing zones (EPZs). There were no unions in the EPZs.

c. Prohibition of Forced or Compulsory Labor.—The law prohibits forced or compulsory labor, including by children; however, there were reports that such practices occurred (see Section 5).

d. Prohibition of Child Labor and Minimum Age for Employment.—The law prohibits the employment of children under age 12 and the employment of children between the ages of 12 and 14 before the end of school hours on official school days. While the law does not expressly provide for a maximum number of weekly hours of work that can be performed by persons under 18 years of age, it generally limits work hours for all persons to 45 hours per week. The law expressly prohibits children from working overtime. The law permits children to work on family farms and in family-run businesses. The minimum age for employment involving hazardous machinery is 17 years. There were ambiguities in the legal definition of child labor in relation to light work, hazardous work, and artistic performance. Inspectors from the Departments of Labor and Education are responsible for enforcing these regulations, but there were no updated reports on whether child labor laws were well enforced during the year.

Child labor was a particular problem in family-related commercial activities. Children in rural areas worked on family plots and businesses after school, on weekends, and during vacations, and were involved in the citrus, banana, and sugar industries as field workers. Children in urban areas shined shoes; sold food, crafts, and other small items; and worked in markets. Adolescent girls, some of whom were trafficked within the country and to and from neighboring countries, worked as domestic servants, while some worked in commercial sexual activities. A 2003 International Labor Organization study estimated that 6 percent of children between the ages of 5 and 17 were working, with 69 percent engaged in hazardous work.

There were no government-sponsored child labor prevention programs. The Department of Labor coordinated with police and social services authorities to provide health and other services to undocumented foreign children who worked.

e. Acceptable Conditions of Work.—The national minimum wage varies according to the type of work in which the employee is engaged. For those in agriculture, agroindustry, or the EPZs and for "bona fide students," the hourly minimum wage is $1.25 ($2.50 BLZ); for manual and domestic workers, it is $1.50 ($3.00 BLZ). The minimum wage law did not cover workers paid on a piecework basis. The national minimum wage did not provide a decent standard of living for a worker and family. The Ministry of Labor was charged with enforcing the minimum wage, which generally was respected in practice.

The law sets the workweek at no more than 6 days or 45 hours and requires premium payment for overtime work. The exploitation of undocumented Central American workers, particularly young service workers and agricultural workers, continued to be a problem.

Several different health and safety regulations covered numerous industries, and the Ministry of Labor enforced these regulations to varying degrees. The Government committed its limited inspection and investigative resources principally to urban and more accessible rural areas where labor, health, and safety complaints were registered. Workers had the legal right to leave a dangerous workplace situation without jeopardy to continued employment and did so in practice.

BOLIVIA

Bolivia is a constitutional, multiparty democracy with a population of 9 million. In December 2005 in a generally free and fair process, citizens elected Evo Morales Ayma, leader of the Movement toward Socialism (MAS) party, as president. The civilian authorities generally maintained effective control of the security forces.

The mandate for the Constituent Assembly (CA) elected in July 2006 to rewrite the country's Constitution was extended from August 6 to December 14. An inability to work out a compromise between the MAS and opposition parties led to severe and occasionally deadly clashes between their respective supporters. On December 9, when the CA reconvened in Oruro, the MAS and representatives from allied political parties approved a new draft Constitution. Some opposition delegates boycotted the session, while others claimed they were prevented from attending it. The Government announced it would hold a referendum for citizens to approve the draft Constitution in 2008.

While the Government generally respected the human rights of its citizens, there were problems in some areas. The most significant human rights problems were abuses by security forces, including several deaths; harsh prison conditions; arbitrary arrest and detention; threats to civil liberties, including the right to a fair and public trial, and press freedom; corruption and a lack of transparency in government; discrimination based on gender and ethnicity; trafficking in persons; child labor; and brutal working conditions in the mining sector.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life.—The Government or its agents did not commit any politically motivated killings during the year, but security forces apparently killed five persons in separate incidents. One person was killed during demonstrations in Villamontes, Tarija Department; another in Arani, Cochabamba Department; and three persons in Sucre, Chuquisaca Department. In addition in January three persons were killed during violent demonstrations in Cochabamba (see Section 2.b.).

On April 17, in Villamontes security forces allegedly shot Herman Ruiz in the thigh, and he later died from his wound. Ruiz was part of a group of protesters who attempted to take over a natural gas plant as part of a demonstration over a provincial border dispute. Both the central government and the prefecture government failed to resolve the dispute, which eventually led to the Villamontes residents taking over the gas field. A civilian investigation was underway, although the military investigated the case as well, a move that some nongovernmental organizations (NGOs) rejected as counterproductive. Changes in the case prosecutor slowed the civilian investigation.

On September 28, security forces allegedly killed 21-year-old student Osmar Flores Torres in Arani. Flores was taking part in a demonstration that authorities claimed threatened to shut off a natural gas pipeline. Police and military forces stated they were carrying nonlethal weapons. Nonetheless, the official ballistics report indicated that military-type weapons killed Flores and that several soldiers may have fired during the incident. Military and civilian authorities conducted separate investigations. Despite assurances by senior military officials that they would not interfere in the civilian investigation, NGOs expressed concern about the military's investigation. Prosecutors stated that the military did not cooperate with the civilian investigation and may have tampered with evidence.

On November 23–25, police forces allegedly killed Gonzalo Duran Carazani, Juan Carlos Serrudo, and Jose Luis Cardozo during the violence in Sucre. Duran and Cardozo died of bullet wounds, Serrudo from a tear gas canister fired at close range into his chest. Several hundred residents sustained serious injuries. Initial clashes between the police, who were protecting the military facility where the MAS leadership had moved the CA, and Sucre residents, who were protesting the MAS refusal to consider their demands to restore Sucre to full capital status, turned into open conflict throughout the city following the death of Gonzalo Duran. Some city residents then occupied, looted, and burned police facilities and attacked police officers. On November 24, the police announced that one of their officers was lynched and killed, but later the officer turned up alive in Potosi. The police fled Sucre November 25 for 3 days, arguing they could not protect their own personnel.

A number of factors hampered initial investigations into the November 23–25 events, including the serious distrust between the police and civil society in Sucre. Although senior government officials denied that police officers carried deadly weapons, video footage from the events clearly showed some officers possessed lethal

arms. Ballistics reports indicated Duran and Cardozo died from 5.56 caliber bullets, but the police and military denied using this type of weapon during the November 23–25 events.

There were no developments in the June 2006 shooting death of Santiago Orocondo Arevillca during a conflict with security forces or in the July 2006 death of naval officer Wilder Rene Blanco Mendoza. Both cases remained under investigation at year's end.

There were few developments in the September 2006 case in which approximately 200 armed coca growers ambushed 50 to 60 security force members who had entered Carrasco national park, resulting in the death of coca growers Ramber Guzman Zambrana and Celestino Ricaldis. Neither the coca growers nor the security forces filed charges or other claims. The case remained in a preliminary investigative phase, and at least five different prosecutors had been assigned to the district handling the case.

The military convicted and sentenced Luis Fernando Pereira Ramos to 8 years in prison for the 2005 death of military conscript Fredy Moises Kanqui.

There were no new developments in the 2005 cases of police officer Santiago Calderon Romero, killed during a confrontation in Santa Cruz, or Gumercindo Mamani, Damaso Condori, and Dionicio Flores, killed on the outskirts of El Alto in Viacha in a dispute between two communities over land ownership.

Vigilante violence and deaths due to lynching remained a problem. The Government news agency reported 11 deaths by lynching in the city of El Alto alone. Frequently those lynched only committed petty crimes or no crimes whatsoever, such as Luis David Choque Quisbert and Moises Cachi Tenorio—two students, mistaken for delinquents, who were beaten, tortured, and lynched in June in the outskirts of Cochabamba. Communities in areas with little or no government presence imposed punishments that reportedly included capital punishment for members who violated traditional laws or rules (also known as community justice). Most scholars and proponents of community justice argued that the death penalty is not a recognized tradition in any of the country's 36 indigenous groups. Nonetheless, in locations where lynching was common, a minority of residents attempted to justify the practice by asserting that it was part of their tradition, while most cited lack of access to justice through the legal system, which was indeed a problem. The Inter-American Commission on Human Rights (IACHR) in a June report noted that only 180 of the 327 municipalities had a judge, only 76 had a prosecutor, and only 11 had a public defender.

There was little progress in the case of the 2004 lynching of Ayo Ayo Mayor Benjamin Altamirano. Courts convicted and sentenced to prison five of the 25 persons charged in the case, but in February the defense argued that the judge handling the trial of the remaining defendants should recuse herself.

With respect to the government's case against former president Gonzalo Sanchez de Lozada and his cabinet for the approximately 59 deaths and more than 400 persons injured in the October 2003 civil unrest, in February the Supreme Court declared the former president and former ministers Carlos Sanchez Berzain and Jorge Berindoague in contempt of court and issued an arrest warrant. In September prosecutors formally filed an extradition request with the Supreme Court, which was pending at year's end.

The government's delay in completing effective investigations and identifying and punishing those responsible for either civilian or security force deaths resulted in a perception of impunity. The congressional human rights committee, the ombudsman's office, citizens' groups, and NGOs continued to press the Government to expedite action in a number of cases under investigation or within the court system.

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, and there were no reports that government officials employed them. There were a number of allegations of vigilante violence that resulted in extrajudicial abuses against persons. Although there were no specific reports of beatings and abuse by members of security forces, the human rights ombudsman's 2006 annual report stated that of all government institutions, police were the most frequent violators of human rights.

The Chimore Center for Justice and Human Rights (CCJHR), which was converted into an Integrated Justice Center, received 15 complaints of security force abuse during the year from citizens in the Chapare region. The center investigated 12 of the complaints and determined that nine were not human rights abuses. Cases were not formally filed with the Public Ministry but instead were referred for action to the police Office of Professional Responsibility.

There were no new developments in the 2005 beating of Alvaro Guzman, the then director of human rights for the Ministry of Justice, by La Paz police officers Rene de Rio Rosales, Mario Vaca, and Edgar Choque.

Prison and Detention Center Conditions.—Prison conditions were harsh. Prisons were overcrowded and in poor condition. At year's end there were approximately 7,000 (6,000 male and 1,000 female) inmates in facilities designed to hold 4,700 prisoners. Overpopulated jails included San Pedro in La Paz by 500 percent; Mocovi, Beni Department, by 345 percent; and the women's jail in La Paz by 300 percent. With the exception of the maximum-security prison of Chonchocoro in El Alto, government authorities effectively controlled only the outer security perimeter of each prison. Inside prison walls, prisoners usually maintained control, and criminal gangs operated from their cells without hindrance.

Violence among prisoners, and in some cases the involvement of prison officials in violence against prisoners, were problems.

On December 24, unknown assailants killed Ronald Alcaraz in El Abra prison in Cochabamba.

Following the November 23–25 violence in Sucre, nearly 90 prisoners escaped from the San Roque prison. Many prisoners with short sentences returned to prison, but as many as 30 with long sentences remained at large at year's end. Sucre residents argued that police were complicit in the escape; the police stated they indeed assisted prisoners to leave San Roque because residents had set fire to the prison.

Corruption was a problem among low-ranking and poorly paid guards and prison wardens. The number of persons held in detention centers remained a problem, due to judiciary strikes and a general increase in crime.

Prisoners were not separated by classification of crime or status. A prisoner's wealth often determined cell size, visiting privileges, day-pass eligibility, and place or length of confinement. Inmates reportedly paid fees to prior cell occupants or to prisoners who controlled cellblocks. Although the law permits children up to 6 years old to live with an incarcerated parent, children as old as 12 lived with their parents in prisons. Between 1,400 and 1,500 children lived with a parent in prison, as an alternative to being left homeless. According to the municipal government, approximately 300 children and 100 women lived in La Paz's San Pedro Prison as dependents of male prisoners.

The standard prison diet was insufficient, and prisoners who could afford to do so supplemented rations by buying food.

The law provides that prisoners have access to medical care, but care was inadequate, and it was difficult for prisoners to get permission for outside medical treatment. NGOs and prisoners reported tuberculosis and HIV/AIDS in the jails. However, affluent prisoners could obtain transfers to preferred prisons or even to outside private institutional care for "medical" reasons. Inmates who could pay had access to drugs and alcohol, and sometimes they used children to traffic drugs inside the prison.

There were separate prisons for women, except for Morros Blancos Prison in Tarija, where men and women shared facilities. Conditions for female inmates were similar to those for men; however, overcrowding at the San Sebastian women's prison in Cochabamba was worse than in most prisons for men.

More than 700 convicted juveniles (16 to 21 years old) were not segregated from adult prisoners in jails, and adult inmates sometimes abused them. Rehabilitation programs for juveniles or other prisoners were scarce to nonexistent. Pretrial detainees were held with convicted prisoners.

The Government permitted prison visits by independent human rights observers, judges, and media representatives, and such visits took place during the year.

d. Arbitrary Arrest or Detention.—The law prohibits arbitrary arrest and detention, and the Government generally observed these prohibitions in practice.

Role of the Police and Security Apparatus.—The national police have primary responsibility for internal security, but military forces may be called upon for help in critical situations, which occurred during the year. The national police disciplined its officers when appropriate, issuing 1,779 administrative sanctions during the year. Prosecutors generally were reluctant to prosecute security officials for alleged offenses committed while on duty, in part because they relied on the Judicial Technical Police to investigate their own officers.

Arrest and Detention.—Arrests were carried out openly, but there were credible reports of arbitrary arrests and detentions.

The law requires an arrest warrant, and the police must inform the prosecutor of an arrest within 8 hours. The law requires that a detainee see a judge within 24 hours, during which time the judge must determine the appropriateness of continued pretrial detention or release on bail and must order the detainee's release

if the prosecutor fails to show sufficient grounds for arrest. Credible reports indicated that in some cases detainees were held for more than 24 hours without court approval.

More than 70 percent of inmates awaited sentencing, but the courts provided release on bail for some prisoners. Judges have the authority to order preventive detention for suspects deemed to be a flight risk. If a suspect is not detained, a judge may order significant restrictions on the suspect's movements.

Detainees generally had prompt access to their families and were allowed access to lawyers, but approximately 70 percent could not afford legal counsel, and public defenders were overburdened.

During the year the Government trained 300 police officers in human rights, and 850 officers received both human rights training and instruction in legal procedure.

Denial of justice through prolonged detention remained a problem. Although the law establishes that a case's investigatory phase cannot exceed a maximum of 18 months and that the trial phase cannot exceed 3 years, some suspects were held in preventive detention longer than the legal limits. If the investigatory process is not completed in 18 months, the detainee may request release by a judge; however, judicial corruption, a shortage of public defenders, inadequate case-tracking mechanisms, and complex criminal justice procedures kept some persons jailed for more than 18 months before trial.

Children from 11 to 16 years of age may be detained indefinitely in children's centers for known or suspected offenses, or for their protection, on the orders of a social worker. There is no judicial review of such orders.

e. Denial of Fair Public Trial.—The law provides for an independent judiciary, but the judiciary was the target of government moves to undermine its independence; some members were corrupt, and others were subjected to threats.

On May 17, the Constitutional Tribunal, which serves as an independent body separate from the judicial branch and whose sole function is to rule on constitutional matters, issued a statement warning that "democracy, the rule of law, and the country's institutions were under grave threat," which referred to President Morales's stated desire to impeach four of the tribunal's five magistrates. Citing disagreement with the tribunal's decision to limit the terms of his interim judicial appointees, the president urged members of his MAS party in the lower house of congress to pass impeachment charges. He also made a series of public declarations against the magistrates, calling them corrupt and out of line with the government's program for change. Once charged by the lower house, the four magistrates were suspended, leaving the tribunal without the necessary three-person quorum to function. The opposition-controlled Senate eventually ruled in favor of the magistrates. However, the lower house began considering additional impeachment charges, and on October 26, citing the government's "permanent aggression" against the court, two magistrates resigned from the court. On December 13, a third magistrate resigned, citing health reasons, which again left the court without the necessary three-person quorum. Thus at year's end there was no body to rule on constitutional matters and petitions from individuals who alleged government violations of their civil rights.

A 2005 Anti-Corruption Network household survey reported that more than 25 percent of transactions with low-level courts required some form of bribe.

On April 27, demanding that the Constitutional Tribunal not overturn the president's supreme decree nationalizing the Posokoni mine, state-paid miners marched on and later attacked the tribunal's building with dynamite. Two police officers responsible for the tribunal's security were injured in the attacks. Presidential delegate Jose Lambertin participated among the marchers.

The judicial system has three levels of courts: Trial courts, superior courts, and the Supreme Court. The Supreme Court hears appeals in general. The Constitutional Tribunal is an independent institution and has original and appellate jurisdiction on constitutional matters.

Superior court review is restricted to a review of the application of the law. Supreme Court review is restricted to cases involving exceptional circumstances. During superior court and Supreme Court reviews, the courts may confirm, reduce, increase, or annul sentences or provide alternatives not contemplated by lower courts.

Trial Procedures.—Defendants have constitutional rights to a presumption of innocence, to a speedy trial, to remain silent, to have an attorney, to confront witnesses, to present evidence on their own behalf, to due process, to an appeal, and to confront legal charges with government prosecutors before a formal court process is initiated. In practice the rights to an attorney and to a speedy trial were not protected systematically, although the Criminal Procedures Code (CCP) facilitated more efficient investigations, transparent oral trials, and credible verdicts. There was a

significant shortage of public defenders in rural areas; the IACHR reported that only 3 percent of municipalities had a public defender.

The law provides for a system of transparent oral trials in criminal cases, requires that no pretrial detention exceed 18 months without charges, provides for a maximum period of detention of 24 months in cases in which a sentence is being appealed, and mandates a 3-year maximum duration for a trial. The law provides that the prosecutor is in charge of the investigative stage of a case and must give suspects an opportunity to confront charges before a trial formally begins.

The prosecutor instructs the police regarding witness statements and evidence necessary to prosecute. Counternarcotics prosecutors lead the investigation of narcotics cases. The prosecutor pursues misdemeanor cases (with possible sentences of less than 4 years) before a judge of instruction and felony cases (with possible sentences of more than 4 years) before sentencing courts, both of which feature a five-member panel that includes three citizens and two judges.

The law also recognizes the conflict resolution (community justice) traditions of indigenous communities, provided that the resolution does not conflict with the rights and provisions established under the Constitution.

The military justice system generally was susceptible to senior-level influence and tended to avoid rulings that would embarrass the military; the Fredy Moises Kanqui case (see Section 1.a.) was an exception to this tendency. When a military member is accused of a crime related to his military service, the commander of the affected unit assigns an officer to conduct an inquiry and prepare a report. The results are forwarded to a judicial advisor, usually at the division level, who then recommends a finding of innocence or guilt. For major infractions, the case is forwarded to a military court, except that military personnel are supposed to be tried in civilian courts for human rights violations.

Political Prisoners and Detainees.—There were no reports of political prisoners or detainees.

Civil Judicial Procedures and Remedies.—There is an independent and impartial judiciary for civil matters. The law provides for criminal remedies for human rights violations, and at conclusion of a criminal trial, the complainant can initiate a civil trial to seek damages. Administratively, the ombudsman for human rights can issue resolutions on specific human rights cases, which the Government may enforce.

f. Arbitrary Interference With Privacy, Family, Home, or Correspondence.—The law prohibits such actions, and while the Government generally respected these prohibitions, there were credible allegations of security forces making unauthorized entries into private homes in the Chapare and Yungas regions. Residents in the coca growing areas generally were reluctant to file and pursue formal complaints against security forces. Those engaged in alternative development activities were also reluctant to pursue formal complaints against radical coca growers who forced them to grow coca or suffer reprisals. Radical coca growers attacked and tortured Yungas farmer Anacleto Arana and his wife in December 2006, destroying his home and expelling him from his land. Arana's attackers claimed they were exercising "community justice," arguing Arana had violated community rules by setting fire to his land. Arana argued the attacks were politically motivated. The Ministry of Justice issued a report recognizing the validity of Arana's case, yet little action was taken, due to threats by the radicals against prosecutors and police investigators pursuing the case.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The law provides for freedom of speech and of the press. Although the Government generally respected these rights in practice, it publicly criticized the press.

The number of media outlets, including printed press, television, and radio, was extensive, and a healthy airing of various viewpoints, many expressing opposition to the government, continued. Journalists were poorly trained, and it was common for them to combine news with editorial opinion. The level of antipress rhetoric by the Government and expressions of concern about press freedom by the media and others remained high. On June 20, President Morales issued a supreme decree to expand telecommunications technology to underserved rural areas, but it also restricts partisan messages of any kind by community stations not affiliated with the government. The NGO Reporters without Borders (RSF) sent the president an open letter criticizing the decree stating "such unequal treatment before the law is astonishing."

Government criticism of the press increased in frequency and tone after President Morales took office. The president continued to call "certain media outlets" his "principal enemy," and in March the Inter-American Press Association (IAPA) stated "it

is undeniable that a climate of fear has been installed following the president's surreptitious appeals to masses of sympathizers to intimidate journalists and media outlets, as well as opposition congresspersons or members of the Constituent Assembly."

State-owned and private radio and television stations generally operated freely. However, there were reports that journalists attempting to film or report events, particularly those involving social movements, were threatened or injured by private individuals or nongovernmental groups critical of their reporting. Progovernment groups generally attacked private media outlets and their reporters, while antigovernment groups focused their attacks on government controlled media.

On January 8, police and progovernment protesters injured eight journalists from separate media organizations in the city of Cochabamba. On January 10, an RSF press release said "the violence in Cochabamba is the latest example of a growing wave of attacks on the Bolivian media—both state and privately owned—as the country plunges deeper into an institutional crisis that began in the last quarter of 2006."

On September 8, supporters of the opposition-led Santa Cruz departmental government attacked Channel 7 (the central government-owned channel). Channel 7 journalists suffered verbal and physical harassment on several other occasions as well. On October 18 and 19, police and soldiers injured six journalists during the administration's attempt to take over Santa Cruz's Viru Viru airport.

On November 23–25, clashes between the police and Sucre city residents, who were protesting the MAS party's convening of the Constituent Assembly in a military installation near Sucre, spilled over into attacks on the press. Police attacked local and international press correspondents, while protesters attacked a Catholic radio station they believed was transmitting progovernment (and pro-MAS) messages.

Critics of the Government claimed that the Morales administration used its advertising budget to control media outlets that report negatively on the government. They also asserted that the Government arbitrarily conducted financial audits of journalists and media owners. On December 7, IAPA issued a statement protesting the government's announced tax audit of news media stating that the "action could be interpreted as a reprisal meant to silence press criticism in the country's current tense political climate."

The law provides that persons found guilty of insulting, defaming, or slandering public officials for carrying out their duties may be jailed from 1 month to 2 years. Insults directed against the president, vice president, or a minister increase the sentence by one-half. Journalists accused of violating the Constitution or citizens' rights are referred to the 40-person Press Tribunal, an independent body authorized to evaluate journalists' practices. Although cases rarely were brought before the tribunal, it heard one case in 2005 involving a political candidate's defamation claim against a magazine.

Internet Freedom.—There were no government restrictions on access to the Internet or reports that the Government monitored e-mail or Internet chat rooms. Individuals and groups could engage in the peaceful expression of views via the Internet, including by e-mail.

Academic Freedom and Cultural Events.—There were no government restrictions on academic freedom or cultural events. Government discussions about standardizing the curriculum in private and religious schools continued to meet with extensive public criticism. The Government prohibited the importation of pornographic books, magazines, and artwork.

b. Freedom of Peaceful Assembly and Association.

Freedom of Assembly.—The law provides for freedom of peaceful assembly, and the authorities generally respected this right in practice. While the law requires a permit for most demonstrations, security forces rarely enforced the law, and most protesters demonstrated without obtaining permits, frequently blockading major thoroughfares and highways. While most demonstrations were peaceful, occasionally demonstrators carried weapons, including clubs, machetes, firearms, and dynamite. Security forces (police and on occasion the military) were called upon to break up protest groups carrying weapons or threatening government and private facilities (mainly natural gas supply lines).

High-level officials occasionally encouraged (or failed to adequately discourage) their supporters from behaving violently. During the week of January 8–12, the central government and the Cochabamba prefecture government failed to restrain their backers. Progovernment supporters marched on Cochabamba city calling for the prefect's ouster, angry over the prefect's December 2006 call for a new referendum on departmental autonomy, which voters had rejected earlier that year. The then min-

ister of government reportedly called away the police protecting the prefecture, which allowed progovernment supporters to attack and burn the prefecture building as well as loot nearby businesses, setting off a week of violence. Three persons died in the conflicts.

On October 5, the prosecutor charged several high-level officials who played decisive roles on both sides of the conflict. Former minister of government Alicia Munoz faced charges of negligence and failing to provide emergency assistance. Minister of Justice Celima Torrico and MAS senators Leonilda Zurita and Omar Fernandez were accused of sedition, arson, destruction of state property, and other charges. Prefect Manfred Reyes Villa faced charges for promoting resolutions against the Constitution. Opposition deputy Arturo Murillo also faced charges of sedition. Most of the accused enjoy some form of immunity from prosecution due to their positions, and at year's end Congress had not decided whether their immunity could be waived.

Freedom of Association.—The law provides for freedom of association, and the authorities generally respected this right in practice.

c. Freedom of Religion.—The law provides for freedom of religion, and the Government generally respected this right in practice. Roman Catholicism was predominant, and the Constitution recognizes it as the official religion. The Roman Catholic Church received support from the Government (approximately 300 priests received small stipends) and exercised a limited degree of political influence through the Catholic Bishops' Conference. Beginning in 2006 the Government began to stress a revival of indigenous beliefs and rituals, and government officials attended both Catholic and indigenous religious ceremonies in the course of their official functions. Government officials on occasion criticized the Catholic Church.

Non-Catholic religious organizations, including missionary groups, must register with the Ministry of Foreign Affairs and Worship and receive authorization for legal religious representation. There were 622 recognized religious groups on the registry. The ministry is not allowed to deny registration based on an organization's articles of faith, but the process can be time-consuming and expensive, leading some groups to forgo registration and operate informally without certain tax and customs benefits. Most registered religious groups were identified as Protestant or evangelical.

Societal Abuses and Discrimination.—There were no reports of societal violence, harassment, or discrimination against members of religious groups during the year. There was a small Jewish community, and there were no reports of anti-Semitic acts.

For a more detailed discussion, see the 2007 International Religious Freedom Report.

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons.—The law provides for freedom of movement within the country, foreign travel, emigration, and repatriation, and the Government generally respected these rights in practice. However, protesters blocked major highways at various times at different locations throughout the country. Blockades in La Paz, Chuquisaca, and Cochabamba by both pro- and antigovernment groups caused economic losses.

Although the Government did not revoke citizenship for political or other reasons, several hundred thousand citizens lacked basic identity documents, which prevented them from obtaining international travel documents and other government services.

The law prohibits the forced exile of citizens, and the Government did not employ it.

Protection of Refugees.—The law provides for the granting of asylum or refugee status in accordance with the 1951 U.N. Convention relating to the Status of Refugees and its 1967 protocol, and the Government has established a system for providing protection to refugees. However, the June IACHR report noted three problems in the refugee and asylum system: Lack of due process; difficulties in obtaining identification documents; and inadequate protection against refoulement, the return of persons to a country where there was reason to believe they feared persecution.

On January 9, the Government deported Cuban citizen Amauri Samartino to Colombia, arguing he violated a supreme decree that stipulates that foreigners must not participate in political activity. Originally the Government had ordered Samartino to be deported to Cuba, but Samartino protested because of his fear of persecution in that country. On February 2, the Constitutional Tribunal ruled that the Government had no legal basis to deport Amauri Samartino, stating that the supreme decree the Government used to deport him had been ruled unconstitutional in 2001.

The IACHR report noted a series of irregularities committed by the government's National Refugee Commission, including membership inconsistent with its gov-

erning rules, summary decisions, and problems notifying applicants of its decisions. The Government cooperated with the Pastoral de Movilidad Humana, which is the local representative of the Office of the U.N. High Commissioner for Refugees (UNHCR), and other humanitarian organizations in assisting refugees and asylum seekers. During the year, 157 persons applied for refugee status, and the Government provided refugee protection in approximately 15 percent of those cases.

There remained concerns that the refugee system had become politicized. Peru requested extradition of Peruvian national Walter Chavez on terrorism charges. Chavez, who was granted refugee status in the 1990s, resigned as a political advisor to President Morales earlier during the year. Both the opposition and government appeared to weigh in on the Chavez case for their own political reasons. The Supreme Court had not ruled on the extradition request by year's end.

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

The law provides citizens 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. However, many citizens of voting age lacked the identity documents necessary to vote, although the National Electoral Court reported that it registered 35,000 new voters and corrected registration errors for another 80,000. The Government also pursued an identification card effort, with Venezuelan assistance, with the stated goal of improving citizens' access to identification documents. Political parties and citizens' groups ranging from far left to moderate right functioned openly. Elections for national offices and municipal governments are scheduled every 5 years.

La Paz daily newspapers reported that there were approximately 50 cases of political violence throughout the year, including several attacks on elected representatives. On September 10, radical pro-MAS groups allegedly attacked Sucre Mayor Aydee Nava's home; opposition CA delegate Ruben Darío Cuellar claimed his home was fired upon on October 19. Radical anti-MAS elements were alleged to have attacked the property of MAS elected officials and others sympathetic to the MAS, including alternate Senator Abraham Cuellar from Pando on November 28, and Chuquisaca Prefect (Governor) David Sanchez on November 24. Investigations continued at year's end, but the facts in these and similar cases were contested and politicized.

Elections and Political Participation.—The July 2006 national elections for the Constituent Assembly were generally considered free and fair. In the 2005 national elections, citizens elected Evo Morales Ayma as president in a process generally considered free and fair, despite allegations of minor irregularities in the master voting list.

The CA, elected to rewrite the country's Constitution, failed to agree on proposals to change the executive, legislative, and judicial branches, the devolution of state power to departments and indigenous groups, and the return to Sucre as the seat of government, and the assembly's mandate was extended from August 6 to December 14.

Supporters of the MAS and opposition parties on several occasions blocked elected political representatives they opposed from participating in democratic forums. Sucre residents, arguing that an August 15 CA resolution that removed consideration of their demands for the return of Sucre to full capital status was illegal (as it did not garner the requisite two-thirds majority), began blocking mostly MAS delegates from entering the building where the CA met. On several occasions pro-Sucre protesters assaulted CA delegates. On November 23, citing its inability to convene in Sucre, the MAS leadership moved the CA to a military school 3 miles away. That facility was protected by military troops, the police, and MAS supporters. Many MAS supporters—including members of the militant Pochos Rojos group—publicly stated they would defend the CA from opposition interference. Clashes between police and pro-Sucre protesters eventually led to three deaths and hundreds injured. Some in the opposition chose not to attend the session for fear of attacks, while others chose to boycott the session, arguing that it was illegal. The session adjourned on November 24, but clashes between police and residents continued until November 25.

On November 27, representatives of opposition parties claimed that MAS supporters encircled the Congress building in La Paz to block them from entering. The MAS, pulling together a quorum in the usually opposition-controlled Senate by obtaining the votes of two opposition alternate senators, passed legislation that the opposition clearly opposed.

On December 8, shortly after midnight the MAS leadership called a session of the CA for 7 p.m. that evening in Oruro. The opposition, citing a rule that requires 24-

hour advance notice prior to the convening of a session, argued that not all of its delegates could make it to the session in time. Some but not all opposition parties and delegates chose to boycott the session. The MAS argued that the opposition could have attended the sessions, and indeed some members manage to do so, although at great risk to themselves, since pro-MAS groups had surrounded the building in Oruro where the session was held. Despite the boycott, the MAS and representatives from allied political parties approved a new draft Constitution. The Government announced it would hold a referendum for citizens to approve the draft Constitution in 2008.

Although the law requires that every third candidate appearing on a political party's slate be female, women held only 24 percent of public offices. Female politicians reported that political parties frequently adhered to the quota in submitting their candidate lists but subsequently pressured female candidates to withdraw their candidacy prior to the election.

Likewise, every other candidate on municipal election ballots must be a woman, a requirement that increased female representation to approximately 30 percent of municipal council positions. There were 23 women among the congress's 157 deputies and senators and four women in the 18-member cabinet. An indigenous woman presided over the Constituent Assembly. Approximately one-half of the cabinet members considered themselves indigenous, and the number of indigenous members of the congress was estimated at 17 percent, a figure difficult to confirm because designation as indigenous was self-declared.

Government Corruption and Transparency.—The law provides criminal penalties for official corruption; however, the Government did not implement the law effectively, and officials often engaged in corrupt practices with impunity. According to the World Bank's worldwide governance indicators, government corruption was a serious problem. The government-prepared National Corruption Index reported that 13 of every 100 public service transactions involved the payment of a bribe, costing the country approximately $115 million (905 million bolivianos) annually. According to this index, corruption disproportionately affected lower-income persons, and the national police, customs, and justice system were rated the most corrupt.

Cases involving allegations of corruption against public officials require congressional approval before prosecutors can institute legal proceedings. In September La Paz daily newspaper La Prensa reported that 20 current or former high-ranking officials from the Morales administration allegedly committed acts of corruption, but none had been prosecuted. According to the vice minister for transparency, the Government agency responsible for combating corruption, prosecutors failed to pursue the cases in a timely fashion. In March a scandal occurred about high-level MAS officials taking bribes for government jobs. The party expelled some officials, but critics asserted that the most egregious offenders were not sanctioned. In late December Police Commander Miguel Vasquez announced the discovery of a network of approximately 70 police officers who were taking bribes for identification documents and driver licenses.

There are a host of separate, but noncomprehensive, laws that require public officials to report potential personal and financial conflicts of interest. The laws are function-specific, meaning that officials in one ministry may not be subject to the same disclosure rules that apply to employees of another ministry.

There was no information available on laws providing access to government information or whether the Government provided such access in practice.

Section 4. Governmental Attitudes Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A number of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials generally were cooperative and responsive to their views; however, NGOs and the ombudsman complained that government security forces and ministries occasionally refused to cooperate with their investigations. Security forces continued to provide credible evidence that radical groups used some NGOs as a cover for subversive activities.

The human rights ombudsman is a position with a 5-year term established in the Constitution. Congress chooses the ombudsman, who is charged with providing oversight for the defense and promotion of human rights, specifically to defend citizens against government abuses. The ombudsman operated without party influence and with adequate resources from the Government and foreign NGOs. Indigenous persons filed most of the complaints received by the ombudsman. The ombudsman issues annual reports, and the Government usually accepts his recommendations.

The newly established chapter of the Human Rights Foundation in Santa Cruz alleged that the central government harassed its members shortly after the NGO began operation.

The CCJHR continued to be active in the Chapare region and moved to expand its role as an "Integrated Justice Center" to include conflict resolution. It has six offices in El Alto. These offices reported their findings to the Ministry of Justice in the Ministry of the Presidency, disseminated human rights information, accepted complaints of abuse, kept records, and referred complaints to the public ministry. The CCJHR also housed a medical forensic expert and an investigative staff to review complaints. The majority of cases received during the year related to interfamilial violence against women and children.

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

Although the law prohibits discrimination based on race, gender, language, or social status, there was significant discrimination against women, indigenous people, and the small black minority. The human rights ombudsman reported that "persons with HIV/AIDS, indigenous persons, peasant farmers, and homosexuals, in this order, were the most discriminated against within society."

Women.—Rape was a serious and underreported problem. The law defines two types of criminal cases. In private criminal matters, the victim brings the case against the defendant; in public criminal matters, a state prosecutor files criminal charges. The CCP makes rape a public crime. The law criminalizes statutory rape, with prison terms of 10 to 20 years for the rape of a child under the age of 14. In cases involving consensual sex with an adolescent of 14 to 18 years of age, the penalty is 2 to 6 years' imprisonment. Forcible rape of an adult is punished by sentences ranging from 4 to 10 years' imprisonment. Sexual crimes against minors automatically are considered public crimes in which the state presses charges. Spousal rape is not a crime.

Violence against women was also a pervasive and underreported problem. According to the NGO Center for the Information and Development of Women (CIDEM), 70 percent of women suffered some form of abuse. CIDEM noted that the statistics "did not reflect the full magnitude of the problem of violence against women" and that "a great number of women" did not report the aggression they faced on a daily basis. The most exhaustive national survey on domestic violence conducted by the National Statistical Institute in 2003 showed 64 percent of women were the target of some form of emotional, physical, or sexual abuse from their partner.

Family laws prohibiting mental, physical, and sexual violence provide for fines or up to 4 days in jail, unless the case becomes a public crime subject to the Penal Code; however, these laws were enforced irregularly. The Government took few meaningful or concrete steps to combat domestic violence. In 2006 the police Family Protection Brigade attended to 8,954 cases, compared with approximately 5,200 in 2005, and 3,640 were cases of repeat offenders. However, the police brigade lacked financial support, structural support, and personnel to follow up and pursue all reported cases. Most cases of domestic violence went unreported.

Prostitution is legal for adults age 18 and older, and there were reports of trafficking in women for the purposes of prostitution and forced labor.

The law considers sexual harassment a civil crime. There were no statistics on the incidence of sexual harassment, but it generally was acknowledged to be widespread.

Legal services offices devoted to family and women's rights operated throughout the country. The Maternal and Infant Health Insurance Program provided health services to women of reproductive age and to children under age 5.

Women were entitled to the same legal rights as men; however, many women were unaware of their legal rights, although the Government sponsored seminars to educate them. Women generally did not enjoy a social status equal to that of men. Traditional prejudices and social conditions remained obstacles to advancement. In rural areas, traditional practices restricting land inheritance for women remained a problem. The minimum wage law treats men and women equally; however, women generally earned less than men for equal work. Women sometimes complained that employers were reluctant to hire them because of the additional costs (mainly maternal) in a woman's benefits package. The gender gap in hiring appeared widest in the higher education brackets. Most women in urban areas worked in the informal economy and the services and trade sectors, including domestic service and microbusiness, whereas in rural areas the majority of economically active women worked in agriculture. Young girls often left school early to work at home or in the informal economy.

Leading women's rights groups included the Campesinas de Bolivia Bartolina Sisa, which focused on rural indigenous women; CIDEM; and Gregoria Apaza.

Children.—The government's commitment to children's rights and welfare was insufficient to improve conditions appreciably.

Public schooling was provided up to age 17 or eighth grade. The law requires all children to complete at least 5 years of primary school, and primary education was free and universal. Enforcement of the education law was lax, particularly in rural areas, where more than half of primary schools offered only three of eight grades. An estimated 50 percent of children completed primary school, and an estimated 26 percent graduated from high school. There were no significant gender differences in access to basic education, although girls continued to drop out at a higher rate than boys, particularly in rural areas.

Medical care is free up to age 5, and there was no apparent difference in access based on gender. Pilot centers offered subsidized health care to children over the age of 5, although clinics often were not available in rural areas. Many children, particularly from rural areas, lacked birth certificates and the identity documents necessary to secure social benefits and protection. The government, with help from foreign governments and NGOs, made some progress providing these documents free of charge.

Corporal punishment and verbal abuse were common in schools. Children from 11 to 16 years of age may be detained indefinitely in children's centers for suspected offenses or for their own protection on the orders of a social worker. In 2005 the U.N. Children's Fund (UNICEF) estimated that approximately 13,000 children lived in institutions where their basic rights were not respected. There also were many children living on the streets of major cities.

Child prostitution was a problem, particularly in urban areas and in the Chapare region. There were reports of children trafficked for forced labor to neighboring countries. According to Pastoral de Movilidad Humana, the local representative of UNHCR, each month between nine and 11 children in the southern part of the country disappeared and were presumed victims of trafficking. Several NGOs had active programs to combat child prostitution.

There were 260 Defender of Children and Adolescents offices to protect children's rights and interests nationwide. The government's plan to combat child labor included a public information campaign against child prostitution and raids on brothels.

Trafficking in Persons.—The law prohibits trafficking in persons and specifically criminalizes trafficking in persons for the purpose of prostitution. However, there were credible reports that persons were trafficked to, from, or within the country.

The country was a source for men, women, and children trafficked for forced labor and sexual exploitation to Argentina, Chile, Brazil, Spain, and the United States. Faced with extreme poverty, many citizens became economic migrants, and some were victimized by traffickers as they moved from rural areas to cities and then abroad. Women and children, particularly from indigenous ethnic groups in the Altiplano region, were at greater risk of being trafficked. Children were trafficked within the country to work in prostitution, mines, domestic servitude, and agriculture, particularly on sugarcane and Brazil nut plantations. Weak controls along its extensive borders made the country an easy transit point for illegal migrants, some of whom may have been trafficked. Commercial sexual exploitation of children also remained a problem.

While there were reports that some adolescents were sold into forced labor, it appeared that most victims initially were willing economic migrants who later were trafficked by being duped or coerced into conditions of forced labor. The Bolivian Embassy in Buenos Aires stated that it received at least one claim per day of a Bolivian child being exploited in Argentina.

The law criminalizes trafficking for the purpose of prostitution and provides for a prison term of 4 years, which may be increased to 12 years when the victim is less than 14 years of age. The Government investigated approximately 100 cases of trafficking in persons; while there were some arrests, there were only two reported convictions—one on slavery charges in Cochabamba, and another in La Paz.

The Ministry of Justice, via an interinstitutional committee, has responsibility for combating trafficking. The Ministry of Government, including the national police and the Immigration Service, the Ministries of Foreign Affairs, Labor, and Sustainable Development, as well as prefectures and municipalities, have secondary responsibility. The Human Rights Ombudsman's Office nonetheless noted that the Government had little presence at the borders to control trafficking, and that unauthorized entities and agents issued permission documents for minors to travel abroad.

Some government officials reportedly took bribes to facilitate smuggling and the illegal movement of persons; however, the Government did not condone or facilitate trafficking. In 2006 the Government opened an investigation of 18 public employees, including four members of congress, suspected of official involvement in human traf-

ficking. The Government also took measures, such as instituting a system of checks and balances at official border crossings and airports, to reduce corruption among judicial officials responsible for authorizing unaccompanied travel abroad of those under age 18. Nonetheless, the International Organization for Migration (IOM), the Pastoral de Movilidad, the human rights ombudsman, and several news outlets all reported a steady flow of children crossing into Argentina, Peru, and Brazil illegally. Investigative news reports described lawyers at border crossings with Argentina, who charged $15 (120 bolivianos) to file the necessary paperwork for judges to approve the often illegal movement of minors across the border.

The Defender of Children's offices in municipalities, sometimes in cooperation with NGOs, managed scattered assistance programs for victims. The La Paz department prefecture opened a shelter for victims of sexual exploitation in June 2006. The La Paz city government operated an emergency shelter for abused and exploited children that provided emergency services for up to 3 days for trafficking victims.

The IOM and the NGO Save the Children conducted public awareness campaigns on trafficking of children.

Persons with Disabilities.—The law prohibits discrimination against persons with disabilities and identifies the rights and benefits afforded them. A 1997 decree clarifies these rights and establishes how public and private institutions should integrate persons with disabilities. There was no official discrimination against persons with disabilities in employment, education, access to health care, or in the provision of other state services. However, societal discrimination kept many persons with disabilities at home from an early age, limiting their integration into society. The Law on Disabilities requires wheelchair access to all public and private buildings, duty-free import of orthopedic devices, a 50 percent reduction in public transportation fares, and expanded teaching of sign language and Braille. In March the Confederation of Handicapped People and the Ministry of Justice signed an agreement that stipulates that the Government will give each confederation member approximately $375 (3,000 bolivianos) per year.

The electoral law requires accommodation for blind voters; however, in general there were no special services or infrastructure to accommodate persons with disabilities. A 2003 presidential decree requiring that 4 percent of the government's new hires be persons with disabilities had not been strictly enforced by year's end.

The National Committee for Handicapped Persons was responsible for protecting the rights of persons with disabilities.

National/Racial/Ethnic Minorities.—The human rights ombudsman reported that approximately 70 percent of the population considered racism a problem. There was societal and systemic discrimination against the small black minority, which generally remained at the low end of the socioeconomic scale and faced severe disadvantages in health, life expectancy, education, income, literacy, and employment. The majority of the estimated 35,000 blacks lived in the Yungas region of La Paz Department.

Indigenous People.—In the 2001 census, approximately 62 percent of the population over 15 years of age identified themselves as indigenous, primarily from the Quechua and Aymara groups. The IACHR reported that approximately 70 percent of these indigenous persons lived in poverty or extreme poverty, with little access to education or to minimal services to support human health, such as clean drinking water and sanitation systems.

Indigenous protesters were major protagonists in the events leading up to the election of the country's first indigenous president, Evo Morales. The Agrarian Reform Law provides for indigenous communities to have title to their communal lands and for individual farmers to have title to the land they work. Indigenous people protested the government's failure to provide them with title to all of their claimed territories; they also objected to outside exploitation of their resources. Indigenous peasants illegally occupied several private properties belonging mostly to former government officials, often with the backing of the Landless Movement.

On November 7, President Morales signed a law incorporating the text of the U.N. Declaration on Indigenous Rights into the country's framework of law, but it was unclear what practical effects this would have on the situation of indigenous persons. The U.N. declaration also was included in the text of the new draft Constitution that faces a public referendum in 2008.

Indigenous groups used the Popular Participation Law to form municipalities that offered them greater opportunities for self-determination. Several political parties, citizens' groups, and NGOs were active in promoting the rights of indigenous persons, although progress was minimal. Indigenous persons continued to be underrepresented in government and politics, and indigenous groups bore a disproportionate

share of poverty and unemployment. In addition government educational and health services were not available to many indigenous groups living in remote areas.

Other Societal Abuses and Discrimination.—According to the human rights ombudsman, persons with HIV/AIDS were the group facing the most discrimination in the country. However, the courts have on occasion attempted to block government discrimination against HIV-positive persons. On July 25, the La Paz Superior Court ruled that naval cadet Richard Condori Martínez should be reinstated, after Condori Martínez argued his HIV status was the reason the naval academy had expelled him. The navy asserted that it was Condori Martínez's many health-related absences.

Section 6. Worker Rights

a. The Right of Association.—While the law allows workers to form and join trade unions, in practice this right was limited due to inefficient labor courts and inadequate government regulation. Approximately 25 percent of workers in the formal economy, which employed approximately 30 percent of all workers, belonged to unions.

Workers may form a union in any private company of 20 or more employees; however, the minimum requirement of 20 workers proved a heavy restriction, as an estimated 70 percent of enterprises had fewer than 20 employees.

Public sector workers also have the right to form unions. The law requires prior government authorization to establish a union and confirm its elected leadership, permits only one union per enterprise, and allows the Government to dissolve unions by administrative fiat.

The central government had close ties with certain umbrella labor organizations such as the Central Workers Union of Bolivia (COB) and the Confederation of Farm Workers. The Government appeared to exert pressure on some of these organizations' national leadership and local chapters and funded parallel chapters in areas where the Government had less influence. The state-run oil and gas company YPFB recently reassigned one of its employees, Maximo Oswaldo Torrico Montano, from Santa Cruz to Uyuni. Torrico, an elected leader of the Santa Cruz COB chapter, alleged that his reassignment was due to his outspokenness against central government policies.

The law prohibits antiunion discrimination and requires reinstatement of employees illegally fired for engaging in union activity. The National Labor Court handles complaints of antiunion discrimination, but it can take a year or more to rule due to a significant backlog of cases. The court ruled in favor of discharged workers in some cases and successfully required their reinstatement. However, union leaders stated that problems often were moot by the time the court ruled.

b. The Right to Organize and Bargain Collectively.—The law provides workers the right to organize and bargain collectively; however, collective bargaining, or voluntary direct negotiations between employers and workers without the participation of the government, was limited. Most collective bargaining agreements were restricted to wages.

The law provides most workers with the right to strike but first requires unions to revert to government mediation; the law requires the same of employers before they initiate a lockout.

Public service employees, including those in banks and public markets, are prohibited from striking; despite this, workers in the public sector (including teachers, transportation workers, and health care workers) frequently went on strike. Public sector employees had not been penalized for strike activities in recent years. However, in August the Government docked teachers' salaries after they went on strike protesting the government's proposed education reform law. Solidarity strikes are illegal, but the Government neither prosecuted nor imposed penalties in such cases.

There were numerous strikes organized by a variety of different sectors during the year. Massive strikes and blockades, which included labor movement participation, frequently prevented travel along major routes that connected the largest cities.

There are no special laws or exemptions from regular labor laws in the seven special duty-free zones.

c. Prohibition of Forced or Compulsory Labor.—The law prohibits forced or compulsory labor, including by children; however, the practices of child apprenticeship and agricultural servitude by indigenous workers continued, as did some alleged individual cases of household workers effectively held captive by their employers.

The International Labor Organization (ILO) estimated that more than 7,000 Guaranis lived in a type of indentured servitude in extremely remote parts of Chuquisaca. The families worked land owned by landlords in exchange for housing

and food but were not paid the minimum wage. As a result they incurred large debts to their landlords and were not permitted to leave the property without satisfying their debt. These families lived in very poor conditions, without water, electricity, medical care, or schools. On November 28, the Government issued a decree that when implemented would distribute approximately 450,000 acres of land in Chuquisaca to up to 500 Guarani families.

In 2005 the ILO reported that between 26,000 and 30,000 persons, mostly of indigenous origin, were victims of forced labor, harvesting Brazil nuts in Beni Department. The work was seasonal, lasting approximately 3 months per year. During that time landlords sold basic foodstuffs to workers at inflated prices; workers subsequently incurred large debts and were not permitted to leave the property until the debts were satisfied. Similar conditions existed in the sugar industry in Santa Cruz Department.

d. Prohibition of Child Labor and Minimum Age for Employment.—Child labor was a serious problem. The law prohibits all paid work by children under the age of 14; however, in practice the Ministry of Labor generally did not enforce child labor laws, including those pertaining to the minimum age and maximum hours for child workers, school completion requirements, and health and safety conditions for children in the workplace. The law prohibits a range of dangerous, immoral, and unhealthy work for minors under the age of 18. Labor law permits apprenticeship for 12- to 14-year-olds under various formal but poorly enforced restrictions, which have been criticized by the ILO and were considered by some to be tantamount to bondage.

The Ministry of Labor is responsible for enforcing child labor provisions but did not enforce them throughout the country.

According to government and UNICEF statistics, approximately 800,000 children and adolescents between the ages of 7 and 19 were engaged in some type of work, which represented an estimated 32 percent of this age group. Although the law prohibits persons under 18 years of age from work in the sugarcane fields, approximately 10,000 rural migrant children (7,000 of whom were under the age of 14) worked in this activity. Urban children sold goods, shined shoes, and assisted transport operators. Rural children often worked with parents from an early age, generally in subsistence agriculture. Children generally were not employed in factories or formal businesses but, when employed, often worked the same hours as adults. Children also worked in mines and other dangerous occupations in the informal sector. Narcotics traffickers used children to transport drugs. Child prostitution remained a problem. According to an April report by the human rights ombudsman, 3,000 children lived in the streets, many of whom were exploited sexually. The report stated that more than 100,000 children worked 8 to 12 hours a day. The IOM estimated that 2,000 girls worked, or were forced to work, as prostitutes.

The traditional practice of criadito service persisted in some parts of the country. Criaditos are indigenous children of both sexes, usually 10- to 12-year-olds, whom their parents indenture to middle- and upper-class families to perform household work in exchange for education, clothing, room, and board. Such work is illegal, and there were no controls over the benefits to, or treatment of, such children.

The Government devoted minimal resources to investigating child labor cases, but NGOs and international organizations such as UNICEF supplemented the government's efforts.

The Government continued its efforts to eliminate child labor in its worst forms, working with NGOs to discourage the use of child labor in the mining and sugar sectors by participating in internationally funded programs to provide educational alternatives to children who otherwise would work in mines or sugarcane fields. Nonetheless, according to the human rights ombudsman, 3,800 children worked in mining.

e. Acceptable Conditions of Work.—The Government established the minimum wage for the public and private sectors by supreme decree following traditional negotiation with the Central Bolivian Workers Union. The national minimum wage was $55 (436 bolivianos) per month and did not provide a decent standard of living for a worker and family. Most formal sector workers earned more, although many informal sector workers earned less. While the minimum wage fell below prevailing wages in most jobs, certain benefit calculations were pegged to it. The minimum wage did not cover the large number of workers in the informal sector.

Labor laws establish a maximum workweek of 48 hours, limit women to a workday 1 hour shorter than that of men, prohibit women from working at night, mandate rest periods, and require premium pay for work above a standard workweek. In practice the Government did not effectively enforce these laws.

The Ministry of Labor's Bureau of Occupational Safety has responsibility for protection of workers' health and safety, but relevant standards were enforced poorly. There were fewer than 30 inspectors throughout the entire country. While the Government did not maintain official statistics, there were reports that workers died due to unsafe conditions, particularly in the mining and construction sectors. A national tripartite committee of business, labor, and government representatives was responsible for monitoring and improving occupational safety and health standards. The Ministry of Labor maintained a hot line for worker inquiries, complaints, and reports of unfair labor practices and unsafe working conditions.

Working conditions in cooperative-operated mines remained poor. Miners continued to work with no scheduled rest for long periods in dangerous, unhealthy conditions and earned relatively little for their efforts; some earned less than $2.75 (21 bolivianos) per 12-hour day. Conditions changed little in the past decades, as independent miners' cooperatives lacked the financial and technical resources needed to improve mine infrastructure. The law provides workers the right to remove themselves from dangerous situations without fear of losing their jobs.

BRAZIL

Brazil is a constitutional Federal republic with a population of approximately 190 million. In October 2006 voters reelected President Luiz Inacio Lula da Silva ("Lula") of the Workers' Party to a second 4-year term in a generally free and fair election. While civilian authorities generally maintained effective control of the Federal security forces, state-level security forces committed numerous human rights abuses.

The Federal Government generally respected the human rights of its citizens; however, there continued to be numerous, serious abuses, and the record of several state governments was poor. The following human rights problems were reported: Unlawful killings, excessive force, beatings, abuse, and torture of detainees and inmates by police and prison security forces; inability to protect witnesses involved in criminal cases; harsh prison conditions; prolonged pretrial detention and inordinate delays of trials; reluctance to prosecute as well as inefficiency in prosecuting government officials for corruption; violence and discrimination against women; violence against children, including sexual abuse; trafficking in persons; discrimination against indigenous people and minorities; failure to enforce labor laws; widespread forced labor; and child labor in the informal sector. In several cases human rights violators enjoyed impunity for crimes committed.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life.—The Government or its agents did not commit politically motivated killings, but unlawful killings by state police (military and civil) were widespread.

In many cases police officers employed indiscriminate lethal force during apprehensions, killing civilians despite the lack of any danger to themselves. In some cases the deaths of civilians followed severe harassment or torture by law enforcement officials.

Death squads with links to law enforcement officials carried out many killings, in some cases with police participation. The National Human Rights Secretariat reported that death squads operated in several states. Credible, locally based human rights groups reported the existence in several states of organized death squads linked to police forces that targeted suspected criminals and persons considered problematic or "undesirable" by land owners.

The Catholic Church's Pastoral Land Commission reported that during the year there were 25 killings related to conflicts due to land, water, and labor disputes, compared with 39 such killings in 2006. Amnesty International and other credible sources indicated that such killings often occurred with the participation, knowledge, or acquiescence of state law enforcement officials.

Numerous credible reports indicated the continuing involvement of state police officials in revenge killings and the intimidation and killing of witnesses involved in testifying against police officials.

Lynching by mobs or vigilante groups was common, especially against those accused of rape or other crimes that went unpunished in "favelas" (shantytowns) due to the absence of state or local security agents.

According to the nongovernmental organization (NGO) Global Justice (GJ), the main human rights problems in Rio de Janeiro State were police violence and impunity. In many cases police officers employed indiscriminate lethal force during apprehensions. Amnesty International claimed that Rio de Janeiro law enforcement continued to be characterized by large-scale operations in which heavily armed police units "invade" favelas; the NGO added that few killings were effectively or independently investigated and that perpetrators were seldom successfully prosecuted.

In the first 6 months of the year, 694 persons were killed in Rio de Janeiro State in police confrontations, a 33.5 percent increase from the year before, according to the Rio de Janeiro State Public Security Secretary and the Rio de Janeiro State Public Security Institute. According to the Center of Studies of Security and Citizenship at Candido Mendes University, police in Rio de Janeiro State killed 1,260 persons, the highest number since 1993, compared with 1,063 "officially" killed by police in 2006.

In the first half of the year, in the Favela do Muquizo, a suburb of Rio de Janeiro, police forces of the Ninth Military Police Battalion conducted operations resulting in more than 20 summary executions. In November U.N. Special Rapporteur Philip Alston criticized the Rio de Janeiro state police for such killings.

On June 27, a Rio de Janeiro civil and military police joint operation with national security forces resulted in several deaths and injuries. Between May 2 and July 29, more than 40 persons were killed and 80 injured during operations in Complexo do Alemao and Vila Cruzeiro. In July 44 persons were killed during a police operation aimed at dismantling drug trafficking gangs in Complexo do Alemao. Police reportedly were responsible for many of the deaths, including of four young persons, and injuries to bystanders. According to the state security secretary, all deaths occurred in police confrontations. However, the president of the Rio de Janeiro State Bar Association's Human Rights and Juridical Assistance Committee, along with 16 NGOs in the state, reported to the Organization of American States that summary executions may have occurred during these operations. Police investigations continued at year's end.

The Sao Paulo State Secretariat for Public Security reported that Sao Paulo state police (civil and military) killed 201 civilians in the state in the first 6 months of the year, compared with 328 in the same period in 2006. Cases involving extrajudicial executions were either under police investigation or before the state courts; observers believed that it could take years to resolve such cases.

On February 1, in the city of Sao Paulo, four men who identified themselves as police officers shot in the back four minors and three adults, killing six of them. Investigations pointed to Sao Paulo military police as the perpetrators. On May 6, also in the city of Sao Paulo, a civilian with a group of police killed seven persons. In May in Jaragua, Sao Paulo, five men and two women were executed by four men, including a police officer, who was arrested. On September 15, eight men were shot and killed in Ribeirao Pires, Sao Paulo. Civil police investigating the case suspected the crime was connected to members of the military police.

Six police officers in the city of Bauru, Sao Paulo, were accused of entering the home of a 15-year-old boy suspected of stealing a bicycle on December 15 and killing him, reportedly through the use of electric shocks while attempting to make him confess. At year's end the officers were in detention while police investigated the case. The state government agreed to pay financial compensation to the victim's family.

On August 14, in the city of Salvador, Bahia, unidentified assailants killed Aurina Rodrigues Santana, Rodson da Silva Rodrigues, and their 19-year-old son in their home. The military police commander dismissed allegations of police involvement and began an investigation. NGO lawyers representing the family said the internal investigation was flawed, since the parents had reported that their son and daughter had been tortured by military police 3 weeks prior to the killing. Civil police investigations were difficult because witnesses were reluctant to testify. At year's end the suspected police officers reportedly had been reassigned to administrative duties but had not been charged.

Four police officers arrested in April 2006 for participating in death squad operations in Baixada Fluminense, Rio de Janeiro, remained in jail awaiting trial.

There were no developments in the July 2006 killing of Sergio Bezerra do Nascimento in Favela Acari in Rio de Janeiro or the December 2006 killing of five persons by military police in Niteroi, Rio de Janeiro.

At year's end there was no report that Sao Paulo law enforcement officials had been punished for alleged killings of persons related to the mid-year 2006 riots instigated by the PCC, an extensive criminal organization. At year's end 13 Pernambuco state military police officers charged in 2006 with torturing 14 adolescents, two of whom died, were free awaiting trial.

On May 15, a jury in a Para state court convicted Vitalmiro "Bida" Bastos de Moura of the 2005 murder of Dorothy Mae Stang, a Catholic nun who worked to protect the rights of landless persons, and sentenced him to 30 years in prison. At year's end no date had been set for the trial of Regivaldo Galvao, alleged to have been involved in the killing but released in June 2006.

In June the chief of police determined that evidence for further legal action was insufficient in the 2005 killings of four youths allegedly carried out by military police in separate municipalities of the greater Rio de Janeiro city of Baixada Fluminense.

The trial in the 2005 killing of environmentalist Dionisio Julio Ribeiro Junior was scheduled for March 27, 2008.

At year's end police officers Valmor Ferreira Portal and Nizion Ribeiro da Fonseca, arrested in 2005 for alleged involvement in forming a death squad in Curitiba, Parana, remained in jail awaiting trial.

The persons accused of killing four Landless Movement (MST) members in Foz do Iguacu, Parana, in 2005 were awaiting trial at year's end.

Former military police lieutenant colonel Waldir Coppetti Neves, convicted with five other military police officers for creating a paramilitary group to kill landless rural workers in Parana, was free while awaiting the court's sentencing.

There was no information regarding the case of eight military police suspected of being part of a death squad involved in at least 26 killings in Natal, Rio Grande do Norte, over a 3-year period.

b. Disappearance.—There were no reports of politically motivated disappearances. However, the Center of Studies of Security and Citizenship estimated that in 2006 approximately 1,940 persons "disappeared"; the center believed many were killed by police.

During the year the Amnesty Commission made decisions on 29,000 cases of persons who disappeared during the 1964–85 military dictatorship. The Chamber of Deputies' Human Rights Committee requested the Government to seize documents to determine circumstances of death and the location of remains of political prisoners who died under the military regime. In August the Government published a book accusing the military regime of torturing and killing opposition members.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—Although the law prohibits torture and provides severe legal penalties for its use, torture by police and prison guards remained a serious and widespread problem. Federal, state, and military police often enjoyed impunity in cases of torture, as in other cases of abuse.

During the first half of the year, the Sao Paulo State Ombudsman's Office received seven complaints of torture by police, compared with 17 in the first 9 months of 2006.

During the year the NGO Christian Association for the Abolition of Torture (ACAT) received 24 individual complaints of torture that occurred before arrests or during investigative work. The NGO also registered cases of alleged torture involving several victims in seven prisons in Sao Paulo State. According to an ACAT member, the cases were under investigation. ACAT and government organizations defined torture narrowly, using the 1997 Law Against Torture. ACAT's directors noted that reports of "police aggression" were far more numerous than torture. For example, ACAT investigated several complaints that police inflicted extreme physical harm and psychological pressure on individuals during criminal investigations that did not meet the legal definition of torture.

ACAT also investigated several reports of torture in the Sao Paulo state prison system. In a report on the Nestor Camora Prison in Mirandopolis, ACAT interviewed 120 inmates. ACAT issued a similar report based on 49 interviews at the Osiris Souza e Silva Prison in Getulina. ACAT's directors reported that torture complaints reached a peak during periods of PCC-related conflicts and the related 2006 prison riots.

The Bahia Gay Rights Group confirmed that police continued to commit abuse and extortion directed against transvestite prostitutes in the cities of Rio de Janeiro, Belo Horizonte, and Salvador. All such allegations were under police investigation at year's end.

In the investigation of alleged abuse of homeless persons in 2006 in Paranagua, Parana, 11 suspects were identified as members of the municipal guard and charged with torture. The court later dropped charges for lack of consistent evidence. At year's end prosecutors were seeking civil reparation.

There were no developments in the 2005 case in which employees of Sao Paulo State's juvenile rehabilitations and detention system reportedly beat and tortured inmates at the Vila Maria unit.

During the year 12 states adopted the National Plan for the Prevention and Control of Torture, which includes the installation of cameras in prisons and penitentiaries, taping of interrogations, and reversal of the presumption of innocence for those accused of torture, who must now prove innocence rather than requiring victims to prove torture. The plan arose from the June 2006 creation of the National Committee for the Prevention and Control of Torture.

On April 17, Lieutenant Colonel Antonio Germano of the Rio de Janeiro military police defended the use of torture as a form of punishment against police corruption. He was subsequently transferred from his position.

Drug traffickers, paramilitary groups, and militia members used physical abuse and degrading treatment to terrorize citizens and impose their authority over residents in Rio de Janeiro's favelas. Most paramilitary and militia groups were composed of off-duty and retired police officers and fire fighters. O Globo newspaper reported that militia members beat a 16-year-old boy for 40 minutes with a gun pointed to his head in a favela in western Rio de Janeiro. He was forced to walk through the favela carrying a heavy tree trunk and then dig up money his friends had stolen; the militia members kept most of the money.

Nine police officers, including Chief of Police Pedro Luis Porrio, in Osasco, Sao Paulo, were awaiting trial on charges of theft, torture, and extortion. The officers were also accused of beating a suspected drug dealer and threatening to rape his daughter to extort money.

Prison and Detention Center Conditions.—Prison conditions throughout the country often ranged from poor to extremely harsh and life threatening. Abuse by prison guards, poor medical care, and severe overcrowding occurred at many facilities.

Unlike in the previous year, there were few riots in prisons or detention facilities in the country. On July 8, prisoners in the public jail of Valparaiso, near Brasilia, complained of overcrowding, and during an ensuing riot one prisoner was killed by an unknown assailant. The facility held 114 prisoners in cells designed for 50 and had inadequate ventilation.

On August 23, a dispute broke out between two criminal gangs in an overcrowded jail in Ponte Nova, Minas Gerais. One group of prisoners shot at a group of 24 others, destroyed the lock on their cell, and set fire to mattresses. The fire spread and killed 25 inmates. Police guarding the jail claimed they could not rescue prisoners because some were armed.

On November 11, a riot in the Anibal Bruno penitentiary in Recife, Pernambuco, led to the death of one prisoner and injuries to eight others. On November 13, another riot in the same prison led to the deaths of three inmates and injuries to 43. The prison had 3,939 prisoners but a designed capacity of only 1,440.

Prison officials often resorted to brutal treatment of prisoners, including torture. Harsh or dangerous working conditions, official negligence, poor sanitary conditions, abuse and mistreatment by guards, and a lack of medical care led to a number of deaths in prisons. Poor working conditions and low pay for prison guards encouraged widespread corruption. Prisoners who committed petty crimes were held with murderers. According to the National Penitentiary Department, there were approximately 400,000 prisoners in the nation's prisons, almost double the system's design capacity, and the number increased by 3,000 per month.

Despite some improvements, including construction of more modern facilities, a decrease in the number of incarcerated juvenile deaths, and more focus on the training and performance of guards and staff, conditions in Sao Paulo's prison and juvenile detention system remained harsh. The criminal justice system continued to sentence far more defendants to prison or detention each month than were released. Many inmates were held beyond the end of their sentences. In January prisons in the state of Sao Paulo held nearly 137,000 adult inmates, more than 20 percent above their design capacity.

On July 18, a Sao Paulo court reiterated its request that the overcrowded Women's Penitentiary of Santana be closed down for remodeling after the death of prisoner Juliana Santos da Silva from leptospirosis.

The Catholic Church's Ministry for the Incarcerated in the state of Sao Paulo reported that three inmates died due to lack of medical treatment. On the other hand, the ministry reported that living conditions inside the state's prisons improved during the year. In May Sao Paulo's Araraquara prison, the scene of riots in 2006, was remodeled. Several large penitentiaries were dismantled and replaced with smaller units. Inmates with HIV/AIDS were receiving medication. Violence and corruption accusations were under investigation, and several employees were fired for corruption or physical abuse. Construction of new penitentiaries continued but was inadequate to alleviate overcrowding.

In April conflicts between prison guards and directors led to abuses in the Federal penitentiary in Catanduvas, Parana. The state bar association accused two guards

of torturing an inmate; the director of the penitentiary denied members of the association access without Federal court authorization. At year's end the case reportedly had not been resolved. According to a bar association representative, torture was widespread, and there were restrictions on attorney-client access. A Federal police report found strong evidence of PCC influence in decisions made by prison officials and stated that some prison personnel had criminal records or had been accused of criminal offenses, including drug trafficking and homicide.

Rio de Janeiro and Sao Paulo states provided separate prison facilities for women; elsewhere, women were held with men in some facilities. Male officers who served in women's prisons often abused and extorted the prisoners for sexual favors.

Overcrowding, poor conditions, prisoner riots, drug abuse, and accusations of sexual abuse and torture, continued to pervade Sao Paulo's juvenile detention system. There were no reports that the abuses and poor health and sanitary conditions in juvenile detention centers in Rio de Janeiro State improved.

According to the Prosecutor's Office for the Defense of Children and Youth, the police stations of the Federal District that deal with issues related to children and adolescents did not meet the requirements and recommendations established by the National Socio-Educational System and the Statute of the Child and Adolescent.

On occasion juveniles were held together with adults. According to the juvenile incarceration system, Sao Paulo State's Foundation House (formerly FEBEM), 231 minors (222 boys and nine girls) were incarcerated in adult facilities. Assistant Justice Reinaldo Cintra said that the judiciary had received approximately 25 complaints during the year from youths incarcerated in adult prisons in Sao Paulo State. The Sao Paulo State Prosecutor's Office for the Defense of Children and Youth identified cases of juveniles held in police stations with other adults, but following a court order, police transferred these juveniles to youth facilities.

Allegations of prisoner abuse in juvenile centers were widespread. Conceicao Paganele, president of the Association of Mothers and Friends of Children and Adolescents at Risk, stated that administrators continued to torture inmates and avoid punishment due to supervisory collaboration in Sao Paulo State.

A study presented to a congressional investigative committee showed that in 2006 in eight states, there were 685 adolescents in prisons with adults, which represented 7 percent of the adolescent population in prisons. The National Council of the Rights of Children and Adolescents reported that it found adolescents crowded into dark prison cells, with leaking sewage and without beds, in the Recomezo unit in Para State. According to the study, 17 states did not provide prison facilities for girls. The study also showed that there was a deficit of 3,396 places countrywide in juvenile detention centers.

In September in Palmas, Tocantins, nine adolescents set fire to the prison unit where they were kept because their cells did not have bathrooms, forcing them to urinate in plastic bottles.

While authorities attempted to hold pretrial detainees separately from convicted prisoners, overcrowding often required holding convicted criminals in pretrial detention facilities. In addition, abuses continued in municipal jails and detention centers throughout the country. On September 24, in Santa Rita de Caldas, Minas Gerais, a prisoner recorded scenes of prisoners forcing three other prisoners to be sex slaves. Due to the jail's overcrowding, a judge released eight prisoners.

In November in Abaetetuba, Para, a 15-year-old girl was held for a month in a police cell with at least 20 men who repeatedly abused her sexually. Women's rights groups stated that this was not an isolated case. The Para governor and the country's president condemned police actions in the case. The National Justice Council began an investigation into possible negligence by the Para judicial system, and Congress created a committee to investigate prisons throughout the country. The girl and her father were placed in a witness protection program due to fears of retribution by police involved in the case.

On November 23, other cases of women imprisoned with men in the state of Para were announced. In Paraupebas a 25-year-old woman was kept in a cell with 70 men for 45 days. In Sao Joao de Pirabias, a woman was held in a cell with men and forced to massage the head police officer's feet. In Sao Miguel do Guama, a woman was kept with men for 15 days.

There were no reports that detention facilities in Niteroi, Rio de Janeiro, improved during the year. In April GJ representatives attempted to visit the jail, but police officials denied them access. A police officer told them that there were 238 inmates in jail (the established capacity is 150) and that nothing had been done to improve conditions.

It is government policy to permit prison visits by independent human rights observers; however, in practice this policy often was not followed. GJ reported that the level of access to prison facilities varied from state to state. In the states of Sao

Paulo and Rio de Janeiro, GJ found it difficult to gain access, especially in the Ary Franco prison in Agua Santa, Rio de Janeiro. The Catholic Church's Ministry for the Incarcerated in Sao Paulo reported occasional difficulties in entering prisons. Sao Paulo State employed committees of community leaders to monitor prison conditions and, like Parana and Rio Grande do Sul, had a prison ombudsman program. According to a former state ombudsman, the prison system was understaffed, and the investigators of complaints were often the accused perpetrators.

Human rights advocates complained that the Sao Paulo state government persisted in denying outside observers entrance to juvenile detention facilities. Conceicao Paganele, president of the Association of Mothers and Friends of Children and Adolescents at Risk, stated that she was harassed due to attempts to publicize poor conditions and abuses. Some state government officials accused her of inciting riots. Human rights organizations, including the Pro Bono Institute and Conectas, complained that the Sao Paulo state government refused to release statistics about prison conditions and the number of inmates. While admitting that the government's lack of adequate organization or data contributed to the lack of information, some groups claimed the government's aim in not releasing this information was to avoid criticism.

d. Arbitrary Arrest or Detention.—The law prohibits arbitrary arrest and detention, and it limits arrests to those caught in the act of committing a crime or those arrested by order of a judicial authority; however, police continued at times to arrest and detain persons arbitrarily.

Role of the Police and Security Apparatus.—The Federal Police, operating under Ministry of Justice oversight, is small, primarily investigative, and plays a minor role in routine law enforcement. Most police forces fall under the control of the states, where they are divided into two distinct units: The civil police are plainclothes officers with an investigative role, while the military police are uniformed officers charged with maintaining order and preventing crime. Although the individual state governments control their respective military police forces, the Constitution provides that they can be called into active military service in the event of an emergency, and they maintain some military characteristics and privileges, including a separate judicial system.

The number of militias with police participation increased in the city of Rio de Janeiro. Punishing police involved in militias was difficult due to solidarity and fear of reprisals. Police did not conduct operations in communities dominated by militias. According to O Globo newspaper, from January to October 196 fire fighters, 430 civil police officers, and 1,957 military police officers were accused of involvement with militias. The cases were under investigation.

The Rio de Janeiro State Internal Affairs Unit reported that from January to July, 5,181 lawsuits were filed initiating investigations against military police officers. According to the unit, half of the accusations involved cases of homicide, extortion, and illegal possession of firearms. The report stated that from January to September, 161 military policemen were exonerated.

Gustavo Adolpho Leite, head of the Rio de Janeiro State Police Internal Affairs Unit, stated that extortion was the main crime committed by police. He declared that between March 2006 and August 2007, the Internal Affairs Unit registered 547 complaints, 93 of which involved cases of extortion and violence. A total of 205 legal actions were under investigation—160 involved the civil police, 25 the military police, and 13 the firefighters; six accusations involved both police forces.

There was widespread uniformed and civil police involvement in extortion and kidnapping for ransom. On January 4, 69 military policemen were arrested and accused by the state prosecutor of extortion and kidnapping in Rio de Janeiro and involvement with drug traffickers in the Favela do Muquizo.

On September 17, Rio de Janeiro state officials arrested 52 military police officers from a single police battalion (nearly 10 percent of the batallion's total force) in the Baixada Fluminense area on charges of participating in a major police corruption ring on the payroll of drug traffickers. Some of the police involved were later released on technicalities.

An October 3 report from the Rio de Janeiro state secretary of public security showed an increase in the number of local off-duty law enforcement officers taking neighborhood security into their own hands. The report indicated that nearly half of all military police battalions employed militia members, who replaced drug traffickers in controlling some favelas and charging local businesses protection money.

On December 20, a criminal court judge in Rio de Janeiro released 91 prisoners accused of involvement in drug trafficking, of whom 84 were military police, including their commander.

In Osasco, Sao Paulo, a military police officer was imprisoned in September for participating in a 20-member military police "death squad" responsible for the arbitrary killing of at least 30 victims in 2006–07.

There was no information on the February 2006 indictment of 24 persons, including 17 law enforcement officers, for their involvement in the "Slot Machine Mafia" in the city of Sao Paulo.

On December 12, military police officer Jose Augusto Moreira Felipe, accused of killing 29 persons in 2005, was convicted and sentenced to 542 years in prison. At year's end the trial date of Julio Cesar Amaral de Paula, Fabiano Gonzalves Lopes da Costa, and Marcos Siqueira Costa, police officers also allegedly involved in the killings, had not been set.

Arrest and Detention.—With the exception of arrests of suspects caught in the act of committing a crime, arrests must be made with a warrant. The use of force during an arrest is prohibited unless the suspect attempts to escape or resists arrest. Suspects must be advised of their rights at the time of the arrest or before being taken into custody for interrogation.

Authorities generally respected the constitutional right to a prompt judicial determination of the legality of detention. Detainees generally were informed promptly of the charges against them. The law permits provisional detention for up to 5 days under specified conditions during a police investigation, but a judge may extend this period. A judge may also order temporary detention for an additional 5 days for paperwork processing. Preventive detention for an initial period of 15 days is permitted if police have indications that a suspect may leave the area. This can be renewed under specific circumstances. Occasionally detainees—typically poor and uneducated—were held longer than the provisional period.

Defendants arrested in the act of committing a crime must be charged within 30 days of their arrest. Other defendants must be charged within 45 days, although this period may be extended. In practice the backlog in the courts almost always resulted in extending the period for charging defendants. Bail was available for most crimes, and defendants facing charges on all but the most serious crimes had the right to a bail hearing. In general prison authorities allowed detainees prompt access to a lawyer; indigent detainees had the right to a lawyer provided by the state. Detainees were also allowed prompt access to family members.

Human rights observers stated that civil and uniformed police regularly detained persons illegally to extort money or favors. Between January and June, the Sao Paulo State Ombudsman's Office received one complaint of extortion, compared with 17 complaints during the same period in 2006.

The law does not provide for a maximum period for pretrial detention, which is defined on a case-by-case basis. Time in detention before trial is subtracted from the sentence.

e. Denial of Fair Public Trial.—The law provides for an independent judiciary, and the Government generally respected judicial independence in practice; however, the judiciary was underfunded, inefficient, and often subject to intimidation and to political and economic influences, particularly at the state level, a situation that resulted in vigilante action. A number of senior judges remained under investigation nationwide on a variety of charges.

Although the law requires that trials be held within a set period of time, which is defined according to individual circumstances, the nationwide backlog in state and Federal cases frequently led courts to dismiss old cases unheard.

The judicial system ranges from courts of first instance and appeals to the Federal Supreme Court. States organize their own judicial systems within the Federal system and must adhere to the basic principles of the Constitution. There are specialized courts for police, military, labor, election, juvenile, and family matters.

Trial Procedures.—The right to a fair public trial as provided by law generally was respected in practice, although in some regions—particularly in rural areas—the judiciary was less professionally capable and more subject to external influences. Similarly, when cases involved gunmen hired by landowners to kill land activists or rural union activists, local police often were less diligent in investigating, prosecutors were reluctant to initiate proceedings, and judges found reasons to delay.

After an arrest the chief judicial officer reviews the case, determines whether it should proceed, and, if so, assigns it to a state prosecutor who decides whether to issue an indictment. The law recognizes the competence of a jury to hear cases involving capital crimes. Judges try those accused of lesser crimes.

Defendants have the right to confront and question witnesses, enjoy a presumption of innocence, and have a right to appeal. At the appellate level, a large case backlog hindered the courts' ability to ensure fair and expeditious trials. A defendant sentenced to 20 or more years in prison has the right to an automatic retrial.

While the law provides for the right to counsel, the Ministry of Justice estimated that 85 percent of prisoners could not afford an attorney. In such cases the court must provide a public defender or private attorney at public expense. In February the National Council of Justice (CNJ) requested that the presidency restructure the public defender system due to the heavy workload and significant staffing shortfalls. A 2006 study by the National Association of Public Defenders stated that there were 3,624 public defenders, although 6,575 were needed. During the year some states, including Mato Grosso, Sao Paulo, and Rio de Janeiro, hired additional public defenders.

A February 2006 CNJ report showed that the annual average number of cases per state judge nationwide was more than 3,000, but in Sao Paulo State it was more than 9,000.

The law mandates that special police courts exercise jurisdiction over state uniformed (military) police except those charged with "willful crimes against life," primarily homicide. In all but the most egregious cases, police tribunals decided whether or not the killing was willful. As a result civilian courts, which have jurisdiction over killings by police, received very few case referrals involving police killings. In addition, the requirement that the initial investigation be carried out by police internal affairs officers increased the potential for long-languishing investigations. The police themselves were often responsible for investigating charges of torture carried out by fellow police officers. Long delays in the special military police courts allowed many cases of torture and lesser charges to expire due to statutes of limitations.

Political Prisoners and Detainees.—There were no reports of political prisoners or detainees, although the MST claimed that its members jailed in connection with land disputes were political prisoners.

Civil Judicial Procedures and Remedies.—While the justice system provides for an independent civil judiciary, courts were overburdened with significant backlogs and sometimes were subject to corruption, political influence, and intimidation. Citizens have access to bring lawsuits before the courts for human rights violations.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The law prohibits such actions, but there were reports that police conducted searches without a warrant. Human rights groups and other NGOs reported frequent incidents of violent police invasions in favelas and poor neighborhoods. During these operations police stopped and questioned persons and searched cars, residences, and business establishments without a warrant. Victims reported searches without warrants and abusive and violent searches of women. Wiretaps authorized by judicial authority were permitted. The inviolability of private correspondence generally was respected.

Paulo Lacerda, the director of the Federal Police, defended the use of telephone wire tapping without mandated judicial authorization to investigate possible law violations. According to Lacerda, the preservation of individual personal freedoms cannot be above social interests. Lacerda's position was criticized by other governmental officials.

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 authorities generally respected these rights in practice.

Privately owned newspapers, magazines, and a growing number of online electronic publications vigorously reported and commented on government performance. Both the print and broadcast media routinely discussed controversial social and political issues and engaged in investigative reporting.

Criminal as well as other elements, such as political party activists, subjected journalists to violence, sometimes specifically because of their professional activities.

The National Federation of Journalists reported that in 2006 there were 68 cases of violence and failure to respect freedom of press. The cases included murders, kidnappings, physical and verbal aggression, threats, imprisonment, torture, censorship, and judicial coercion. In some cases these acts were reportedly committed by politicians or persons who worked with politicians or criminals.

GJ denounced to the Inter-American Court on Human Rights the May 5 killing of journalist Luiz Carlos Borbon Filho in Porto Ferreira, Sao Paulo. In 2003 Borbon had denounced municipal police officers for sexually abusing adolescents. In September police arrested the owner of the gun used to kill the journalist as a suspect. At year's end he remained in prison, and the case was under investigation.

Judge Ana Lucia Xavier Goldman, from the First Civil Court of Jundiai, Sao Paulo, blocked the publication of an interview in the newspaper Folha de Vinhedo

that reported irregularities allegedly committed by businessmen and city officials; however, upon appeal the newspaper received permission to publish the interview.

The appeal of journalist and newspaper editor Fausto Brites, sentenced in November 2006 to 10 years in prison for defamation stemming from charges by a local official, was pending at year's end.

Internet Freedom.—There were generally no government restrictions on access to the Internet or reports that the Government monitored e-mail or Internet chat rooms. Individuals and groups could engage in the peaceful expression of views via the Internet, including by e-mail.

Academic Freedom and Cultural Events.—There were no government restrictions on academic freedom or cultural events.

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 Government required nonindigenous persons, including missionaries, to obtain permission from the National Indigenous Foundation (FUNAI) for entry into indigenous lands.

Societal Abuses and Discrimination.—It is illegal to write, edit, publish, or sell books that promote anti-Semitism or racism. The law enables courts to fine or imprison anyone who displays, distributes, or broadcasts anti-Semitic or racist materials and mandates a 2- to 5-year prison term. The Government officially equates anti-Semitism to racism.

According to the country's Jewish Confederation of Brazil, there were approximately 119,600 Jewish residents, of whom 60,000 were in Sao Paulo State and 40,000 in Rio de Janeiro State.

There were reports of violence against Jewish persons. Jewish community leaders expressed concern over the continued appearance on Internet Web sites of anti-Semitic material compiled by neo-Nazi and "skinhead" groups. There were reports of anti-Semitic graffiti, harassment, vandalism, and threats via telephone and e-mail.

On May 7, there were reports of more than 100 instances of graffiti painted on the wall of the Shalom Synagogue, on numerous Jewish residences, and throughout other parts of Teresopolis, Rio de Janeiro, a city with a substantial Jewish presence. The Rio de Janeiro Israelite Federation's president stated that the graffiti was not anti-Semitic. However, according to the Coordination Forum for Countering Anti-Semitism, many had a swastika.

On August 28, in the city of Sao Paulo, unknown persons robbed the Associacao Cidade Escola Aprendiz, an institution focused on low-income children and teenagers. Its founder and most of its workers are Jewish. A swastika and the sentence "death to Juda" were painted on the walls.

Police and Jewish Federation of Sao Paulo representatives stated that anti-Semitic Web sites and blogs were growing rapidly. Occasional anti-Semitic graffiti and anti-Semitic epithets directed at Orthodox Jews were also visible in some of Sao Paulo's traditional Jewish neighborhoods.

At year's end the court continued to take testimony but had not set a trial date in the 2005 case of 15 persons charged with attempted murder, gang formation, and racism for attacking three Jewish students in Porto Alegre, Rio Grande do Sul.

There were no developments in the case of 13 neo-Nazi group members, arrested in 2005 in Curitiba, Parana, on charges of attempted murder and racism offenses.

For a more detailed discussion, see the 2007 International Religious Freedom Report.

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons.—The law provides for freedom of movement within the country, foreign travel, emigration, and repatriation, and the Government generally respected these rights in practice, although there were restrictions on entry into protected indigenous areas.

The law prohibits forced exile, and it was not practiced.

Protection of Refugees.—The law provides for the granting of asylum or refugee status in accordance with the 1951 U.N. Convention relating to the Status of Refugees and its 1967 protocol, and the Government has established a system for providing protection to refugees. In practice the Government provided protection against refoulement, the return of persons to a country where there is reason to believe they feared persecution. The Government provided temporary protection to individuals who may not qualify as refugees under the 1951 convention and the 1967 protocol. The Government cooperated with the Office of the U.N. High Commis-

sioner for Refugees (UNHCR) and other humanitarian organizations in assisting refugees and asylum seekers.

Authorities arrested two Cuban athletes participating in the Pan-American games in Rio de Janeiro 11 days after leaving their quarters on July 22 for overstaying their visas and returned them to Cuba. The NGO Human Rights Watch claimed that the Government did not take sufficient steps to ensure the two athletes were afforded legal protections as potential asylum seekers. Government officials repeatedly stated that the two refused asylum offers. On July 12, two other Cuban athletes competing in the Pan-American games were granted political asylum.

In September 104 Palestinian refugees from Iraq entered the country to live in the states of Sao Paulo and Rio Grande do Sul in a program developed by the UNHCR, the Federal Government, and NGOs.

During the year there were 3,500 recognized refugees from 69 countries, and asylum applications increased 14 percent from the previous year. However, the total number of asylum seekers may have been higher, since estimates showed that between 10,000 and 15,000 Colombians crossed the border fleeing violence. Official reports stated there were 4,000 Colombian asylum seekers, but UNHCR officials believed there were up to 17,000 persons of concern, many of whom were indigenous, in Amazonas State alone. Many of these individuals were not officially recognized as refugees by the government. Many asylum seekers did not have government support because of the poor infrastructure in the region. Relations with local communities were increasingly difficult because of pressures on the educational and health systems.

Of the total number of legal refugees, 78 percent were from African countries. Most illegal immigrants came from neighboring countries.

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. Military conscripts may not vote.

Elections and Political Participation.—In the October 2006 national elections, Workers' Party candidate Luiz Inacio "Lula" da Silva won a second 4-year term with almost 61 percent of the vote in the second-round runoff. Observers considered the elections generally free and fair.

Political parties operated without restriction or outside interference.

Women have full political rights. There were 10 women in the 81-member Senate and 46 women in the 513-member Chamber of Deputies. There were five women in the cabinet, two on the Federal Supreme Court, and one on the Military Supreme Court. Women occupied 11.2 percent of elected seats at the state level and 12.6 percent at the municipal level, despite the law requiring that 30 percent of such positions be held by women.

There were 17 self-identified Afro-Brazilians among the 594 Members of Congress, according to the Black Parliamentary Center. There were three self-identified Afro-Brazilians in the cabinet and one on the Federal Supreme Court.

Government Corruption and Transparency.—The law provides criminal penalties for official corruption; however, the Government did not implement the law effectively, and officials frequently engaged in corrupt practices with impunity. The World Bank's worldwide governance indicators reflected that corruption was a serious problem.

In August the Supreme Court ruled that prosecution of 40 persons accused of corruption should proceed. Defendants included former senior government officials, former and current Federal deputies, and leaders of political parties accused of illegal payments to legislators in exchange for support of government legislation. Investigations were ongoing at year's end.

The former president of the Senate, Renan Calheiros, resigned his presidency while facing multiple charges in the Senate of improper conduct. He was absolved of several charges in a Senate hearing. Other charges that could have led to his expulsion and loss of political rights were later dropped.

The Federal Police accused 47 persons, allegedly including the minister of mines and energy and other Federal and state officials, of conspiracy to defraud the Government through overpriced public works contracts.

A study of the Brazilian Judges Association of the period from January 1999 to September 2007 showed that of the 130 cases of alleged official corruption before the Supreme Court, 13 were voided and six resulted in acquittals. The study also indicated that in 483 cases before the Superior Court, only 16 were tried, with five convictions and 11 acquittals. The study noted that the lack of adequate structures to adjudicate cases efficiently contributed to impunity and corruption. It further re-

ported that trials for corruption and impropriety took up to 12 years to reach a verdict and that corruption investigations were difficult and expensive.

Public officials were subject to financial disclosure laws. Federal Government entities such as the Federal Audit Court, the Federal Controller General, the Public Ministry, and Federal Police, the Judiciary, the Department of Revenue and Control of Financial Activities, and the Federal Treasury existed to fight corruption. The agencies identified campaign financing and public spending as sources of financial corruption; however, they had limited powers to function effectively.

The Government conducted several operations to uncover corruption schemes, often demonstrating that public funds were diverted for corrupt uses and private companies were involved in transferring money to politicians in exchange for favors.

In May audits by the comptroller general offices of several cities showed that 90 percent of the municipalities had irregularities in the Bolsa Familia (cash transfer program for the poor) funds, including payments to ineligible persons and payments to dead persons. As a result, authorities cancelled 330,000 benefits.

In 2006 the Federal Government transferred $1.66 billion (3 billion reais) to NGOs but calculated that almost half of the funds did not reach the NGOs due to corruption. Congressional attempts to investigate this were defeated on December 7.

The law provides for public access to unclassified government information upon application to the Commission for Public Ethics; however, the bureaucratic process often slowed release of such information.

Section 4. Governmental Attitudes Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A number of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Federal officials often were cooperative and responsive to their views. Although Federal and state officials in many cases sought the aid and cooperation of domestic and international NGOs in addressing human rights problems, human rights monitors occasionally were threatened and harassed for their efforts to identify and take action against human rights abusers, particularly by members of the state police forces.

While most states had police ombudsmen, some NGOs and human rights observers questioned their independence and effectiveness. The ombudsmen's accomplishments varied considerably, depending on such factors as funding and outside political pressure.

The Chamber of Deputies and the Senate each have human rights commissions that operated without interference and participated in several activities nationwide in coordination with domestic and international human rights organizations.

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

Although the law prohibits and penalizes discrimination on the basis of race, gender, disability, or social status, discrimination against women, Afro-Brazilians, homosexuals, and indigenous people continued.

Women.—Rape, including spousal rape, is a crime punishable by 8 to 10 years' imprisonment; however, men who killed, sexually assaulted, or committed other crimes against women were unlikely to be brought to trial. In 2006 a total of 420,986 complaints of violence against women were registered in the country, and 27,084 lawsuits were filed. In the same period, there were 5,922 reported cases of rape against women. In 2007 the Sao Paulo State Secretariat for Public Safety registered 3,223 cases of rape in the state.

Domestic violence remained both widespread and underreported. In 2006 there were 39,416 cases of domestic violence registered nationwide. The 2006 Law of Domestic and Family Violence triples previous punishments and creates special courts to preside over these cases. The Federal Government stimulated the creation of these courts and promoted capacity-building courses for judges. At year's end a total of 140 such courts to deal with domestic and family violence had been established, along with 15 public defender positions to provide free legal assistance to victims of domestic violence. However, 13 of the 26 states had not yet instituted the special courts. From September 2006, when the law came into effect, to year's end a total of 941 arrests took place. However, there were significant regional differences—while in the midwest region 3,501 lawsuits were filed during the year, in the Northeast only 369 lawsuits were filed.

Each state secretariat for public security operated "delegacias da mulher" (DEAMs), police stations dedicated exclusively to addressing crimes against women. In 2006 there were 394 DEAMs located throughout the country. The quality of services varied widely, and availability was particularly limited in isolated areas. The

stations provided psychological counseling, temporary shelter, and hospital treatment for victims of domestic violence and rape (including treatment for HIV and other sexually transmitted diseases). The stations also provided assistance to prosecution of criminal cases by investigating and forwarding evidence to the courts.

In Rio de Janeiro, the city's Rio Woman Program provided assistance to female victims of domestic violence who received death threats. When necessary, victims were sent to specific shelters, which also provided psychological and legal aid.

The Federal Government continued to operate a toll-free hot line to address complaints of violence against women. In April the hot line began to provide 24-hour service in 20 cities.

The law requires health facilities to contact the police regarding cases in which a woman was harmed physically, sexually, or psychologically in order to collect evidence and statements should the victim decide to prosecute.

Adult prostitution and various associated activities, such as operating a brothel, are illegal. While no specific laws address sex tourism, it is punishable under other criminal offenses, such as pedophilia and corruption of minors. The Government released a "code of conduct to combat sex tourism and sexual exploitation" and conducted campaigns in the most affected areas. The Federal District and the states of Pernambuco, Espirito Santo, Amazonas, and Parana enacted laws requiring certain businesses to display signs listing the penalties for having sexual intercourse with a minor. Rio de Janeiro and Bahia states had similar legislation. Women's groups reported that prostitutes encountered discrimination when seeking free medical care. Trafficking of women for the purpose of prostitution was a serious problem.

Sexual harassment is a criminal offense, punishable by up to 2 years in prison. The law encompasses sexual advances in the workplace or in educational institutions and between service providers or clients. In the workplace it applies only in hierarchical situations, where the harasser is of higher rank or position than the victim. Although the law was enforced, accusations were rare, and the extent of the problem was not documented.

Women have the same legal rights as men. A cabinet-level office, the Secretariat for Women's Policy, oversees a special entity charged with ensuring the legal rights of women. Although the law prohibits discrimination based on gender in employment and wages, there were significant wage disparities between men and women. According to the Ministry of Labor and Employment (MTE), women were often paid less than men in the same functions. Women composed more than 40 percent of the judiciary; however, few women occupied key positions.

The law provides 120 days of paid maternity leave to women and 7 days of paternity leave to men. The law also prohibits employers from requiring applicants or employees to take pregnancy tests or present sterilization certificates, but some employers sought sterilization certificates from female job applicants or tried to avoid hiring women of childbearing age. Violations of the law are punishable by jail terms of up to 2 years for employers, while the company may be fined 10 times the salary of its highest-paid employee.

Children.—The Government continued its commitment to children's rights and welfare, but millions of children suffered from the poverty afflicting their families, worked to survive, and failed to get an education.

The law provides that children age 6 and under receive free daycare and schooling, which is also free and compulsory between the ages of 7 and 14. However, this was not fully enforced. Education is free but not compulsory for children between the ages of 15 and 17. Schooling was available in all parts of the country, but not every school had space for every child who wanted to attend. Girls and boys attended school in comparable numbers, although a U.N. Children's Fund (UNICEF) report indicated that a higher percentage of boys than of girls were not in school.

While the law prohibits subjecting any child or adolescent to any form of negligence or abuse, such abuse was a major problem. The National Hotline of Sexual Abuse and Exploitation against Children and Adolescents registered 23,368 reports of abuse during the year.

Physical and psychological aggression was a major problem, with more than 19,000 complaints recorded by the National Hotline in this category during the year. Allegations of abuse of minors and prosecution of crimes against children were not pursued adequately or aggressively.

Child prostitution was a problem. Extreme poverty was the primary contributor to the problem. A study released in March 2006 by the University of Brasilia, the National Secretariat for Human Rights, and UNICEF found commercial sex involving children and adolescents in 927 of 5,561 municipalities. The largest percentage of these cases occurred in the Northeast, but all areas of the country had reported incidents.

In August the International Labor Organization (ILO) and the Federal Highway Police published a map identifying 1,819 locations where child prostitution existed along Federal highways. The National Hotline reported that there were 11,901 cases of sexual exploitation of children and adolescents during the year. NGOs calculated that there were approximately 100,000 children engaged in child prostitution.

The Public Ministry declared that at year's end depositions were being collected and the trial was pending in the case of a child prostitution network in Para involving aldermen Roberto Alan de Souza Costa and Adson de Azevedo Mesquita.

During the year the National Hotline received numerous other complaints: 32 involved sex slavery, 5,202 sexual exploitation, and 6,653 sexual abuse. There were 10,829 reports of physical violence and 8,388 reports of psychological abuse.

Newspapers reported cases in which at least 233 children and adolescents were sexually exploited by gangs in the city of Rio de Janeiro. Families of some of the children were involved in the exploitation.

Trafficking in children for the purpose of prostitution was a serious problem. The National Hotline received 38 reports of international trafficking and 55 reports of domestic trafficking.

The primary Federal program to assist child victims of commercial sexual exploitation was the Sentinel Program, which established local reference centers to provide victims with psychological, social, and legal services and raised awareness through information campaigns, workshops, and partnerships.

Child labor remained a problem, particularly in homes and the informal sector.

In the city of Rio de Janeiro, the Secretariat for Social Assistance coordinated assistance to street children and minors who were the victims of sexual abuse and exploitation. The secretariat had two municipal centers that provided social services, counseling, and shelter. The secretariat also had a special telephone hot line available for callers to report cases of child sexual abuse and exploitation. The Sao Paulo city government operated several programs for street children.

Trafficking in Persons.—Although the law criminalizes all forms of trafficking, persons were trafficked from, within, and, to a lesser extent, to the country.

In June 2006 the U.N. Office on Drugs and Crime reported that Brazilian women were among the primary victims of international trafficking entering the sex industry in Europe. Women were trafficked from all parts of the country. The Government reported that trafficking routes existed in all states and the Federal District. Predominantly young women and girls were trafficked overseas for prostitution, although in October 2006 Federal police disrupted an international transvestite trafficking ring recruiting in three states. Young men and boys were primarily trafficked internally as slave laborers.

Although comprehensive government statistics on the problem were unavailable, authorities estimated that thousands of women and adolescents were trafficked annually, both domestically and internationally, for commercial sexual exploitation. NGOs estimated that 75,000 women and girls, many of them trafficked, were engaged in prostitution in neighboring South American countries, the United States, and Western Europe.

Internal trafficking of rural workers into forced labor schemes was a serious problem, while trafficking from rural to urban areas occurred to a lesser extent. According to the ILO, an estimated 25,000 victims, mostly men, were trafficked within the country or forced into agricultural labor during the year. Union leaders claimed that nearly all persons working as forced laborers had been trafficked by labor recruiters. Labor inspectors found a small number of persons from other countries trafficked to work in urban sweatshops. Labor recruiters generally recruited laborers from small municipalities in the North and Northeast and transported them long distances to ranches and plantations in remote areas in the central western part of the country. Most internally trafficked slave laborers originated from the states of Maranhao and Piaui, while Para and Mato Grosso received the highest number of internally trafficked slave laborers.

Internal trafficking supplied forced labor, primarily from urban to rural areas, for agricultural work and commercial sexual exploitation. This typically occurred when employers recruited laborers from poor, rural towns and transported them to remote areas where escape was difficult. Workers then were obliged to toil in brutal conditions until they were able to repay inflated debts.

Sex tourism existed throughout the country but was most apparent in coastal resort towns in the Northeast, South, and Southeast and in such major tourist destinations as Rio de Janeiro and Fortaleza, Ceara, as well as in the wildlife tourist areas of the Pantanal and Amazon.

According to CECRIA, an NGO dedicated to the study of violence against minors, patterns of sexual exploitation of children corresponded to the distinct economic and social profiles of the country's regions. In the Amazon region, sexual exploitation of

children took place in brothels that catered to mining settlements. In large urban centers, girls who left home to escape abuse or sexual exploitation often prostituted themselves on the streets to survive. In the cities along the northeast coast, sexual tourism exploiting children was prevalent and involved networks of travel agents, hotel workers, taxi drivers, and others who actively recruited children and also trafficked them outside the country. Child prostitution also developed in the areas served by the country's navigable rivers, particularly in ports and at international borders. A University of Brasilia study found that 398 of the 1,514 tourist destinations frequented by citizens had an active sexual commercial market for children and adolescents.

In May cases of sexual exploitation of children were identified in the region of Delta and Uberaba, Minas Gerais. A report by two Federal deputies stated that the incidence of sexual exploitation increased during the sugar cane harvest season, when the city populations increased due to the influx of workers.

On December 11, police arrested two citizens and a foreign couple in Taquara, Rio Grande do Sul, suspected of pedophilia and trafficking of children. Police investigators believed that the group sent at least two boys out of the country for adoption.

CECRIA found that typical sex trafficking victims were darker-skinned women between 15 and 27 years of age, but researchers also noted the presence of adolescent boys as victims, some of whom worked as transvestites. Persons exploited in trafficking schemes typically came from low-income families and usually had not finished high school. Traffickers often lured victims with promises of lucrative work as dancers or models in Europe; beauty contest winners were cited as common targets. Girls were recruited at clubs and modeling agencies or through the Internet, want ads, mail-order bride schemes, and maid and au pair services. Most women who were trafficked internationally were older than 18, but younger victims were also trafficked with counterfeit documents.

Police officials believed that some women recruited by trafficking organizations understood that they were to work as prostitutes but did not know about working conditions and their prospective earnings. In other cases women were told that they would work as nannies or domestics. Upon arrival the victims' passports often were confiscated, and they were forced to prostitute themselves and live in virtual confinement. In addition to threatening physical violence, traffickers often used debt and isolation to control the victims. Trafficking in persons was linked to international networks of crime, including drugs, arms trafficking, and money laundering. Traffickers were predominantly Brazilian and were usually associated with such activities as brothels, escort agencies, nightclubs, and tourist agencies.

The law establishes a penalty of up to 8 years' imprisonment and a fine for internal or external trafficking in persons for the purposes of prostitution; sentences may be increased up to 12 years when violence, threats, or deception are involved. The law requires the permission or presence of both parents for children to leave the country; it also prohibits children from leaving the country with a foreigner unless authorities grant prior approval.

Laws on trafficking for sexual exploitation were difficult to enforce, particularly in relation to domestic trafficking. Violators of antitrafficking laws rarely received criminal penalties because of the limitation of statutes. Police officers reported difficulty in arresting traffickers because of the need to apprehend them in the act of traveling with the victims. According to police, some women who left the country with traffickers did so willingly. Fear of reprisals also kept victims from seeking police intervention or testifying against traffickers. In addition, because trafficking in persons is a new legal concept in the country, courts often misclassified such cases. As a result, numbers of convictions were low.

Government authorities responsible for combating trafficking included various agencies of the Ministry of Justice (including the Federal Police), Special Human Rights Secretariat, MTE, Ministry of Tourism, and Ministry of Social Development. The Federal Highway Police was responsible for checking documents and monitoring traffic along highways and roads; occasionally they were involved in apprehending suspected traffickers. Federal and state police monitored the Internet to detect recruitment by sex traffickers. Operating under the National Justice Secretariat, antitrafficking offices in the states of Sao Paulo, Rio de Janeiro, Ceara, and Goias monitored domestic and international trafficking.

The trial of the former speaker of the Federal District's legislative chamber, Benicio Tavares, on charges of forced prostitution and sexual exploitation of minors was closed with no action by the Federal District's legislative chamber.

Trafficking victims were not treated as criminals, and police usually referred victims to centers for treatment and counseling. However, access to such services was limited due to a lack of government support, and efforts often were inconsistent and underfunded. The Government cooperated with a number of shelters or health care

facilities specifically dedicated to trafficking victims, and workers at more than 600 victim assistance centers were trained to assist trafficking victims. The Secretariat of Social Assistance of the Ministry of Social Development and Combating Hunger operated more than 400 centers to assist victims of sexual abuse and exploitation and domestic violence. NGOs provided victims assistance in job training, counseling, and other community reintegration assistance. Locally based NGOs assisted trafficking victims with retraining and counseling activities. The Government maintained a national witness protection system managed by the Special Secretariat of Human Rights. A total of 17 states were integrated into the system.

The Special Human Rights Secretariat conducted antitrafficking information campaigns. The National Secretary for Justice continued to lead a government public awareness campaign to deter international traffickers and sensitize their potential victims to the dangers.

Labor organizations and NGOs continued to conduct prevention campaigns. One organization distributed pamphlets to rural workers in areas that historically served as targets for traffickers. The pamphlets warned rural workers about the methods of traffickers and offered practical advice to avoid becoming victims. A number of local unions instructed laborers to register with them and the police before leaving with a labor recruiter.

Persons with Disabilities.—The law prohibits discrimination against persons with physical and mental disabilities in employment, education, and access to health care, and the Federal Government effectively enforced these provisions. However, state governments failed to meet legally mandated targets for educational opportunities and work placement. While the law has provisions to ensure access to buildings for persons with disabilities, states did not have programs to enforce these provisions effectively.

The National Council for the Rights of Handicapped Persons and the National Council for the Rights of the Elderly, both within the Special Secretariat for Human Rights, have primary responsibility for promoting the rights of persons with disabilities.

The Sao Paulo state labor code requires that meeting places for more than 100 persons or other facilities for 600 persons or more provide modified entrances and other accommodations for persons with disabilities; however, such persons had difficulty in securing necessary accommodations.

National/Racial/Ethnic Minorities.—Although the law prohibits racial discrimination, darker-skinned citizens, particularly Afro-Brazilians, frequently encountered discrimination.

The law specifically prohibits denial of public or private facilities, employment, or housing to anyone based on race. The law also prohibits and provides jail terms for the incitement of racial discrimination or prejudice and the dissemination of racially offensive symbols and epithets.

Afro-Brazilians, representing almost half of the population, were significantly underrepresented in professional positions and in the middle and upper classes. They experienced a higher rate of unemployment and earned average wages approximately half those of a white person.

There was also a sizeable racial education gap. According to the Ministry of Education, Afro-Brazilians received an average of 5.3 years of schooling, compared with 7.1 years for whites. Afro-Brazilians constituted 16 percent of the university population. Major public universities in the states of Sao Paulo, Rio de Janeiro, Parana, Mato Grosso, and Bahia and the Federal District maintained affirmative action programs; for instance, the University of Brasilia set aside 25 percent of its first-year vacancies for self-declared students of color. According to the Ministry of Education, 40 public Federal and state universities had a quota system.

Indigenous People.—The law grants the indigenous population broad rights, including the protection of their cultural patrimony and the exclusive use of their traditional lands. Although many problems existed, the Government made limited progress in securing these rights.

FUNAI estimated that there were 460,000 indigenous people in 225 societies on indigenous lands and an additional 100,000 to 190,000 indigenous people living outside of these areas, including in urban environments.

The Government estimated that more than half of the country's indigenous people lived in poverty in communities whose traditional ways of life were threatened on a variety of fronts, including land development, agricultural expansion, and mining. FUNAI reported that indigenous people also faced other problems, including disease, poor health care, and loss of native culture.

The 1988 Constitution charged the Federal Government with demarcating indigenous areas within 5 years. The complete process includes four phases: Identification,

declaration, approval, and registration. According to the Indigenous Missionary Council (CIMI), by year's end 343 areas had reached the final registration stage, 247 were in one of the four phases of the registration process, and 224 had yet to be fully processed. FUNAI did not recognize as many as 200 of these lands as indigenous.

The law provides indigenous people with the exclusive beneficial use of the soil, waters, and minerals on indigenous lands, but Congress must approve each case. The Government administers the lands but must consider the views of the affected communities regarding their development or use, and communities have the right to "participate" in the benefits gained from such use. However, indigenous leaders and activists complained that indigenous people had only limited participation in decisions taken by the Government affecting their land, cultures, traditions, and allocation of national resources. They also criticized the Government for devoting insufficient resources to health care, other basic services, and protection of indigenous reserves from outsiders.

Nonindigenous persons who illegally exploited indigenous lands for mining, logging, and agriculture often destroyed the environment and wildlife, spread disease, and provoked violent confrontations. FUNAI, which acknowledged insufficient resources to protect indigenous lands from encroachment, depended on the understaffed and poorly equipped Federal Police for law enforcement on indigenous lands.

Disputes between indigenous and nonindigenous persons occasionally erupted into violence. Most conflicts concerned land ownership or resource exploitation rights in which indigenous persons resorted to forceful occupation, hostage taking, and killing.

According to CIMI, 76 indigenous persons were killed during the year, compared with 40 in 2006. This represented the highest number in almost 30 years. Of those killed, 48 were members of the Guarani-Kaiowa tribe in Mato Grosso do Sul State.

On March 17, unidentified persons shot and killed a member of the indigenous Bororo people in Mato Grosso State. After the Bororo opened a new settlement in the area in June 2006, members of the group were harassed by threats and attempted murder. CIMI reported that land invaders hired gunmen. There were no reports regarding police investigations or arrests.

On July 8, indigenous leader Ortiz Lopes was killed in Mato Grosso do Sul. According to CIMI, he was the 20th indigenous person killed in the state during the year. The case was under police investigation with no arrests.

In September in Miravania, Minas Gerais, three teenagers beat a member of the Xacriaba tribe to death. At year's end the three were in detention awaiting trial. CIMI reported that the victim was directly involved in the tribe's struggle for land.

There were no developments in the 2005 killing of Dorvalino Rocha, a member of the Guarani-Kaiowa tribe in the aftermath of a violent eviction. Joao Carlos Gimenes, indicted for the killing, was free on bail pending trial.

The precarious health situation of indigenous groups continued. During the year 19 members of the Kulina indigenous group died due to lack of health care in Amazonas State. Two children from the Piraha tribe died in January in Amazonas. In Guajara-Mirim, Rondonia, three children died of dehydration in January, while 42 other Piraha children were hospitalized with diarrhea and dehydration. According to the National Foundation of Health, in the village of Jaguapiru 55 children suffered from malnutrition. In the village of Dourados, 322 children suffered from malnutrition. On April 25, a 6-week-old Bororo infant died of malnutrition.

The Marsal de Souza Center of Human Rights reported that eight children from the Guarani-Kaiowa group in Mato Grosso do Sul died due to malnutrition during the first half of the year.

In Rondonia State indigenous persons complained of poor transportation to bring doctors to the communities and take patients to hospitals.

In March the Inter-American Court on Human Rights recommended that the Government take steps to protect the lives of indigenous people and guarantee their territorial rights in the Raposa Serra do Sol indigenous reserve in Roraima State. The Inter-American Court claimed the Government had not protected these indigenous communities or removed all unlawful intruders on indigenous lands. On June 4, the Supreme Court revoked a preliminary order authorizing farmers to remain on the reserve. However, the rice and cattle producers alleged that their land titles could not be ignored and questioned the presidential decree that demarcated the reserve. Some indigenous people claimed that the expulsion of the producers would bring poverty, because many indigenous persons worked for the farmers and depended on them for their livelihood. At year's end 198 families had received compensation, and 80 families who refused to leave were waiting for a Federal court decision on whether they could stay.

During the year the creation of an indigenous reserve in Sao Felix do Xingu, in the southern part of Para, led to conflicts between the Paracana tribe and 2,000 families who refused to leave the area. The families accused the National Institute of Colonization and Agrarian Reform (INCRA), the governmental body that demarcates land, of attracting them to demarcated land in the reserve, which INCRA denied. FUNAI proposed that the families be transferred to another area by 2010 and granted compensation.

Other irregular land occupations occurred on other indigenous reserves. The Tembe tribe stated that ranchers, loggers, and other invaders had devastated more 80 percent of their land. In April Tupiniguim and Guarani indigenous groups occupied the port of Portocel, which transports cellulose in Aracruz, Espirito Santo. The groups claimed that they owned 27,000 acres of land occupied by Aracruz Celulose. At year's end FUNAI was mediating the question.

On October 26, media reports said the Federal Government would begin to remove illegal miners from indigenous lands. According to the Federal Police, indigenous leaders authorized the extraction of diamonds, which indigenous representatives denied.

On November 17, ranch owners shot and injured four members of the Guarani Kaiowa group in Amambai, Mato Grosso do Sul, after 100 members of the group set up tents in an area they consider traditionally theirs.

On October 2, a Federal court in Para determined that Valley of Rio Doce Company (CVRD) must deposit $721,000 (1.3 million reais) as indemnity until a final decision was made in the 2006 case in which FUNAI alleged that CVRD had not fulfilled a renegotiation agreement with the Xikrin indigenous group.

On April 19, President Lula created the National Commission on Indigenous Policies in response to indigenous peoples' appeals. The commission was to be responsible for developing monitoring strategies and evaluating the activities of Federal entities that work with indigenous issues.

According to the Ministry of Education, 20 state and Federal universities reserved entrance spots for indigenous people. The number of indigenous students totaled almost 5,000, or almost 1 percent of the total number of university students. The University of Brasilia created a special entrance examination for indigenous persons and reserved places in the areas of medicine, nursing, dentistry, and pharmacology.

Other Societal Abuses and Discrimination.—State and Federal laws prohibit discrimination based on sexual orientation, and the Federal and state governments generally enforced these laws.

According to the NGO Bahian Gay Group, 83 male homosexuals, 30 transvestites, and three lesbians were killed during the year, for a total of 116 killings, compared with 88 in 2006. The Northeast was the most violent area against homosexuals, with 60 percent of the cases reported. The most violent states were Pernambuco with 16 homicides, Bahia with 13, and Rio Grande do Norte with eight.

During the year the group Rio without Homophobia, in partnership with other NGOs and the Rio de Janeiro state government, developed a program that included professional counseling services, medical assistance, rights defense, and a witness protection program.

Section 6. Worker Rights

a. The Right of Association.—The law provides for union representation of all workers (except members of the military, the uniformed police, and firefighters) but imposes a hierarchical, unitary system funded by a mandatory union tax on workers and employers. New unions must register with the MTE, which accepts the registration unless objections are filed by other unions. Unions that represent workers in the same geographical area and professional category may contest registration, in which case the MTE's Secretariat for Labor Relations has 15 days to consider the validity of the objection. If the objection is found to be valid, the MTE does not register the union. Union organizers may challenge this decision in the labor courts.

The law stipulates certain restrictions, such as "unicidade" (one per city), which limits freedom of association by prohibiting multiple, competing unions of the same professional category in a given geographical area. Most elements of the labor movement and the International Trade Union Confederation criticized unicidade. While a number of competing unions existed, the MTE and the courts enforced unicidade in decisions regarding the registration of new unions.

The Single Central Organization of Workers (CUT) estimated that 20 to 25 percent of workers were unionized. Most informal sector workers, including self-employed workers and those not formally registered with the MTE, fell outside the official union structure; they therefore did not enjoy union representation and usually were unable to exercise their labor rights fully. The informal sector accounted for

approximately one-half of the labor force. In the agricultural sector, 70 percent of workers were unregistered.

Intimidation and killings of rural labor union organizers and their agents continued to be a problem. The Catholic Church's Pastoral Land Commission reported that violence in rural areas victimized labor leaders, with the perpetrators enjoying relative impunity. The commission reported that during the year 25 persons died in conflicts related to land, including five rural labor leaders.

The law prohibits the dismissal of employees who are candidates for or holders of union leadership positions and requires employers to reinstate workers fired for union activity; however, authorities at times did not effectively enforce laws protecting union members from discrimination. Labor courts charged with resolving these and other disputes involving unfair dismissal, working conditions, salary disputes, and other grievances were slow and cumbersome, averaging 6 years for resolution. Parties generally agreed that when ultimately resolved, cases were decided fairly and on their merits. There was a trend for courts to rule against employees, claiming that union membership was not a factor. Most complaints were resolved in the first hearing; however, the appeals process introduced many delays, and some cases remained unresolved for up to 10 years.

b. The Right to Organize and Bargain Collectively.—Collective bargaining was widespread in the formal sector. The law obliges unions to negotiate on behalf of all registered workers in the professional category and geographical area they represent, regardless of whether an employee pays voluntary membership dues to the union.

The law provides the right to strike to all workers except the armed forces, military police, and firefighters, and workers exercised this right in practice. While the civil police were allowed to form unions and conduct strikes, the military police were prohibited from organizing.

The law stipulates that a strike may be ruled "abusive" by labor courts and be punishable if a number of conditions are not met, such as maintaining essential services during a strike, notifying employers at least 48 hours before the beginning of a walkout, and ending a strike after a labor court decision. Employers may not hire substitute workers during a legal strike or fire workers for strike-related activity, provided that the strike is not ruled abusive. In practice employers fired strike organizers for reasons ostensibly unrelated to strikes, and legal recourse related to retaliatory discharge was often a protracted process.

The MST, which had approximately 100,000 unemployed farm worker members, was extremely active, invading farms and organizing protests, many of which resulted in major property damage. Preliminary data from the Catholic Church's Pastoral Land Commission stated that there were land 540 conflicts, resulting in nine deaths and 247 land occupations.

There are no special laws or exemptions from regular labor laws in the country's four free trade zones.

c. Prohibition of Forced or Compulsory Labor.—Although the law prohibits forced or compulsory labor, including by children, forced labor and trafficking of workers occurred in many states, most commonly in activities such as forest clearing, logging, charcoal production, raising livestock, and agriculture, particularly harvesting sugarcane, coffee, and cotton. Forced labor typically involved young men drawn from the impoverished Northeast states—Maranhao, Piaui, Tocantins, Para, Goias, and Ceara—to work in the northern and central western regions of the country. Women and children, the latter typically working with their parents, also were involved in forced labor activities such as charcoal production. The ILO estimated that there were approximately 25,000 forced labor workers during the year.

Labor intermediaries trafficked most forced laborers to remote estates, where victims were forced to work in harsh conditions until they repaid inflated debts related to the costs of travel, tools, clothing, or food. Armed guards sometimes were used to retain laborers, but the remoteness of the location, confiscation of documents, and threats of legal action or physical harm usually were sufficient to prevent laborers from fleeing.

The law provides that violators of forced or compulsory labor may be sentenced up to 8 years in prison. The law also provides penalties for various crimes related to forced labor, such as recruiting or transporting workers or obliging them to incur debt as part of a forced labor scheme. The abolition of forced labor was hindered by failure to impose effective penalties, the impunity of those responsible, delays in judicial procedure, and the absence of coordination between the various government bodies. There were few criminal prosecutions relating to forced labor because of the lack of a clear legal definition; local political pressure; weak coordination among the police, the judiciary, and prosecutors; the remoteness of areas in which forced labor

was practiced; witnesses' fear of retaliation; and police failure to conduct criminal investigations when accompanying labor inspectors on raids.

Violators of forced labor laws enjoyed virtual impunity from criminal prosecution, and no landowner has ever been convicted and imprisoned for using slave labor. The MTE punished those who used slave labor by imposing fines, requiring that indemnities be paid to the workers and placing the names of violators on a "dirty list," which was published every 6 months on the Internet. The Ministry of National Integration vetoed financing to violators, the Bank of Brazil denied credit to landowners using forced labor, and some sectors of the economy refused to buy products from producers on the list. The Federal Labor Prosecutor's Office participated in inspections by receiving complaints and establishing fines that violators had to pay to receive financing and credit, sell products, have their accounts unfrozen, and obtain access to governmental loans.

In July the MTE released its "dirty list" of 192 employers in 16 states who used their workforce in conditions analogous to slave labor. Some challenged the list's constitutionality, since there is no way to clear oneself before a name is added, but at year's end no decision had been made. The Senate's Human Rights Committee approved a law that prohibits granting credit to persons or companies on the "dirty list."

During the year the MTE's Mobile Inspection Unit freed 5,677 forced laborers in 102 operations on 186 properties. Payments of indemnities to the workers totaled more than $5.4 million (9.52 million reais).

In July MTE inspectors freed 1,108 forced laborers from a sugar cane farm producing cane for ethanol in Ulianopolis, Para. Several improper adjustments had been made to the workers' paychecks, often leaving workers owing money at the end of the pay period. In addition, the living quarters of the workers were overcrowded and unsanitary. The owners agreed to pay what was owed, and ethanol distributors said that they would not buy ethanol from the farm until the workers' rights were respected. The owner would be monitored for a 2-year probationary period, during which he would not be allowed bank financing or permitted to obtain credit from private and public sources. Five senators, known to oppose efforts to fight forced labor, questioned the mobile inspectors' procedures. In protest, on September 21 the MTE halted its activities. Federal judiciary and executive groups as well as NGOs and the press defended the inspectors' work. On October 15, the teams resumed work after receiving guarantees that they would be able to work without interference and an commitment from the attorney general to support all mobile inspector team actions if scrutinized by public officials.

On July 19, the MTE freed 83 persons identified as forced laborers found harvesting tomatoes in Itaberai, Goias.

There were no developments in the August 2006 case in which 800 persons were found working in Minas Gerais for evangelical pastors in conditions characterized by the MTE as slave-like.

At year's end the MTE was deciding penalties to apply in a December 2006 case in which landowners in Goias State were arrested on suspicion of labor abuse and environmental crimes in making charcoal from illegally felled timber from protected areas.

In December 2006 landowner Gilberto Resende from Sao Felix do Araguaia, Mato Grosso, was ordered to pay $552,486 (1 million reais) to the Workers' Aid Fund for subjecting workers to slave-like conditions. The workers, who escaped from Resende's property in 1999, were reportedly tortured, did not receive payments for their work, were not registered, worked excessive hours, and did not use protective equipment. Resende was also ordered to register all hired workers, pay salaries regularly, and provide adequate housing, and his name was added to the "dirty list."

According to the Group of Slave Labor Research (GPTEC) from the Federal University of Rio de Janeiro, the two construction companies found using 70 workers in slave conditions in 2005 signed agreements requiring them to pay salaries owed, termination pay, and the return tickets home to the workers. However, at year's end GPTEC reported that the companies had not complied with the agreements.

The National Commission to Eradicate Slave Labor coordinated the government's efforts to eliminate forced labor. The MTE's enforcement arm, the Special Group for Mobile Inspection, had responsibility for locating and freeing victims of forced labor. The mobile unit worked in conjunction with Federal police officers, who accompanied labor inspectors on raids to provide protection. Mobile teams levied fines on estate owners using forced labor and required employers to provide back pay and benefits to workers before returning the workers to their municipalities of origin. Although mobile units enjoyed some success in freeing those working in slave-like conditions, inspectors sometimes faced resistance.

The National Pact for the Eradication of Slave Labor included more than 100 companies and NGOs with a public commitment to restrict economic relations with anyone who uses slave labor. The Social Observatory Institute monitored the actions to combat forced labor implemented by those who signed the pact.

d. Prohibition of Child Labor and Minimum Age for Employment.—Although the law restricts work that may be performed by children, child labor continued to be a widespread problem.

The minimum working age is 16 years, and apprenticeships may begin at age 14. The law bars all minors under age 18 from work that constitutes a physical strain or that occurs in nocturnal, unhealthy, dangerous, or morally harmful conditions; however, authorities rarely enforced additional legal restrictions intended to protect working minors under age 18. The law requires parental permission for minors to work as apprentices, and apprentices must attend school through the primary grades. Inspectors may punish violators of child labor laws by drawing up infringement assessments and issuing fines.

Data from the 2007 Synthesis of Social Indicators showed that in 2006 there were 2.7 million children working between the ages of 5 and 15, compared with 2.9 million in 2005.

Approximately half of child laborers received no income, and 90 percent worked in the unregistered informal sector. Slightly more than half of child laborers worked in rural areas, and two-thirds were boys. The ILO estimated that approximately 20 percent of 10- to 14-year-old girls worked as household domestics. Most of these workers received less than half the minimum wage and worked in excess of 40 hours a week.

The hidden and informal nature of child labor made children especially vulnerable to workplace accidents. For instance, children who produced charcoal, sisal, sugarcane, and footwear suffered from dismemberments, gastrointestinal disease, lacerations, blindness, and burns caused by applying chemical products with inadequate protection.

The MTE was responsible for inspecting worksites to enforce child labor laws; its regional offices had special groups to enforce child labor laws, principally by gathering data and developing plans for child labor inspection. Nonetheless, most inspections of children in the workplace were driven by complaints brought by workers, teachers, unions, NGOs, and the media. Labor inspectors continued to prioritize inspections in the informal sector, but they remained unable to enter private homes and farms, where much of the nation's child labor was found. In most cases inspectors attempted to reach agreements and convince employers to desist from labor law violations before levying fines of $221 (402 reais) per violation up to a maximum of fine of $1,180 (2,013 reais); for a second or third violation, the fine doubles or triples respectively. In practice few employers were fined for employing children.

The MTE reported that during the year inspectors found 7,812 children under 16 working illegally, more than double the number found in 2006.

The Government implemented programs to prevent child labor, including the Program to Eradicate Child Labor (PETI), coordinated by the Ministry of Social Development and Combating Hunger together with state and local authorities. Through PETI families with children 7 to 15 years of age working in selected hazardous activities receive monthly cash stipends to keep their children in school, and the children may participate in after-school programs that provides nutritional snacks, sports, art, and cultural activities. In December 863,268 children were receiving the PETI stipend. The government, through the social development ministry, also operated the Bolsa Familia program, providing a monthly stipend to low-income families who keep their children in school and meet certain health requirements. Approximately 11 million families were receiving the program in December.

To assist child victims of commercial sexual exploitation, there were local reference centers to provide victims with psychological, social, and legal services and raise awareness through informational campaigns, workshops, and partnerships. The Secretariat of Human Rights also operated a telephone hot line in every state to report sexual violence against children and adolescents, and the Ministry of Tourism developed a code of conduct to prevent the commercial sexual exploitation of children in the tourism industry. The Federal Highway Police and the ILO published data on places such as gas stations, bars, restaurants, motels, and night clubs along highways considered to be areas for sexual exploitation of children and adolescents.

NGOs supported the government's child labor elimination programs. The Centers for the Defense of Children and Adolescents were active in many parts of the country and reported violations of children's rights to the guardianship councils, the social assistance network, the organizations that defended children and family rights.

The Pro-Child Institute in Sao Paulo State coordinated a labeling program to reduce instances of child labor in the footwear industry.

Civil society also took actions to prevent and abolish child labor. The nongovernmental National Forum to Prevent Child Labor, which includes governmental and civil society representatives, mobilized institutional agents involved in developing policies and programs to eliminate child labor. The toy industry's Foundation for Children's Rights operated a labeling program that identified companies with child-friendly policies and a commitment to eliminate child labor. All major labor organizations had programs to educate union members about the hazards of child labor and encouraged members to report instances of child labor to authorities.

e. Acceptable Conditions of Work.—The Government adjusts the minimum wage annually and in April raised it to $211 (380 reais) per month. The Brazilian Institute of Geography and Statistics estimated that approximately 25.6 percent of workers earned the minimum wage or less. The national minimum wage did not provide a decent standard of living for a worker and family.

The law limits the workweek to 44 hours and specifies a weekly rest period of 24 consecutive hours, preferably on Sundays. The law also prohibits excessive compulsory overtime and stipulates that hours worked above the weekly limit must be compensated at time-and-a-half pay; these provisions generally were enforced in the formal sector.

The MTE sets occupational, health, and safety standards that are consistent with internationally recognized norms. MTE labor inspectors worked closely with prosecutors from the Federal Labor Prosecutor's Office, an independent agency responsible for prosecuting labor infractions. However, the Government devoted insufficient resources for adequate inspection and enforcement of standards.

Unsafe working conditions were prevalent throughout the country. There were no figures available on workplace accidents during the year. According to preliminary data from the Ministry of Social Security, the Government granted benefits to 10,395 persons for work-related accidents during the year. Employees or their unions may file claims related to worker safety with regional labor courts, although this was frequently a protracted process.

The law requires employers to establish internal committees for accident prevention in workplaces. It also protects employee members of these committees from being fired for their committee activities. However, such firings occurred, and legal recourse usually required years for a resolution. The Federal Prosecutor's Labor Office reported that numerous firms used computerized records to compile "black lists" identifying workers who had filed claims in labor courts. Individual workers did not have the legal right to remove themselves from the workplace when faced with hazardous working conditions, but workers could express such concerns to a company committee for an immediate investigation.

CANADA

Canada, with a population of 33.1 million, is a constitutional monarchy with a Federal parliamentary form of government. In free and fair multiparty Federal elections held in January 2006, the Conservative Party, led by Stephen Harper, won a plurality of seats and formed a minority government. The civilian authorities generally maintained effective control of the security forces.

The Government generally respected the human rights of its citizens, and the law and judiciary provide effective means of addressing individual instances of abuse. Human rights problems included harassment of religious minorities, violence against women, and trafficking of persons to, from, and within the country.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life.—There were no reports that the Government or its agents committed arbitrary or unlawful killings.

On several occasions police employed taser weapons with lethal effect. In August Jason Doan died in Red Deer, Alberta, after police stunned him with a taser weapon. Calgary police reviewed the incident. In October Robert Dziekanski died at Vancouver International Airport after officers of the national Royal Canadian Mounted Police (RCMP) used a taser at least twice to subdue him. The Commission for Public Complaints Against the RCMP (a civilian oversight body), the RCMP, and provincial authorities opened investigations into Dziekanski's death. On December 12, the commission recommended that the RCMP restrict its use of tasers, reclassify them

as "impact weapons" for use only when there is a threat of death or grievous bodily harm to officers or to the public, and improve accountability on their use. In response the RCMP undertook to limit and redefine the use of tasers and improve reporting protocols.

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, and there were no reports that government officials employed them.

There was no apparent progress in an investigation opened by the RCMP in 2005 concerning allegations of brutality in the arrest and imprisonment of an indigenous man in the Natuashish community of northern Labrador.

Prison and Detention Center Conditions.—Prison and detention center conditions generally met international standards, and the Government permitted visits by independent human rights observers.

d. Arbitrary Arrest or Detention.—The law prohibits arbitrary arrest and detention, and the Government generally observed these prohibitions.

Role of the Police and Security Apparatus.—Civilian authorities maintained effective control over the RCMP and provincial and municipal police forces, and the Government has effective mechanisms to investigate and punish abuse and corruption. There were no reports of impunity involving the security forces during the year.

Arrest and Detention.—Authorities generally apprehended persons openly with warrants. A judge may issue a warrant after being satisfied that a criminal offense may have been committed. A person arrested for a criminal offense has the right to a prompt independent judicial determination of the legality of the detention, and authorities respected this right in practice. Authorities provided detainees with timely information as to the reason for the arrest, ensured prompt access to a lawyer of the detainees' choice and, if indigent, to one provided by the state, and granted prompt access to family members. Bail generally was available.

On February 23, the Supreme Court ruled on the appeal of a 2004 Federal Court of Appeal decision that it was constitutional for the Government to arrest and detain on immigration security certificates noncitizens who pose a threat to national security. The Government issues certificates on the basis of confidential evidence presented to two cabinet ministers by intelligence or police agencies and reviewed by a Federal Court judge. The evidence generally is not shown to the detainee. If the judge approves the ministers' recommendation, the individual may be imprisoned pending deportation proceedings. The Supreme Court struck down the process, ruling that indefinite detention without review is arbitrary and that defendants have the right to know the evidence against them. The court suspended its ruling for 1 year to allow the Government time to rewrite the law. In October the Federal Government introduced amending legislation to allow the appointment of security-cleared lawyers, or "special advocates," to hear sensitive national security evidence on behalf of detainees and to extend to certificate detainees the same right of access to detention review available to permanent residents and citizens held on national security charges. The legislation was pending at year's end. At year's end one individual was incarcerated on a security certificate, and five other detainees subject to security certificate proceedings had been conditionally released, pending deportation.

e. Denial of Fair Public Trial.—The law provides for an independent judiciary, and the Government generally respected this provision in practice. The law provides for the right to a fair trial, and an independent judiciary generally enforced this right.

Trial Procedures.—The judicial system is based on English common law at the Federal level as well as in most provinces. In Quebec Province, civil law is derived from the Napoleonic Code; however, criminal law is the same nationwide. The Government appoints the judges. Trials are public, and defendants have a right to have their case heard before a judge alone or, for more serious cases, before a judge and jury. Defendants have the right to be present and to consult with an attorney in a timely manner. The Government provides an attorney at public expense if needed when defendants face serious criminal charges, and defendants can confront or question witnesses against them and present witnesses and evidence on their behalf. Defendants and their attorneys generally have access to government-held evidence relevant to their cases. Defendants also enjoy a presumption of innocence and have a right of appeal.

On May 7, the Federal Court of Canada ruled that withholding sensitive national security information obtained from foreign security agencies and governments from defendants in national security cases did not necessarily infringe on the right to a

fair trial. The judgment occurred in the context of charges against Momim Khawaja, the first individual to be charged under the Anti-Terrorism Act. Khawaja's appeal of the ruling to the Federal Court of Appeal was pending at year's end.

Political Prisoners and Detainees.—There were no reports of political prisoners or detainees.

Civil Judicial Procedures and Remedies.—There is an independent and impartial judiciary in civil matters. Alleged human rights violations may be heard by the provincial or Federal human rights commissions. Remedies can be monetary, declaratory, or injunctive. There were few problems enforcing domestic court orders.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The law prohibits such actions, and the Government generally respected these prohibitions in practice.

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. An independent press, an effective judiciary, and a functioning democratic political system combined to ensure freedom of speech and of the press. Individuals could criticize the Government publicly or privately without reprisal, and the Government did not attempt to impede criticism. The independent media were active and expressed a wide variety of views without restriction.

The Supreme Court has ruled that the Government may limit free speech in the name of goals such as ending discrimination, ensuring social harmony, or promoting gender equality. It also has ruled that the benefits of limiting hate speech and promoting equality are sufficient to outweigh the freedom of speech clause in the Charter of Rights and Freedoms, the country's constitutional bill of rights.

Inciting hatred (in certain cases) or genocide is a criminal offense, but the Supreme Court has set a high threshold for such cases, specifying that these acts must be proven to be willful and public. The Broadcasting Act prohibits programming containing any abusive comment that would expose individuals or groups to hatred or contempt. Provincial-level film censorship, broadcast licensing procedures, broadcasters' voluntary codes curbing graphic violence, and laws against hate literature and pornography also impose some restrictions on the media.

On June 14, the Supreme Court declined to hear an appeal of a 2005 Federal Court of Appeal decision upholding the Radio-Television and Telecommunications Commission's refusal to renew the broadcasting license of a Quebec City radio station. Some citizens had filed complaints alleging that station announcers used offensive comments, personal attacks, and harassment.

On June 21, the Saskatchewan Court of Appeal deferred its decision on the appeal of a 2006 Saskatchewan court ruling setting aside a 2005 decision of a Saskatoon court that found the former leader of the Assembly of First Nations guilty of willfully promoting hatred against Jews under the hate propaganda provisions of the criminal code. The case remained pending at year's end.

Internet Freedom.—There were no government restrictions on access to the Internet or reports that the Government monitored e-mail or Internet chat rooms. Individuals and groups could engage in the peaceful expression of views via the Internet, including by e-mail. Internet access was readily available and widely used.

The Canadian Human Rights Commission investigates complaints about hate messages on Web sites and may forward cases to the Canadian Human Rights Tribunal for action. On February 2, the tribunal fined a white supremacist $3,738 (Cdn $4,000) for using the Internet to disseminate hate messages. On July 23, the same tribunal, ruling on a 2006 complaint, found that a respondent had administered and maintained a Web site to communicate hate messages and fined the individual $3,738 (Cdn $4,000). In October the tribunal fined a white supremacist $1,400 (Cdn $1,500) for posting hate messages on the Internet and ordered the defendant to pay an additional $2,803 (Cdn $3,000) in compensation to the complainant for abusive comments the defendant posted about him online after he filed his complaint. Federal and provincial human rights commissions themselves were increasingly criticized by journalists for accepting cases related to material mildly critical of various religious and other minority group organizations.

Academic Freedom and Cultural Events.—There were no government restrictions on academic freedom or cultural events.

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.

After the town of Herouxville, Quebec, on January 25 adopted a statement of behavioral "standards" for prospective immigrants, addressing such religious practices as face covering, the Quebec government in February created a Consultation Commission on Accommodation Practices Related to Cultural Differences. The commission held a series of public hearings across the province between September and December to provide a basis for a report scheduled for release in March 2008.

There were instances of restrictions on personal attire related to religion. In February, April, and November, sports officials barred participation of Muslim girls wearing a hijab (headscarf) on the grounds that the hijabs violated sport safety rules. In December the Alberta Soccer Association issued an interim ban on the wearing of hijabs during soccer games. In March, also citing safety rules, authorities in a Montreal jail dismissed a Muslim female correctional officer who insisted on wearing the hijab.

In September the Federal chief electoral officer reversed a March decision of Quebec election officials and ruled that voters wearing religious face coverings could vote without showing their faces if they provided acceptable identification.

In April the Canadian Human Rights Commission reached a settlement with the national rail carrier to permit Sikhs to wear kirpans (ceremonial daggers) on trains. The settlement resolved the 2005 complaint of a Sikh law student who had twice been prohibited from riding on national rail carrier trains because he was wearing a kirpan. The carrier's policy bans weapons without exceptions for religious symbols. Under the settlement, kirpans may be worn only by Sikhs, cannot be visible to other passengers, and must be sheathed at all times.

Societal Abuses and Discrimination.—There were a number of reports of harassment of religious minorities, which the Government investigated and punished. The criminal code and related statutes, the Anti-Terrorism Act, the Canadian Human Rights Act, provincial human rights codes, broadcasting regulations, and other acts seek to counter hate and bias activity, and the Government enforced its laws to protect religious freedom and combat discrimination.

Approximately 1.1 percent of the population is Jewish. The B'nai Brith Canada League for Human Rights received 935 reports of anti-Semitic incidents in 2006, a 12.8 percent increase from 2005. The greatest number of reports came from Ontario Province (569 incidents, 445 of which took place in the Greater Toronto area), followed by Quebec Province (226 incidents, 215 of which took place in Montreal)—the two provinces where approximately 80 percent of the Jewish population resided. The 935 reports included 588 cases of harassment, 317 cases of vandalism, and 30 cases of violence; 187 cases involved attacks on synagogues, Jewish homes, or communal buildings. Jewish students reported 54 cases of anti-Semitic incidents that occurred on campus, and another 48 involved school settings. B'nai Brith also noted a marked increase in Web-based hate, with 253 reports, a 54 percent increase compared with 2005.

On April 13, Montreal police charged two men with arson, uttering threats, and possessing arson materials in connection with two incidents against the Jewish community. The men allegedly threw a Molotov cocktail at the front door of an Orthodox Jewish boys' school and exploded a small device outside a Jewish community center. The police were treating the cases as hate crimes.

On April 15, a synagogue in British Columbia was defaced with anti-Semitic graffiti. The RCMP and the British Columbia Hate Crimes Unit investigated the attack as a hate crime and arrested two people in connection with the incident.

On June 5, unknown individuals in Val David, Quebec, torched a cottage belonging to a member of Montreal's Hasidic Jewish community. Quebec police continued investigating the incident at year's end.

On June 29, for the third time in 3 months, unknown individuals desecrated a Jewish cemetery in Ottawa.

On September 4, a Jewish family found the front door of its rental property in Bowmanville, Toronto, smashed and swastikas, anti-Jewish, and neo-Nazi graffiti painted on the walls after a tenant was evicted for nonpayment of rent. B'nai Brith urged police to treat the incident as a hate crime.

On September 26 and 27, unknown individuals spray-painted nine vehicles in the York Region of Toronto with swastikas, anti-Semitic, and homophobic slurs. Unknown individuals also spray-painted the doors and windows of several nearby homes, smashed the windows and lights of one vehicle, and stole some property. York region police were investigating the incidents as hate crimes.

Approximately 1.9 percent of the population is Muslim. On August 20, unknown individuals threw a concrete patio stone through a window at the Mississauga Islamic Society of North America building, which was occupied by 100 persons; there

were no injuries. Although Muslim leaders considered the incident a hate crime, police were treating it as mischief.

There were no known developments in investigations of a June 2006 incident of an imam threatened outside a Montreal mosque by a person wielding a knife, property damage to a Rexdale, Ontario, mosque the same month, and a September 2006 attack on an Islamic school in Ottawa.

The government's Human Rights Commission is responsible for developing and conducting information programs to foster public understanding of the Canadian Human Rights Act. Provincial human rights commissions perform similar functions for those activities that are not under Federal regulation. Four provinces (Newfoundland, Nova Scotia, Prince Edward Island, and New Brunswick) officially recognize Holocaust Remembrance Day, while every province conducts a remembrance ceremony attended by national, provincial, and local leaders.

For a more detailed discussion, see the 2007 International Religious Freedom Report.

d. Freedom of Movement Internally Displaced Persons, Protection of Refugees, and Stateless Persons.—The law provides for freedom of movement within the country, foreign travel, emigration, and repatriation, and the Government generally respected these rights in practice. The Government cooperated with the Office of the U.N. High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to internally displaced persons, refugees, returning refugees, asylum seekers, stateless persons, and other persons of concern.

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

Protection of Refugees.—The law provides for the granting of asylum or refugee status in accordance with the 1951 U.N. Convention relating to the Status of Refugees and its 1967 protocol. The Government has a system for providing protection to refugees, granted refugee status or asylum as appropriate, and cooperated with the Office of the UNHCR and other humanitarian organizations in assisting refugees and asylum seekers.

In practice the Government provided protection against refoulement, the return of persons to a country where there is reason to believe they feared persecution. The Government offered alternatives to refugee claimants whose cases were refused by the Immigration and Refugee Board. The option for judicial review through the Federal Court of Canada exists. Two other remedies of last resort are available through the department of Citizenship and Immigration, including a "pre-removal risk assessment" as well as an appeal to the minister of citizenship and immigration for a waiver based on humanitarian and compassionate grounds.

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

The law provides citizens the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections based on universal suffrage.

Elections and Political Participation.—In the free and fair multiparty Federal general election in January 2006, the Conservative Party took control of Parliament, ending 13 years of Liberal Party rule. The Conservative Party, which did not win a majority of the 308 seats in the lower house, formed a minority government. Political parties operated without restriction or outside interference.

There were 65 women and four indigenous persons in the 308-member House of Commons. There were 32 women and seven indigenous members in the 105-seat Senate (whose members are appointed by the government). Women held five seats in the 27-member cabinet. The governor general and four of the nine members of the Supreme Court, including the chief justice, were women.

Province-wide elections in Quebec, Manitoba, Prince Edward Island, Newfoundland and Labrador, Ontario, and Saskatchewan and a territorial election in the Northwest Territories took place during the year.

Government Corruption and Transparency.—The law provides criminal penalties for official corruption, and the Government generally enforced these laws effectively. There were occasional reports of government corruption during the year. In December 2006 the Government enacted the Federal Accountability Act to increase transparency and accountability in government, although the act's provisions related to lobbying registration and disclosure are not yet in force.

A conflict of interest and ethics commissioner administers the Conflict of Interest Code for members of the House of Commons, as well as the Conflict of Interest Act in relation to public office holders, which came into force on July 9.

Public officials are not subject to financial disclosure laws for personal assets.

The law permits public access to government information and in practice granted access for citizens and noncitizens, including foreign media. The Government released quarterly information on the public expenditures of senior government officials and also published expense information on individual ministerial Web sites and on a centralized Web site.

Section 4. Governmental Attitudes Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A wide variety of 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.

On January 27, the Government accepted a commission of inquiry's report, awarded $9.8 million (Cdn $10.5 million) plus $934,000 (Cdn $1 million) in legal costs, and issued a formal apology to dual Canadian-Syrian citizen Maher Arar for its role in his removal from the United States and detention in Syria.

In December 2006 the Government ordered a judicial review of the role, if any, officials may have played in the detention and alleged torture in Syria of three Muslim Canadians suspected of links to terrorism. The inquiry was scheduled to report on January 31, 2008.

On March 26, the Government opened its trial against Desire Munyaneza for crimes allegedly committed during the 1994 Rwandan genocide, the first trial under the country's Crimes Against Humanity and War Crimes Act. Testimony was scheduled to continue until spring 2008.

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

The law provides for equal benefits and protection of the law regardless of race, gender, national or ethnic origin, age, language, social status, or disability; the Government effectively enforced these rights.

Women.—Although prohibited by law, rape and violence against women, including spousal rape and abuse, remained a problem. The government's statistical office reported that there were 68 sexual assaults per 100,000 persons in 2006, down from 73.7 in 2005, while the 2006 homicide rate related to domestic violence rose to 0.78 from 0.71 per 100,000 couples, the first increase in 5 years.

The law prohibits domestic violence. Although the criminal code does not define specific domestic violence offenses, an abuser can be charged with an applicable offense, such as assault, intimidation, mischief, or sexual assault. Persons convicted of assault may be penalized with up to 5 years in prison. Assaults involving weapons, threats, injuries, or endangerment of life carry sentences up to 14 years in prison. Sexual abuse may be penalized with up to 10 years in prison. Sexual assaults involving weapons, threats, injuries, or endangerment of life carry sentences up to life imprisonment.

Indigenous (aboriginal) people were three times more likely to be victims of spousal violence than nonindigenous people.

The Federal statistical agency reported there were 553 shelters for abused women in 2006; the shelters provided both emergency care and long-term assistance. The government's family violence initiative involved 12 departments and a cabinet ministry—Status of Women Canada. These entities worked to eliminate systemic violence against women and advance women's human rights.

The Amnesty International 2007 Report noted continuing high levels of discrimination and violence against indigenous women and criticized officials for failing to advance a national strategy. The report stated that police responses to threats against indigenous women's lives were inconsistent and inadequate.

Adult prostitution is legal, but the law prohibits pimping (benefiting from the earnings of prostitution of another); operating, being found in, or working in a brothel; and communicating in a public place for the purpose of engaging in prostitution.

The law does not contain a specific offense of "sexual harassment" but criminalizes harassment (stalking), punishable by up to 10 years' imprisonment, and sexual assault, with penalties ranging from 10 years' imprisonment for nonaggravated sexual assault to life imprisonment for aggravated sexual assault. The Government generally enforced these prohibitions. Most harassment cases were settled out of court.

Women were well represented in the labor force, including business and the professions, and did not experience economic discrimination. According to Statistics Canada, 62 percent of women age 15 and older were employed in the workforce in 2006. Employment equity laws and regulations cover Federal employees in all but

the security and defense services. Women have marriage and property rights, as well as rights in the judicial system, equal to those of men.

Children.—The Government demonstrated its commitment to children's rights and welfare through well-funded systems of public education and medical care. Education is free through grade 13 and is compulsory nationwide through age 15 or 16, depending on the province. The U.N. Children's Fund reported that 100 percent of elementary-age children attended school; high school was the highest level completed by most children. Federal and provincial regulations protect children from abuse, overwork, and discrimination and penalize perpetrators of such offenses.

Children and youth were overrepresented in police reports as victims of sexual assault, according to Federal statistics. In a 2003 study, children and youth, who represented 21 percent of the population, were victims in 60 percent of sexual assaults, 21 percent of physical assaults, and 17 percent of other crimes involving violence or threat of violence in the regions covered by the study. The risk of violent victimization rose with age from less than 500 per 100,000 for children under age 8 to 2,000 per 100,000 for children age 14 to 17.

Trafficking in Persons.—Although the law prohibits all forms of trafficking in persons, there were reports that persons were trafficked to, from, and within the country.

The country is a source, transit point, and destination for men, women, and children trafficked for the purposes of labor and sexual exploitation. Nongovernmental organizations (NGOs) estimated that 2,000 persons were trafficked into the country annually, while the RCMP in 2004 put its estimate at 600 to 800 persons, with an additional 1,500 to 2,200 persons trafficked through the country into the United States. The most numerous victims were Asians and Eastern Europeans, but a significant number also came from the Middle East, Africa, Latin America, and the Caribbean. Women and children were trafficked for sexual exploitation; on a lesser scale, men, women, and children were trafficked for forced labor. Some girls and women, most of whom were aboriginal according to a 2005 Department of Justice study, were trafficked internally for commercial sexual exploitation.

Vancouver and Toronto served as hubs for organized crime groups trafficking in persons, including for prostitution. East Asian crime groups targeted the country, Vancouver in particular, exploiting immigration laws, benefits available to immigrants, and the proximity to the U.S. border.

The criminal code criminalizes trafficking in persons and prohibits global and internal trafficking in persons, benefiting economically from trafficking in persons, and withholding or destroying documents to facilitate trafficking in persons. The Immigration and Refugee Protection Act (IRPA) establishes criminal penalties of up to life in prison and fines of up to $981,000 ($Cdn 1 million) for convicted cross-border traffickers. The Government prosecutes all forms of human trafficking, including forced labor, in addition to trafficking related such as kidnapping, forcible confinement, uttering threats, sexual assault, prostitution-related crimes, and extortion. The law also permits domestic prosecution of citizens and residents who engage in illegal sexual activity with children overseas.

There were five trafficking-related convictions between March 2006 and February, while 10 other investigations continued at year's end. On June 21, the British Columbia Provincial Court ruled on a 2005 case in which Vancouver police brought the first trafficking charges under IRPA. The court dismissed the trafficking charges due to lack of credible evidence but convicted the massage parlor owner of keeping a common bawdy house and procuring women to engage in illicit sexual services. Sentencing discussions in the case were ongoing at year's end.

The Government has an interdepartmental working group consisting of 19 departments and agencies and cochaired by senior officials from the Departments of Justice and Public Safety to combat trafficking in persons.

Through agencies such as Interpol, the Government assisted other countries with criminal investigations of trafficking cases, and it cooperated with law enforcement authorities in neighboring and source countries.

Officials may grant a temporary residence permit of 180 days (or longer, in special meritorious cases) to provide a reflection period for the victim and an investigative window for law enforcement to determine whether there is enough evidence to pursue a trafficking case. During this 180-day period, immigration officials determine whether a longer residency period of up to 3 years may be warranted. Nonetheless, NGOs have reported anecdotal evidence that some victims of trafficking were arrested and deported. The RCMP implemented a law enforcement training program to sensitize officers to trafficking realities, help identify potential trafficking victims, and provide information about implementing the new guidelines.

In addition to legal status under a temporary residence permit, trafficking victims have access to federally funded emergency medical services and programs such as legal assistance; they may also apply for assistance from victims' assistance funds maintained by the provincial governments.

The government's Interdepartmental Working Group on Trafficking in Persons trained officials to increase awareness about trafficking. The group also produced, translated into 14 languages, and distributed an antitrafficking pamphlet to the country's diplomatic missions and to NGOs with access to potential victims in source countries. In addition, the RCMP initiated training workshops for police, immigration, border agency, and other officials; supported efforts by NGOs and community organizations to raise awareness of trafficking; and funded academic studies of the problem.

Persons with Disabilities.—The law prohibits discrimination against persons with physical and mental disabilities in employment, education, access to health care, or the provision of other state services, and the Government effectively enforced these prohibitions. Sexual exploitation of persons with disabilities in situations of dependency is a criminal offense. The Government effectively implemented laws mandating access to buildings for persons with disabilities and supported the right of persons with disabilities to vote and participate in civic affairs.

The federal, provincial, and territorial governments share responsibility for protecting the rights of persons with disabilities. The Office for Disability Issues is the Federal Government's focal point for protecting the rights of persons with disabilities.

National/Racial/Ethnic Minorities.—The Charter of Rights and Freedoms protects the linguistic and cultural rights of minorities and establishes English and French as the country's two official languages. Despite the Federal policy of bilingualism, native English speakers in Quebec (8.3 percent of the province's population in 2001) and French speakers in other parts of the country generally lived and worked in the language of the majority. Provinces may grant French or English the status of an official language, but only New Brunswick has granted the two languages equal status.

The Charter of the French Language in Quebec makes French the official language of the province and requires the use of French in commerce, the workplace, education, and government. The Charter also protects minority language rights. Access to publicly funded English education is restricted to students who did most of their elementary or secondary studies in English in the country or whose immediate relative did. Francophones in Quebec have no constitutional right to publicly funded English language education, but immigrants and families from other provinces who have moved to Quebec may attend English language schools by obtaining a waiver.

Indigenous People.—The law recognizes three different groups of indigenous people: Indians (generally called First Nations), Inuit (formerly called Eskimos), and Metis (persons of mixed Indian-European ancestry). According to the 2001 census, indigenous people constituted approximately 3.3 percent of the national population and higher percentages in the country's three territories: Yukon, 23 percent; Northwest Territories, 50 percent; and Nunavut, 85 percent. Disputes over land claims, self-government, treaty rights, taxation, duty-free imports, fishing and hunting rights, and alleged harassment by police continued to be sources of tension. Indigenous people remained underrepresented in the work force, overrepresented on welfare rolls and in prison populations, and more susceptible to suicide and poverty than other population groups.

The law recognizes and specifically protects indigenous rights, including those established by historical land claims settlements. Historical treaties with indigenous groups in the eastern part of the country form the basis for the government's policies there, but there were legal challenges to the government's interpretation of treaty rights. Indigenous groups in the west that never signed treaties continued to claim land and resources, and many continued to seek legal resolution of outstanding issues. As a result, the evolution of the government's policy toward indigenous rights, particularly land claims, frequently depends on legal challenges, including 45 Supreme Court decisions.

On May 31, the Federal Government offered approximately $116 million (Cdn $125 million) to the Haudenosaunee/Six Nations to settle four of 28 claims relating to a dispute over ownership of a construction site in southern Ontario. The site had been occupied by tribal members since February 2006. Discussions concerning the Federal offer continued at year's end.

On July 16, the Federal Government announced a more than $1.3 billion (Cdn $1.4 billion) agreement with the Cree of northern Quebec, which will implement a 1975 treaty and prepare the Cree for self-government. The agreement, which will

run through 2027 and give the Cree control over local services and economic development projects, was approved with 90 percent of 6,421 votes cast in a Cree referendum held between August 10 and October 12.

In November the Federal Government announced an agreement to extend formal aboriginal status to the Mi'kmaq of Newfoundland and Labrador that would allow the Mi'kmaq to access Federal programs and services for status Indians. The agreement is subject to ratification by the 7,800 members of the Federation of Newfoundland Indians.

On December 3, the Federal and Quebec governments signed an agreement in principle (AIP) with Quebec Inuit to create an Inuit-controlled regional government, accountable to Quebec's National Assembly, to administer the region of Quebec above the 55th parallel. The Nunavik Regional Government or Nunavimmiut Aquvvinga would consist of at least 21 elected members including a representative from each of the territory's 14 Inuit communities. The AIP authorizes negotiations to begin on a legally binding final agreement that must be ratified by the Nunavik population and the Federal and Quebec governments.

The 2006 report of the Federal corrections ombudsman charged that a disproportionate number of aboriginal prisoners were in maximum-security penitentiaries and segregation and spent longer in jail than nonnative prisoners. Aboriginal people constituted approximately 3 percent of population but accounted for 18.5 percent of the Federal prison population. The ombudsman attributed a higher rate of recidivism in part to the Correctional Service's failure to manage aboriginal inmates in a culturally responsive and nondiscriminatory manner and lack of access to reintegration programs following release.

The Government continued the process of claim settlements and self-government negotiations with more than 350 First Nations communities.

Other Societal Abuses and Discrimination.—There were rare reports of societal violence or discrimination based on sexual orientation or against persons with HIV/AIDs. The Canadian Human Rights Act prohibits discrimination on the grounds of sexual orientation, and the criminal code provides penalties for crimes motivated by bias, prejudice, or hate based on personal characteristics, including sexual orientation. The law extends equal access to civil marriage to same-sex couples, and in January the Government eliminated restrictions for purposes of immigration on recognition of same-sex marriages performed outside the country.

In September York Region police in the Greater Toronto Region launched hate crime investigations into four incidents of violence and mischief in the Lake Simcoe area that targeted Asian-Canadians and left a Toronto resident in a coma. Police charged two men with assault in relation to two of the incidents and said hate crime charges could follow, depending on the result of investigations.

Section 6. Worker Rights

a. The Right of Association.—The law allows workers in both the public (except armed forces and police) and the private sectors to form and join unions of their choice without previous authorization, and workers did so in practice.

Trade unions are independent of the government. Approximately 30 percent of the civilian labor force held union membership.

b. The Right to Organize and Bargain Collectively.—The law protects collective bargaining, and collective agreements covered approximately 32 percent of the civilian labor force. All workers, except for those in the public sector who provide essential services, have the right to strike, and workers exercised this right in practice. The law prohibits employer retribution against strikers and union leaders, and the Government generally enforced this provision in practice. However, there were reports that private sector employers and public authorities took advantage of limitations in the law: In particular, private employers brought in temporary workers to replace strikers, while provincial and Federal Governments used the law to order strikers back to work.

There are no export processing zones.

In November the Ontario Court of Appeal rejected a bid by the Mississaugas of Scugog Island aboriginal band to terminate a collective agreement with a national trade union at a band-owned casino and impose its own labor code on the grounds of aboriginal treaty and self-government rights. The band's labor code provides no right to strike and effectively prohibits unions from organizing workers at the casino. The court ruled that labor relations were not a defining characteristic of the band's ancestral culture.

Also in November, workers in Ontario at Magna International Inc. approved a labor agreement in which unionized employees gave up the right to strike in favor of arbitration to settle labor disputes.

c. Prohibition of Forced or Compulsory Labor.—The law prohibits forced or compulsory labor, including by children; however, there were reports of trafficking of children.

d. Prohibition of Child Labor and Minimum Age for Employment.—Child labor legislation varies from province to province. The Federal Government employs youths under age 17 only while school is not in session and in work unlikely to endanger health or safety. Most provinces prohibit children under age 15 or 16 from working without parental consent, at night, or in any hazardous employment.

Federal and provincial labor ministries' inspections effectively enforced child labor laws and policies.

e. Acceptable Conditions of Work.—Each province and territory sets minimum wage rates, which ranged from $6.54 to $7.94 (Cdn $7.00 to Cdn $8.50) per hour. Ontario and Alberta have a minimum wage rate for youths lower than their respective minimums for adult workers. The minimum wage does not provide a decent standard of living for a worker and family. A family of four with a before-tax income of less than $36,084 (Cdn $38,610) qualifies as low income.

Standard work hours vary from province to province, but in all provinces the limit is 40 or 48 hours per week, with at least 24 hours of rest. The law requires payment of a premium for work above the standard workweek. Authorities effectively enforced these standards. There is no specific prohibition on excessive compulsory overtime, which is regulated by means of the required rest periods in the labor code that differ from industry to industry.

Federal law provides safety and health standards for employees under Federal jurisdiction, while provincial and territorial legislation provides for all other employees. Federal and provincial labor departments monitored and enforced these standards. Federal, provincial, and territorial laws protect the right of workers with "reasonable cause" to refuse dangerous work and remove themselves from hazardous work conditions, and authorities effectively enforced this right.

CHILE

Chile is a multiparty democracy with a population of approximately 16 million. In 2006 voters elected President Michelle Bachelet in a free and fair runoff election, in a multiparty system. In 2005 voters elected 20 of the 38 senators and all 120 members of the Chamber of Deputies. These elections also were considered generally free and fair. Civilian authorities generally maintained effective control of the security forces.

The Government generally respected the human rights of its citizens. There were isolated reports of excessive use of force and mistreatment by police forces, of physical abuse in jails and prisons, and of generally substandard prison conditions. The Government generally took steps to investigate and punish abusers. Domestic violence against women and children was widespread. There were incidents of trafficking in persons to, from, and within the country. Some indigenous people suffered discrimination. Many children were employed in the informal economy.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life.—There were no reports that the Government or its agents committed arbitrary or unlawful killings.

On October 23, the Rancagua Appeals Court indicted two former members of the uniformed Carabineros national police force for the 1988 killings of Raul Pellegrini and Cecilia Magni. Pellegrini and Magni were Manuel Rodriguez Patriotic Front (FPMR) activists killed in apparent reprisal for an attack on a police barracks. The case remained pending at year's end.

On August 28, the Supreme Court confirmed a life sentence for former Army general and head of the National Information Center (CNI) Hugo Salas for the 1987 killings of 12 FPMR activists in the "Albania Case." The court also increased the prison terms of two other former officers sentenced in the case. All three convicted officials and one civilian were imprisoned. On September 13, former Carabinero Ivan Quiroz Ruiz went into hiding after the Supreme Court ratified his sentence. He remained a fugitive at year's end. Eight other convicted individuals were serving lesser sentences not requiring incarceration. At a June 18 civil hearing before the Supreme Court on the same case, government prosecutors and victims' families agreed that the Government would pay each victim's family $577,000 (300 million

pesos) in damages. This agreement and arrangements for payment concluded the civil case.

On July 19, the Senate approved a $1.5 million (780 million pesos) payment to the family of dual Chilean-Spanish citizen Carmelo Soria, who was killed by National Intelligence Directorate (DINA) agents in 1976. The Senate's action completed action necessary to fulfill the government's 2003 agreement with the U.N. Action on the criminal case in the killing of Soria was pending at year's end.

On January 25, Judge Alejandro Solis indicted eight former DINA agents, including former DINA director Manuel Contreras and two civilians, for the 1974 car bomb assassination of former Army commander Carlos Prats in Buenos Aires. On June 22, he indicted another former DINA agent. At year's end all those indicted in the Prats case were free on bail except for Contreras, who was serving a 12-year sentence for the death of Miguel Angel Sandoval, and Raul Iturriaga, who was serving a 5-year sentence for the disappearance of Luis San Martin in 1974. Further action on the Prats case remained pending at year's end.

On July 28, the Santiago Court of Appeals revoked the amnesty applied by Judge Victor Montiglio in May 2006, under the 1978 Amnesty Law, in the 1973 "Caravan of Death" case. The court sentenced five former Army officials to prison terms, including a 10-year sentence for former general Sergio Arellano. The case remained pending in the Supreme Court at year's end.

Judge Jorge Zepeda's investigations of retired security officer Rafael Gonzales, charged in connection with the 1973 killings of U.S. citizens Charles Horman and Frank Teruggi, remained pending at year's end.

b. Disappearance.—There were no reports of politically motivated disappearances.

Courts prosecuted a number of historical cases based on plaintiffs' arguments that the abduction of political prisoners constituted a continuing crime, not covered by amnesty, unless the subsequent execution of the prisoner could be established concretely by identification of remains. The Supreme Court upheld a number of convictions based on indefinite or permanent kidnapping. The Supreme Court also revoked amnesty in several cases, allowing investigations of historical cases of politically motivated disappearances to be reopened.

On January 29, a court of military justice declined to continue investigating the 1974 disappearance case of Gloria Lagos Nilsson and remitted all documents and case records to criminal court judge Alejandro Solis. This was the first time a military court recused itself in the investigation of a Pinochet-era disappearance case.

On June 11, former army general Raul Iturriaga, convicted and sentenced for the 1974 disappearance of Luis Dagoberto San Martin, went into hiding after the Supreme Court ratified his sentence. He issued a statement on video in which he called the sentence for indefinite kidnapping a "judicial fiction." Iturriaga remained a fugitive for 52 days before being taken into custody; he began serving his prison term on August 2.

Judge Jorge Zepeda continued investigations of military-era detentions and disappearances of persons at Colonia Dignidad, now called Villa Baviera. Settlement founder Paul Schaefer, sentenced in August 2006 to 7 years in prison on weapons charges, was imprisoned and still faced multiple counts of child molestation.

There were no developments in the 1985 disappearance of U.S. citizen Boris Weisfeiler near Colonia Dignidad.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—Although the Constitution prohibits such practices, nongovernmental organizations (NGOs) received isolated reports of abuse and mistreatment by the Carabineros, the Investigations Police (PICH), and prison guards.

Few reports of abuse or mistreatment led to convictions. Military rather than civilian courts typically processed cases of military and police abuse (see Section 1.e.).

On October 3, a Santiago civil court ruled that the Government must pay $288,000 (150 million pesos) in damages to the family of Raul Palma, who died as the result of torture by Carabineros in 1998. The military courts convicted four former Carabineros of manslaughter and sentenced them to 10 years' imprisonment.

Prison and Detention Center Conditions.—Prison conditions generally were poor. Prisons often were overcrowded and antiquated, with substandard sanitary conditions. As of December there were approximately 48,000 prisoners in prisons designed to hold 28,700 inmates. Prisons in the Santiago Metropolitan Region were at nearly double design capacity. The 2007 Diego Portales University School of Law Annual Report on Human Rights reiterated that prison conditions remained substandard. Three new prisons were opened during the year in Santiago, Valdivia, and Puerto Montt, bringing the total of new facilities opened since 2005 to six. However, since the prison population grew by approximately 6,000 over the past 2 years, overcrowding remained a problem despite the new facilities.

In isolated instances prisoners died due to lack of clear prison procedures and insufficient medical resources in the prisons. Prison officials reported that there were 48 deaths from preventable causes during the year, compared with 64 in 2006. As of December, 23 inmates had been killed by other prisoners, and 25 inmates had committed suicide. Prisoners with HIV/AIDS and mental disabilities allegedly failed to receive adequate medical attention.

On June 8, a new juvenile justice system reform law took effect. It establishes a more rehabilitative approach to juvenile delinquency and creates a specialized system of detention facilities for minors. The law makes the government's National Children's Service (SENAME) responsible for providing the necessary infrastructure and implementing the reforms and the Gendarmeria responsible for providing security for the juvenile detention facilities. To meet these requirements, the Government invested more than $19 million (10 billion pesos) in programs and facilities. Cases involving minors are addressed in the criminal courts; previously, only family courts handled cases involving minors between the ages of 14 and 16. Human rights organizations criticized the Government for implementing the reforms before the necessary infrastructure was in place. As of September 13, approximately 70 minors remained in the juvenile section of regular jails run by the Gendarmeria. On October 21, a fire started during a riot in the juvenile detention center Tiempo de Crecer in Puerto Montt killed 10 adolescents. SENAME conducted an internal investigation and issued a report for its National Director; a special prosecutor's investigation was pending at year's end.

The Government permitted prison visits by independent human rights observers, and such visits took place. These included regular visits by Catholic and Protestant clerics and the NGO Paternitas. Amnesty International and the International Committee of the Red Cross were also granted access to facilities and prisoners. Prisoner rights groups continued to investigate alleged use of excessive force against detainees.

One court case alleging physical abuse was filed against prison officials, and action was pending at year's end. The Gendarmeria opened administrative investigations into 26 allegations of abuse before the end of the year, compared with 29 such cases in 2006. Of the 2006 cases, nine resulted in officials receiving sanctions, 13 were closed or the accused officials were not found responsible, and seven were pending at year's end. In a 2006 case of alleged abuse of prisoners, two Gendarmeria officials were convicted, suspended from their positions for 1 year, and fined $740 (385,000 pesos).

d. Arbitrary Arrest or Detention.—The Constitution prohibits arbitrary arrest and detention, and the Government generally observed these prohibitions.

Role of the Police and Security Apparatus.—Civilian authorities maintained effective control over the uniformed Carabineros national police force and the plainclothes PICH, and the Government has effective mechanisms to investigate and punish abuse and corruption. There were no reports of impunity involving the security forces during the year.

Arrest and Detention.—Only public officials expressly authorized by law can arrest or detain citizens. Authorities must immediately inform a prosecutor of an arrest and generally did so in practice.

The prosecutor must open an investigation, receive a statement from the detainee, and ensure that the detainee is held at a local police station until the detention control hearing. Detention control hearings are held twice daily, allowing for a judicial determination of the legality of the detention within 24 hours of arrest. Detainees must be informed of their rights, including the right to an attorney and the right to remain silent until an attorney is present. Public defenders are provided to detainees in the event that they do not select a lawyer of choice. Authorities must expedite notification of the detention to family members. If authorities do not inform the detainees of their rights upon detention, the process can be declared unlawful by the judge during the detention control hearing.

The law allows judges to set bail, grant provisional liberty, or order continued detention as necessary to the investigation or for the protection of the prisoner or the public.

The law affords detainees 30 minutes of immediate and subsequent daily access to a lawyer (in the presence of a prison guard) and to a doctor to verify their physical condition. Regular visits by family members are allowed.

e. Denial of Fair Public Trial.—The law provides for an independent judiciary, and the Government generally respected judicial independence in practice.

The judiciary has civil, criminal, juvenile, family, and labor courts of first instance throughout the country. There are 16 courts of appeal. The 21-member Supreme Court is the court of final appeal. A constitutional tribunal decides whether laws

or treaties present conflicts with the Constitution. There are also military courts-martial.

Trial Procedures.—The law provides for the right to a fair trial, and an independent judiciary generally enforced this right. National and regional prosecutors investigate crimes, formulate charges, and prosecute cases. Three-judge panels form the court of first instance; the process is oral and adversarial, trials are public, and judges rule on guilt and dictate sentences. Court records, rulings, and findings were generally accessible to the public.

The law provides for the right to legal counsel, and public defender's offices in all 15 regions and the Santiago Metropolitan Region provide professional legal counsel to anyone seeking such assistance. When requested by other human rights organizations or family members, the NGO Corporation for the Promotion and Defense of the Rights of the People and other lawyers working pro bono assisted detainees during interrogations and represented some persons charged with terrorist acts in court. Defendants enjoy a presumption of innocence and have a right of appeal.

For crimes committed prior to the implementation of the 2005 judicial reforms, criminal proceedings are inquisitorial rather than adversarial. The statute of limitations to press charges is 10 years. The number of inquisitorial criminal courts in the Santiago metropolitan region was reduced to six (from an original 36) on June 15. All of the prereform cases were absorbed by the six remaining tribunals and faced extended waits for trial. On June 12, the Senate approved legislation to extend the lifetime of these inquisitorial criminal courts through 2008.

Political Prisoners and Detainees.—There were no reports of political prisoners or detainees, although a number of inmates convicted of terrorist acts following the return to democracy in 1989 claimed to be political prisoners.

Civil Judicial Procedures and Remedies.—While there is an independent and impartial judiciary in civil matters, which permits access for lawsuits regarding human rights violations, modernization of the judiciary has not affected the civil justice system, which was characterized by antiquated and inefficient procedures. The average civil trial lasted more than 5 years, and civil suits could continue for decades. Additionally, only 8 percent of lawsuits resulted in a definitive sentence or court-enforced settlement; 90 percent of the remainder were eventually resolved through mediation outside the courts or settlement between the parties.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The Constitution prohibits such actions, and the Government generally respected these prohibitions in practice.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech and of the press, and the Government generally respected these rights in practice, subject to significant legal restrictions.

Human rights groups and press associations criticized the existence and application of laws that prohibit insulting state institutions, including the presidency, the legislature, and judicial bodies, and those that allow government officials to bring charges against journalists who insult or criticize them. Military courts may charge and try civilians for defamation of military personnel and for sedition, but their rulings can be appealed to the Supreme Court.

Two major media groups, which were largely independent of the government, controlled most of the print media. The Government was the majority owner of La Nacion newspaper but did not directly control its editorial content. International print media operated freely.

The broadcast media generally were independent of direct government influence. The Television Nacional (TVN) network was state-owned but not under direct government control. It was self-financed through commercial advertising, editorially independent, and governed by a board of directors appointed by the president and approved by the Senate.

On March 10, the TVN board of directors, responding to a request from the minister of foreign affairs, voted to postpone broadcast of the made-for-television documentary series Epopee: The War of the Pacific, concerning the war of 1879 involving Chile, Peru, and Bolivia. The decision led to public debate and accusations of censorship. The documentary finally aired on May 6, but the first 90 seconds were cut.

On August 9, the Supreme Court absolved journalist Alejandro Guillier and former executive director of Chilevision television network Jaime de Aguirre of guilt in the "Calvo case" of illegal recording, while upholding the convictions of the journalists and producer who made the illegal recording.

The government-funded National Television Council (CNT) is responsible for ensuring that television programming respects "the moral and cultural values of the

nation." The CNT's principal role is to regulate violence and sexual explicitness in both broadcast and cable television programming content. Films and other programs judged by the CNT to be excessively violent, have obscene language, or depict sexually explicit scenes may be shown only after 10 p.m., when "family viewing hours" end. The CNT occasionally levied fines.

Internet Freedom.—There were no government restrictions on access to the Internet. Individuals and groups could engage in the peaceful expression of views via the Internet, including by e-mail. While the PICH maintained a sexual crimes unit that monitored Web sites for child pornography and prosecuted several individuals for selling, storing, or trading child pornography on the Internet, there were no reports that the Government monitored e-mail or Internet chat rooms for other purposes.

Academic Freedom and Cultural Events.—There were no government restrictions on academic freedom or cultural events.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for freedom of assembly and association, and the Government generally respected these rights in practice.

c. Freedom of Religion.—The Constitution provides for freedom of religion, and the Government generally respected this right in practice.

The armed forces unofficially integrated a number of Protestant and evangelical Christian chaplains but continued to block efforts by non-Christian religious groups to provide military chaplains. Hospitals and prisons outside the military system, however, provided good access to evangelicals as well as other minority religious groups.

Societal Abuses and Discrimination.—There were several reports of anti-Semitic incidents, including spray-painted graffiti of swastikas and derogatory comments directed at Jewish individuals and institutions. Stores in Chillan with Jewish proprietors were painted with swastikas, anti-Semitic reading material was placed in the vicinity of a Jewish home for the elderly, anti-Semitic messages were sent to the Santiago office of a Jewish organization, and the Sephardic Web site was hacked and defaced. Government investigations into these incidents continued at year's end. There were approximately 15,000 members of the Jewish community.

Neo-Nazi and skinhead groups engaged in gang-type criminal activities and violence against immigrants, homosexuals, punk rockers, and anarchists. While these groups share the anti-Semitic rhetoric of neo-Nazi groups, there were no reports of neo-Nazi attacks targeting the Jewish community. Police arrested persons involved in neo-Nazi attacks, and neo-Nazis have been dismissed from the armed forces and Carabineros.

For a more detailed discussion, see the 2007 International Religious Freedom Report.

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons.—The Constitution provides for freedom of movement within the country, foreign travel, emigration, and repatriation, and the Government generally respected these rights in practice.

The law prohibits forced exile, and it was not used.

Protection of Refugees.—The law provides for the granting of asylum or refugee status in accordance with the 1951 U.N. Convention relating to the Status of Refugees and its 1967 protocol, and the Government has established a system for providing protection to refugees. The Government granted refugee status or asylum. In practice the Government provided protection against refoulement, the return of persons to a country where there is reason to believe they feared persecution. In June a total of 1,134 residents had recognized refugee status. In 2006 the Government also provided temporary protection to individuals who may not qualify as refugees under the 1951 convention and the 1967 protocol and provided it to approximately 450 persons during the year. These individuals were eligible for government-funded health care and education while awaiting adjudication of their cases and were financially supported by the Office of the U.N. High Commissioner for Refugees (UNHCR) and other organizations. The Government cooperated with the UNHCR and other humanitarian organizations in assisting refugees and asylum seekers.

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

The law provides citizens the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections based on universal suffrage.

Elections and Political Participation.—In January 2006 voters elected Michelle Bachelet of the Socialist Party as president in a free and fair runoff election.

Bachelet is a member of the center-left Concertacion coalition, which includes the Socialist Party, the Christian Democratic Party, the Party for Democracy, and the Radical Social Democrat Party. In 2005 voters elected 20 of the 38 senators and all 120 members of the Chamber of Deputies in elections generally considered free and fair. President Bachelet and the new congress assumed office on March 11, 2006.

In addition to President Bachelet, there were 15 women in the 120-seat Chamber of Deputies, two women in the 38-seat Senate, and nine women in the 22-member cabinet. Indigenous people have the legal right to participate freely in the political process, but relatively few were active. No members of the legislature acknowledged indigenous descent.

Women became more visible in political life after Michelle Bachelet assumed the presidency. As a result of her policy of "gender parity," women filled nearly 50 percent of governmental appointments. However, women continued to be vastly underrepresented among elected officials, constituting, for instance, only 12 percent of municipal mayors.

Government Corruption and Transparency.—The law provides criminal penalties for official corruption, and the Government generally implemented these laws effectively. While there were isolated reports of government corruption during the year, World Bank and other sources indicated that the country remained relatively free of corruption.

In 2005 the mayor of the Fifth Region municipality of Quillota alleged irregularities in the use of the government's Employment Generation Program (PGE). After Public Ministry and comptroller investigations found that many Fifth Region officials misused the funds of the PGE, the Government took remedial steps to control public employment programs and dismantled the PGE. Government authorities brought charges against eight individuals and were investigating two members of the Chamber of Deputies.

Investigations continued into Chiledeportes following an October 2006 government audit that revealed financial irregularities in the program, which promotes amateur and professional sports. In 2006 the Government removed all 13 Chiledeportes regional directors and initiated an investigation of potential fraud or mismanagement. The Chiledeportes director resigned on January 22; on March 14, a congressional investigative committee completed its report; and prosecutors charged more than 20 individuals with tax evasion, fraud, and falsification of documents. On October 1, a Santiago court issued the first conviction in the case.

A 2006 law making public officials subject to financial disclosure assigns responsibility to the comptroller for conducting audits of government agencies and to the Public Ministry for initiating criminal investigations of official corruption.

The Constitution requires the Government and its agencies to make all unclassified information about their activities available to the public. All government ministries and most public agencies had Web pages. In December 2006 the NGO Participa released the results of its Second Study of Access to Public Information, which found that national and local government agencies failed to respond to 61 percent of requests for information and provided incomplete responses to 7 percent of requests.

Section 4. Governmental Attitudes Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

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

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

The law prohibits discrimination based on race, gender, age, nationality, national origin, or social status, and the Government enforced this prohibition; however, such discrimination continued to occur.

Women.—Rape, including spousal rape, is a criminal offense. Penalties for rape range from 5 to 15 years' imprisonment, and the Government generally enforced the law. The age for statutory rape is 14. The law protects the privacy and safety of the person making the charge. From January to September, the Public Ministry investigated 1,970 cases of rape, compared with 2,845 cases in all of 2006. Experts believed that most rape cases went unreported.

The Ministry of Justice and the PICH had several offices specifically to provide counseling and assistance in rape cases. A number of NGOs, such as La Morada Corporation for Women, provided counseling for rape victims.

Domestic violence against women remained a serious problem. A 2004 National Women's Service (SERNAM) study reported that 50 percent of married women had

suffered spousal abuse. From January to September, 74,670 cases of family violence were reported to police, compared with 95,829 such reports in all of 2006. During the year 61 women were killed as a result of domestic or sexual violence. SERNAM ran a national domestic violence awareness campaign on television and in print media from October 25 to November 25.

On October 10, the Supreme Court ordered the creation of a Center for Preventive Measures within the Family Courts to expedite domestic violence cases, permitting preventive measures, such as detentions or restraining orders, to be adopted immediately. The new center opened in November and received 1,413 reports of domestic violence in its first month of operation.

The courts frequently ordered counseling for those involved in domestic violence. At year's end there were 31 government and private centers to attend to victims of domestic violence. During the year SERNAM partnered with NGOs to conduct courses on the legal, medical, and psychological aspects of domestic violence for police officers and judicial and municipal authorities.

Although adult prostitution is legal, bordellos are not. Several hundred women were registered as prostitutes with the National Health Service. Police often detained prostitutes (usually as a result of complaints by neighborhood residents) on charges of "offenses against morality," which could lead to a $96 (50,000 pesos) fine or 5 days in prison. Procurement or pandering is illegal and punishable under law.

Sexual harassment generally was recognized as a problem. The law provides protection and financial compensation to victims of sexual harassment and penalizes harassment by employers or co-workers. The Labor Directorate received 244 complaints of sexual harassment from January to September 2006 of which 205 involved harassment by a supervisor or employer.

Women enjoy the same legal rights as men, including rights under family law and property law, with the exception of women married under an arrangement called "conjugal society." This marital arrangement gives a husband the right to administer joint property, including his wife's property. Although a 1994 law introduced a community property system, in which each spouse maintains separate control of the assets brought into the marriage, "conjugal society" remained the default arrangement when couples did not expressly select an alternative. Sixty percent of marriages in 2006 were made under the conjugal society arrangement. On March 5, an agreement reached in the Inter-American Human Rights Commission case of *Sonia Arce Esparza* v. *Chile* included a government commitment to modify the law to give women and men equal rights and responsibilities in marriage. The reform legislation remained pending in the Senate at year's end. The commercial code provides that unless a woman is married under the separate estate regime, she may not enter into a commercial partnership agreement without permission from her husband.

The quadrennial 2004 National Socio-Economic Survey estimated that the overall gender income gap remained at 33 percent, which widened to 38 percent in managerial and professional positions. The minimum wage for domestic workers, probably the largest single category of working women, was 75 percent of the standard minimum wage. The labor code provides specific benefits for pregnant workers and recent mothers, including a prohibition against dismissal; these benefits also apply to domestic workers. Employers may not ask women to take pregnancy tests prior to hiring them, although the NGO La Morada received reports that the practice continued in some companies. SERNAM is charged with protecting women's legal rights.

A 2005 study by Humanas Corporation and the University of Chile's Institute of Public Affairs reported that 87 percent of women surveyed felt that women suffered discrimination. According to the survey, 95 percent believed women faced discrimination in the labor market, 67 percent believed they faced discrimination in politics, and 61 percent felt that women were discriminated against by the media.

Children.—The Government is committed to children's rights and welfare.

By law education is universal, compulsory, and free from first through 12th grade. The latest government figures showed that in 2002 the median level of education was 10 years but varied regionally and across age groups. The World Bank reported that in 2004 more than 90 percent of school-age children attended school. Three-quarters of the population had completed primary education (8 years), and 61 percent had completed secondary education (12 years).

The Government provided basic health care through a public system, which included regular checkups, vaccinations, and emergency health care. Boys and girls had equal access to health care.

Violence against children was a problem. A 2006 U.N. Children's Fund study reported that 75 percent of 13- and 14-year-olds reported they were subject to some type of physical or psychological violence from one or both parents, including 26 per-

cent who reported having suffered serious physical violence (e.g., beatings, cuts, and burns).

On August 31, a law went into effect modifying the penal code and suspending the statute of limitations in cases of sexual abuse of minors. Depending on the type of crime, the statute of limitations for sexual abuse of minors is 5 or 10 years, beginning when the victim reaches the age of 18 rather than from the time the crime was committed.

From January to September, the Public Ministry reported 195 cases of commercial juvenile sexual exploitation, compared with 221 cases in 2006. SENAME assisted 1,062 victims of commercial juvenile sexual exploitation during the year. In October SENAME opened 33 new Specialized Intervention Programs in 12 regions of the country for children and youth in high-risk situations, including commercial sexual exploitation. By December there were 43 programs in operation in all regions. SENAME, the Carabineros, and the PICH cooperated with schools and NGOs to identify children in abusive situations, provide abused children with counseling and other social services, and keep families intact.

Child prostitution was a problem.

Child labor in the informal economy was a problem.

Trafficking in Persons.—The law does not specifically prohibit all forms of trafficking in persons, and there were reports that persons were trafficked to, from, and within the country for the purposes of sexual and labor exploitation, and involuntary domestic servitude.

Most reported victims were Chilean women and minors trafficked internally for sexual exploitation. Victims were also trafficked from the country to Argentina, Peru, Bolivia, the United States, Europe, and Asia for sexual and labor exploitation. Anecdotal reports suggested that young women were the primary targets for trafficking abroad. Foreign victims were brought to the country for commercial sexual exploitation or involuntary domestic servitude or labor, particularly in agriculture, from Peru, Argentina, Colombia, Bolivia, and China, although it was difficult to distinguish some trafficking victims from economic migrants.

Principal traffickers were small-scale criminals, although reports of trafficking by organized criminal rings increased. Traffickers reportedly used newspaper advertisements for models and product promoters to lure girls, ages 11 to 17, into prostitution. Law enforcement agencies indicated that traffickers looking for children also targeted economically disadvantaged families, convincing the parents that they were giving the child the opportunity for a better life. The majority of transnational trafficking victims reportedly held valid travel documents.

The law criminalizes promoting the entry into or exit from the country of persons for the purpose of facilitating prostitution, with penalties of up to 3 years in prison and a fine of $827 (430,000 pesos). Sanctions are increased in a number of circumstances, including cases in which the victim is a minor, violence or intimidation is used, deception or abuse of authority is involved, the victim is related to or under the tutelage of the perpetrator, or advantage is taken of a victim's circumstances or handicap. The law criminalizes the promotion of child prostitution, corruption of minors, and solicitation of sexual services from a minor in exchange for money or other considerations. While the law does not criminalize transnational trafficking for the purpose of labor exploitation and lacks specific prohibitions against some forms of internal trafficking, it prohibits cross-border trafficking for sexual exploitation.

The Government made modest progress on improving antitrafficking efforts during the year. An antitrafficking coordinator in the Interior Ministry worked with multiple government agencies and NGOs to coordinate antitrafficking efforts. The Public Ministry gathered information on new cases investigated and prosecuted. From January through September, 95 new cases were opened, with 66 pending active investigations. From October 2006 to September, courts convicted three persons of cross-border trafficking. Most trafficking-related cases dealt with commercial sexual exploitation of minors. The Public Ministry investigated seven cases of cross-border trafficking in persons from January to September, compared with 14 cases in all of 2006. Additionally, the PICH sex crimes and cybercrime units worked with the Ministries of Justice and Interior to address trafficking. The Government cooperated with Interpol on law enforcement activities.

The Government made substantial efforts to assist trafficking victims. Child victims trafficked into sexual exploitation received counseling, psychological and health care, and educational courses in NGO-operated centers for abused and exploited children. The Government gave nearly $2 million (1.03 billion pesos) to 16 NGOs for victim-assistance programs in 11 districts. Police officials who identified child trafficking victims referred them to family courts for placement in protective custody with relatives or shelters and put victims in contact with NGOs.

SENAME worked with 105 local offices, with international organizations, including the International Organization for Migration, and with NGOs to ensure that minors involved in possible trafficking situations were not returned to abusive or high-risk situations. The Government also worked with Bolivian and Argentine authorities to coordinate the safe repatriation of foreign victims. Trafficking victims may remain in the country during legal proceedings against their traffickers. Victims may also bring legal action against traffickers and seek restitution. The Government had no residence visa program for foreign trafficking victims.

Persons with Disabilities.—The law prohibits discrimination against persons with physical and mental disabilities, but such persons suffered forms of de facto discrimination. The law mandates access to buildings for persons with disabilities, but a Ministry of Housing and Urban Planning study based on a 2002–03 census showed that 70 percent of the buildings in the country designated as public or multiuse failed to meet that standard. An improved public transportation system in Santiago provided wheelchair access on major "trunk" routes. Some local "feeder" routes also provided low-rise buses with access ramps. Subway lines in the Santiago metropolitan area provided limited access for persons with disabilities. Public transport outside of Santiago was problematic. Approximately 100,000 persons with disabilities under the age of 27 did not receive any special care or education.

The National Fund for Persons with Disabilities (FONADIS), under the jurisdiction of the Ministry of Planning, has responsibility for protecting the rights of persons with disabilities and for creating programs to promote their better integration into society.

Indigenous People.—The 2002 census recorded approximately 692,000 self-identified persons of indigenous origin (5 percent of the total population). The Mapuches, from the south, accounted for approximately 85 percent of this number. There were also small populations of Aymara, Atacameno, Rapa Nui, and Kawaskhar in other parts of the country.

The law gives indigenous people a voice in decisions affecting their lands, cultures, and traditions, and provides for bilingual education in schools with indigenous populations. Approximately one-half of the self-identified indigenous population remained separated from the rest of society, largely due to historical, cultural, educational, and geographical factors. Both internal factors and governmental policies limited the ability of indigenous people to participate in governmental decisions affecting their lands, cultures, traditions, and the allocation of natural resources. Indigenous people also experienced some societal discrimination and reported incidents in which they were attacked and harassed. According to the 2006 Socioeconomic Characteristics Survey (CASEN), the indigenous population's poverty rate dropped 10 percent since 2003 and the gap between indigenous and nonindigenous poverty narrowed more than 5 percent.

The National Corporation for Indigenous Development (CONADI), which included directly elected indigenous representatives, advised and directed government programs to assist the economic development of indigenous people. According to CONADI, in 2006 approximately 250,000 acres of validated Mapuche lands had not yet been registered as indigenous economic assets.

There were isolated instances of violent confrontations between indigenous Mapuche groups and landowners, logging companies, and local government authorities in the southern part of the country. The actions took the form of protests and, occasionally, instances of rock throwing, land occupations, and burning of crops or buildings. The Coordinadora Arauco Malleco (CAM), an indigenous group that has been accused of domestic terrorist acts, initiated many of these actions.

There were reports of police abuse against Mapuche individuals and communities and harassment of NGOs associated with the promotion of indigenous rights. The Observatory of Indigenous Peoples' Rights (OIPR) reported that, on February 17, police raided the community of Temucuicui and arrested and mistreated a community leader. The police reportedly searched the same community on multiple occasions during 2006, at times without a warrant. The OIPR also reported that individuals and organizations that defend indigenous rights were threatened or had their property damaged during the year, including incidents where information was stolen from the offices of the OIPR and the Council of All the Lands.

On August 31, authorities arrested two CAM Mapuche leaders, charging one with arms possession and another with arson. On December 26, another CAM member was arrested and charged for an October 12 arson fire. Investigations were pending at year's end.

During the year the Ministry of Education and CONADI provided 7,711 scholarships under the Indigenous Scholarship Program that benefited indigenous elementary, high school, and college students.

Other Societal Abuses and Discrimination.—During June a skinhead group hacked into and defaced the Web site of the Movement for Homosexual Integration and Liberation (MOVILH). According to MOVILH's Fifth Annual Report on the Human Rights of Sexual Minorities, 49 cases of discrimination (including two killings) due to sexual orientation were registered in 2006. The report cited a 15 percent decrease in reports but an increase in the use of violence against gays, lesbians, transvestites, and transgendered individuals. On August 26, the Chilean Confederation of Sexual Diversity was formed, grouping together 13 organizations of sexual minorities from around the country.

Section 6. Worker Rights

a. The Right of Association.—Workers have the right to form and join unions without prior authorization, and approximately 13 percent of the total work force (estimated at 6.8 million) was unionized in more than 20,000 registered unions. Police and military personnel may not organize collectively. Members of unions were free to withdraw from union membership.

b. The Right to Organize and Bargain Collectively.—The law allows unions to conduct their activities without interference, and the Government protected this right in practice. The 2007 International Trade Union Confederation report identified continuing antiunion practices, such as barring of union leaders' access to companies, replacement of striking workers, and threatening dismissal to prevent formation of trade unions. Temporary workers, those in agriculture and construction as well as port workers and entertainers, may form unions, but their right to collective bargaining is limited. Intercompany unions were permitted to bargain collectively only if the individual employers agreed to negotiate under such terms. Collective bargaining in the agricultural sector remained dependent on employers agreeing to negotiate.

There were no export processing zones, and there were no special laws or exemptions from regular labor laws in duty-free zones.

While employees in the private sector have the right to strike, the Government regulated this right, and there were some restrictions. The law permits replacement of striking workers, subject to the payment of a cash penalty distributed among the strikers.

Public employees do not enjoy the right to strike, although government teachers, municipal and health workers, and other government employees have gone on strike in the past. The law proscribes employees of 30 companies, largely providers of services such as water and electricity, from striking. It stipulates compulsory arbitration to resolve disputes in these companies. There was no provision for compulsory arbitration in the private sector. Strikes by agricultural workers during the harvest season are prohibited. Employers must show cause and pay severance benefits if they dismiss striking workers.

c. Prohibition of Forced or Compulsory Labor.—The law prohibits forced or compulsory labor; however, such practices occurred. The labor code does not specifically prohibit forced or compulsory labor by children, and child prostitution remained a problem.

d. Prohibition of Child Labor and Minimum Age for Employment.—The law restricts child labor, but it was a problem in the informal economy. On June 12, new labor code provisions relating to minors went into effect. The law provides that children between the ages of 15 and 18 may work with the express permission of their parents or guardians, but they must attend school. They may perform only light work that does not require hard physical labor or constitute a threat to health and childhood development. When attending school, a child may not work more than 30 hours a week and in no case more than 8 hours in a day. Their work contracts must be registered by their employers at the local Ministry of Labor inspector's office. Additional provisions in the law protect workers under age 18 by restricting the types of work open to them.

Ministry of Labor inspectors enforced these regulations, and while compliance was good in the formal economy, many children were employed in the informal economy. From January through October, the Ministry of Labor imposed some form of sanctions in 77 cases involving violations of child labor laws, compared with 123 cases in 2006. There were reports that children were trafficked. A survey by the Ministry of Labor and the International Labor Organization (ILO) reported that in 2003 approximately 200,000 children between the ages of 5 and 17 worked and that 3 percent of all children and adolescents worked under unacceptable conditions. Among working children, those between the ages of 5 and 14 worked an average of 18.5 hours a week, and adolescents worked an average of 26.9 hours.

From January through October, there were 343 cases of children and adolescents involved in the worst forms of child labor. Approximately 63 percent of the 2,476 cases of children and adolescents engaged in such labor reported since 2003 involved boys, 72 percent were 15 years or older, and 53 percent did not attend school. In addition, 48 percent were involved in hazardous activities such as mining or working with chemicals or toxins, 30 percent in commercial sexual exploitation, and 18 percent in illegal activities.

The Government devoted considerable resources and oversight to child labor policies. SENAME, in coordination with labor inspectors, has a system for identifying and assisting children in abusive or dangerous situations. The Ministry of Labor convened regular meetings of a business-labor-government group to monitor progress in eradicating child labor. SENAME, in conjunction with the ILO, operated rehabilitation and reinsertion mini-programs in nine municipalities for exploited child workers. SENAME also implemented public educational programs to create awareness about child labor and its worst forms.

e. Acceptable Conditions of Work.—The minimum wage is set by law and is subject to adjustment annually. A committee comprising government, employer, and labor representatives normally suggests a minimum wage based on projected inflation and increases in productivity. On July 1, the minimum wage increased 6.25 percent to approximately $277 a month (144,000 pesos). This wage was designed to serve as the starting wage for an unskilled single adult worker entering the labor force and did not provide a worker and family with a decent standard of living. The minimum wage for domestic servants was 75 percent of that for other occupations. The minimum wage for workers over age 65 and under 18 was approximately $207 a month (107,500 pesos). The Labor Directorate, under the Ministry of Labor, was responsible for enforcing minimum wage and other labor laws and regulations and did so effectively.

The law sets the legal workweek at 6 days or 45 hours. The maximum workday length is 10 hours (including 2 hours of overtime pay), but positions such as caretakers and domestic servants are exempt. The law mandates at least one 24-hour rest period during the workweek, except for workers at high altitudes, who may exchange a work-free day each week for several consecutive work-free days every 2 weeks. The law establishes fines for employers who compel workers to work in excess of 10 hours a day or do not provide adequate rest days. The Government effectively enforced these standards.

The law establishes occupational safety and health standards, which were administered by the Ministries of Health and Labor and effectively enforced. Insurance mutual funds provide workers' compensation and occupational safety training for the private and public sectors. The law protects employment of workers who remove themselves from dangerous situations if labor inspectors from the Labor Directorate and occupational safety and health inspectors from the Chilean Safety Association determine conditions that endanger their health or safety exist. Authorities effectively enforced the standards and frequently imposed fines for workplace violations.

COLOMBIA

Colombia is a constitutional, multiparty democracy with a population of approximately 44.8 million. In May 2006 independent presidential candidate Alvaro Uribe was reelected in elections that were considered generally free and fair. The 43-year internal armed conflict continued between the Government and terrorist organizations, particularly the Revolutionary Armed Forces of Colombia (FARC) and the National Liberation Army (ELN). While civilian authorities generally maintained effective control of the security forces, there were instances in which elements of the security forces acted in violation of state policy.

Although serious problems remained, the government's respect for human rights continued to improve, which was particularly evident by progress in implementing the Justice and Peace Law. The following societal problems and governmental human rights abuses were reported during the year: Unlawful and extrajudicial killings; forced disappearances; insubordinate military collaboration with new illegal groups and paramilitaries who refused to demobilize; torture and mistreatment of detainees; overcrowded and insecure prisons; arbitrary arrest; high number of pretrial detainees, some of whom were held with convicted prisoners; impunity; an inefficient judiciary subject to intimidation; harassment and intimidation of journalists; unhygienic conditions at settlements for displaced persons, with limited access to health care, education, or employment; corruption; harassment of human rights groups; violence against women, including rape; child abuse and child prostitution;

trafficking in women and children for the purpose of sexual exploitation; societal discrimination against women, indigenous persons, and minorities; and illegal child labor.

The FARC and ELN committed the following human rights abuses: Political killings; killings of off-duty members of the public security forces and local officials; kidnappings and forced disappearances; massive forced displacements; subornation and intimidation of judges, prosecutors, and witnesses; infringement on citizens' privacy rights; restrictions on freedom of movement; widespread recruitment of child soldiers; attacks against human rights activists; and harassment, intimidation, and killings of teachers and trade unionists.

New illegal groups committed numerous human rights abuses. The last United Self Defense Forces of Colombia (AUC) block demobilized in August 2006, but AUC members who refused to demobilize, AUC members who demobilized but later abandoned the peace process, and other criminal groups remained the object of security force action. (The new illegal groups, which the Government also described as new criminal groups, consisted of demobilized paramilitaries who returned to violence, individual paramilitaries who never demobilized, common criminals, and narcotics traffickers primarily involved in criminal activity. These new groups lacked the organization, reach, and military capacity of the former AUC and focused primarily on narcotics trafficking and extortion rather than fighting the FARC or ELN. In these circumstances, it was often difficult to determine responsibility for abuses committed.) The AUC demobilization led to a reduction in killings and other human rights abuses, but paramilitaries who refused to demobilize and new criminal groups continued to commit numerous unlawful acts and related abuses, including: Political killings and kidnappings; physical violence; forced displacement; subornation and intimidation of judges, prosecutors, and witnesses; infringement on citizens' privacy rights; restrictions on freedom of movement; recruitment and use of child soldiers; and harassment, intimidation, and killings of human rights workers, journalists, teachers, and trade unionists.

Government steps to improve the human rights and security situation showed demonstrable results. Government statistics indicated that during the year there were decreases in massacres (34 percent) and kidnappings (29 percent). The Justice and Peace Law process helped clarify more than 3,000 crimes and led to the exhumation of 1,196 remains in 1,009 mass graves. The Supreme Court and prosecutor general's investigations of links between politicians and paramilitary groups implicated 52 congressman, 11 governors, and 19 mayors, a number of whom were in jail at year's end.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life.—Political and unlawful killings remained an extremely serious problem, and there were periodic reports that members of the security forces committed extrajudicial killings during the internal armed conflict (see Section 1.g.).

Guerrillas, notably the FARC and ELN, committed unlawful killings (see Section 1.g.).

Paramilitary members who refused to demobilize and new illegal group members committed numerous political and unlawful killings, primarily in areas under dispute with guerrillas or lacking a strong government presence (see Section 1.g.).

The Jesuit-founded Center for Popular Research and Education (CINEP), a local human rights nongovernmental organization (NGO), claimed there were at least 238 political and unlawful killings, committed by all actors, during the first 6 months of the year, 77 more than reported in the same period in 2006. Some NGOs, such as CINEP, considered the new illegal groups to be a continuation of the paramilitary groups and attributed reports of human rights violations committed by these groups directly to the government. They also included killings by these groups in their definition of "unlawful killings."

The government's Presidential Program for Human Rights reported that, during the first 7 months of the year, 65 persons died in 15 massacres (defined by the Government as killings of four or more persons) perpetrated by illegal armed groups, a 44 percent decrease from the same period in 2006 (see Section 1.g.).

Some members of government security forces, including enlisted personnel, noncommissioned officers, and senior officials, in violation of orders from and president and the military high command, collaborated with or tolerated the activities of new illegal groups or paramilitary members who refused to demobilize. Such collaboration often facilitated unlawful killings and may have involved direct participation in paramilitary atrocities.

Some reports suggested that tacit nonaggression pacts between local military officers and paramilitaries who refused to demobilize or new illegal groups existed in certain regions, such as eastern Antioquia, Choco, Meta, and Narino departments and indicated that members of the security forces assisted, or sought the assistance of, criminal groups. Impunity for these military personnel remained a problem.

While civilian courts made some progress on cases against military personnel, impunity for military personnel who collaborated with paramilitary members who refused to demobilize and new illegal groups remained a problem.

The Inter-American Court of Human Rights, on May 11 and July 4, issued rulings in two cases related to military collusion with paramilitaries. The Government agreed to comply with the rulings in both cases.

In conformity with the law, military or civilian authorities investigated killings committed by security forces. Civilian courts tried a number of military personnel accused of human rights violations. Investigations of past killings proceeded, albeit slowly. There were significant convictions in high-profile cases against military personnel, including convictions in the cases of Santo Domingo (1998), the La Gabarra massacre (1999), and Arauca (2004).

Both governmental and nongovernmental actors used landmines. Preliminary reports indicated that landmines, used primarily by the FARC and ELN, caused 187 deaths and 687 injuries during the year (see Section 1.g.). The Government expressed its commitment to removing the remaining 29 government-controlled minefields, as the security situation permits.

b. Disappearance.—Forced disappearances, many of them politically motivated, continued to occur. CINEP reported 31 victims of forced disappearance during the first 6 months of the year, a decrease of 58 percent compared with 73 victims in the same period in 2006.

Although kidnapping, both for ransom and for political reasons, continued to diminish, it remained a serious problem. According to the Presidential Program for Human Rights, there were 289 kidnappings during the first 8 months of the year, compared with 476 in the same period in 2006. The government's National Fund for the Defense of Personal Liberty (Fondolibertad) reported 393 kidnappings for extortion during the first 9 months of the year.

GAULA (Unified Action Groups for Personal Liberty, a military and police entity formed to combat kidnapping and extortion) and other elements of the security forces freed 194 hostages during the first 8 months of the year. However, Fondolibertad reported that at least 18 kidnapping victims died in captivity during the first 9 months of the year, compared with 20 in all of 2006.

The FARC and ELN as well as the new illegal groups continued the practice of kidnapping. There were numerous reports that guerrillas killed kidnapping victims, including 11 departmental legislators from Valle de Cauca on June 18 (see Section 1.g.).

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—Although the law prohibits such practices, there were reports that the police, military, and prison guards sometimes mistreated and tortured detainees. Members of the military and police accused of torture were tried in civilian rather than military courts. CINEP asserted that, as of June, government security forces were involved in 74 incidents of torture, a 46 percent increase compared with the first 6 months of 2006. CINEP also reported that, during the first 6 months of the year, there were 66 victims of torture by the armed forces. On June 27, authorities detained three army officers for involvement in the torture of 27 soldiers in Tolima.

On February 9, army troops and local police allegedly arbitrarily detained and abused an indigenous person, Nasa Jimi Vladimir Ascue, in Toribio, Cauca. He was held in a local police station, where he was accused of being a member of a local militia, beaten, and pressured to sign a statement that he was not mistreated before his release. The investigation ordered by the Prosecutor General's Office had not begun by year's end.

On March 11, in Barrancabermeja, Santander, national police officers allegedly detained and tortured local unionists Ariel Corzo Diaz, an officer of the National Assembly of the Union Sindical Obrera (USO), and Fredy Hidalgo, the USO's local attorney. At year's end the Prosecutor General's Office had not opened an investigation in the case.

According to CINEP, on June 25, in the municipality of Tulua, Valle, troops of the army's Third Brigade arbitrarily detained, sexually abused and tortured farmers Viviana Herminia Mosquera, Maria Eugenia Mosquera, Alcibiades Granada Mosquera, Fair Granada, and Gerson Ladino Suarez and looted their property. The Prosecutor General's Office did not open an investigation in the case.

CINEP reported that demobilized paramilitaries were responsible for at least 28 cases of torture as of June. For example, CINEP stated that on April 12, demobilized AUC paramilitaries allegedly tortured and killed Uriel Henao, a farmer in La Dorado, Caldas.

Prison and Detention Center Conditions.—With the exception of new facilities, prison conditions were poor, particularly for prisoners without significant outside support. The National Prison Institute (INPEC) runs the country's 141 national prisons and is responsible for inspecting municipal jails.

Overcrowding, lack of security, corruption, and an insufficient budget remained serious problems in the prison system. As of September, more than 62,600 prisoners were held in facilities designed to hold fewer than 52,600; overcrowding rates exceeded 66 percent in 11 installations. Many of INPEC's 8,881 prison guards and administrative staff were poorly trained; The NGO Committee in Solidarity with Political Prisoners (CSPP) noted a continued decrease in corruption in the prison system resulting from improved training, increased supervision, and more accountability for prison guards.

Constrained budgets aversely affected prison conditions. An October report by the Inspector General's Office on Combita Prison found violations of health standards, such as a lack of potable water and a proliferation of insects and rodents. INPEC spent $2.23 (4,459 pesos) per day on each inmate for food. Private sources continued to supplement food rations of many prisoners. CSPP reported that there were 315 patients per doctor in the prisons.

INPEC reported that, from January 1 to July 31, there were seven violent deaths among inmates related to fighting and riots. From January to July, there were 11 riots at various penal institutions. The Prosecutor General's Office continued to investigate allegations that some prison guards routinely used excessive force and treated inmates brutally. According to the Supreme Judicial Council, there were no judgments for excessive force made against prison guards during the year.

Pretrial detainees were held with convicted prisoners. Minors were not held with adults; however, minor children of female prisoners were able to stay with their mothers in some cases.

The Government permitted independent monitoring of prison conditions by local and international human rights groups, and such monitoring occurred during the year. The FARC and ELN continued to deny the International Committee of the Red Cross (ICRC) access to police and military hostages.

d. Arbitrary Arrest or Detention.—Although the law prohibits arbitrary arrest and detention, there were some allegations that authorities detained citizens arbitrarily.

Role of the Police and Security Apparatus.—The national police are responsible for internal law enforcement and are under the jurisdiction of the Ministry of Defense. Law enforcement duties are shared with the Department of Administrative Security (DAS) and the Prosecutor General's Corps of Technical Investigators. The army also shared limited responsibility for law enforcement and maintenance of order within the country. For example, military units sometimes provided logistical support and security for criminal investigators to collect evidence in high-conflict or hard-to-reach areas. The army also supported the national police in providing security, especially by establishing perimeters around rural municipalities. The army also occasionally provided support in guarding prisons. During the year the Human Rights Unit of the Prosecutor General's Office issued preventive detention orders for 50 members of the armed forces for human rights violations or paramilitary collaboration. However, claims of impunity continued to be widespread due, in some cases, to obstruction of justice and a lack of: Resources for investigations, protection for witnesses and investigators, and coordination between government entities. During the year the Ministry of Defense relieved from duty 59 officers and 223 noncommissioned officers of the armed forces for inefficiency, unethical conduct, corruption, and reasonable suspicion regarding possible violations of human rights.

Arrest and Detention.—Police apprehended suspects with warrants issued by prosecutors based on probable cause. However, a warrant is not required to arrest criminals caught in the act or fleeing the scene of a crime. Members of the armed forces detained members of illegal armed groups captured in combat but were not authorized to execute arrest warrants; however, members of Technical Investigative Unit from the Prosecutor General's Office, who accompanied military units, could issue such warrants.

The law requires law enforcement authorities to inform suspects promptly of the reasons for an arrest and bring suspects before a senior prosecutor within 36 hours of detention. Prosecutors must rule on the legality of detentions within 72 hours. These requirements were enforced in practice. In the case of most felonies, detention prior to the filing of formal charges cannot exceed 180 days, after which a suspect

must be released. In cases of crimes deemed particularly serious, such as homicide, terrorism, or rebellion, authorities are allowed up to 360 days to file formal charges before a suspect must be released. Habeas corpus is available to address cases of alleged arbitrary detention.

A new criminal procedure code, which applied to 19 departments during the year, was scheduled to take effect in the remaining 11 departments on January 1, 2008. Under this new code, suspects must be brought before a judge within 36 hours to determine the validity of the detention. Formal charges must then be brought within 30 days, and a trial must start within 90 days of the initial detention. Crimes committed before implementation of the new code must be tried under the previous system.

While individuals accused of lesser offenses have access to bail, it generally is not available for serious crimes such as murder, rebellion, or narcotics trafficking. Detainees have the right to prompt access to counsel of their choice, and public defenders from the Office of the Human Rights Ombudsman assist indigent defendants.

Prominent human rights NGOs complained that the Government arbitrarily detained hundreds of persons, particularly social leaders, labor activists, and human rights defenders. CINEP reported that security forces arbitrarily detained 187 persons during the first 6 months of the year, compared with 223 in the same period of 2006. Many of these detentions took place in high-conflict areas (notably in the departments of Arauca, Cesar, Meta, and Putumayo), where the military was involved in active hostilities against insurgents. For example, CINEP reported the following:

- On January 6, in Santa Rosa del Sur, Bolivar, troops assigned to the Nueva Granada Battalion of the Fifth Brigade arbitrarily detained Luis Alberto Lopez in Mina Paraiso.
- On February 15, in the municipality of Lebrija, Santander, national police accompanied by civilians arbitrarily detained Maria Cardona Mejia, Wilson Ferrer Diaz, Carmen Teresa Palmarosa Bruges, and Jeferson Orlando Corredor, members of the Permanent Committee for the Defense of the Human Rights district office in Santander, as they were returning from a march in support of human rights.
- On April 12, in Arauquita, Arauca, troops assigned to the Fifth Mobile Brigade arbitrarily detained and transported in a military helicopter three local farmers, Jose Abelardo Sanchez, Helena Gomez, Francisco Antonio Gomez, and 12-year-old Einer Andres Sanchez Gomez.

The Government and prominent local NGOs frequently disagreed on what constituted "arbitrary detention." While the Government characterized detentions based on compliance with legal formalities, NGOs applied other criteria in defining "arbitrary detention," such as arrests based on tips from informants about people linked to guerrilla activities, detentions by members of the security forces without a judicial order, detentions based on administrative authority, detentions during military operations, large-scale detentions, and detentions of persons while they were "exercising their fundamental rights."

Due to overcrowding, convicted individuals in some cases remained at police stations for up to 7 months before being transferred to a prison. However, under the new accusatory justice system, individuals were detained at police stations for a maximum of 36 hours before being released or moved to a longer-term detention facility.

According to INPEC, as of August there were eight pretrial detainees and 113 convicted prisoners held in police jails, which were often overcrowded. Failure on the part of many local military commanders and jail supervisors to keep mandatory detention records or follow notification procedures made accounting for all detainees difficult. Trial delays were caused by large numbers of detainees, financial constraints, and staff shortages.

e. Denial of Fair Public Trial.—While the law provides for an independent judiciary, much of the judicial system was overburdened, inefficient, and hindered by subornation and intimidation of judges, prosecutors, and witnesses. In these circumstances, impunity remained a serious problem. The Supreme Judicial Council (CSJ) reported that the civilian judicial system suffered from a significant backlog of cases, which led to large numbers of pretrial detainees.

Judicial authorities frequently were subjected to threats and acts of violence. According to the National Association of Judicial Branch Employees and the Corporate Fund of Solidarity with Colombian Judges, no judicial branch employees were killed, but 63 received threats against their lives. Unlike the previous year, no employee was kidnapped, "disappeared," or obliged to leave the country in self-imposed exile because of death threats. Unlike in previous years, judges and prosecutors assigned

to small towns did not need to work out of departmental capitals due to security concerns. Although the Prosecutor General's Office ran a witness protection program for witnesses in criminal cases, witnesses who did not enroll in the program remained vulnerable to intimidation, and many refused to testify.

The civilian justice system is composed of four functional jurisdictions: Civil, administrative, constitutional, and special. The civil jurisdiction is the largest and handles all criminal, civil, labor, agrarian, and domestic cases involving nonmilitary personnel. The Supreme Court of Justice is the highest court within the civil jurisdiction and serves as its final court of appeal.

The Constitutional Court is the sole judicial authority on the constitutionality of laws, presidential decrees, and constitutional reforms. The Constitutional Court also may issue advisory opinions on the constitutionality of bills not yet signed into law and acts within its discretion to review the decisions of lower courts on "tutelas," or writs of protection of fundamental rights, which can be filed before any judge of any court at any stage of the judicial process by any citizen.

The special jurisdiction of the civilian justice system consists of the justices of the peace program and the indigenous jurisdiction. The CSJ is responsible for the administration and discipline of the civilian justice system.

The Supreme Court, the Council of State, the Constitutional Court, and the CSJ are coequal supreme judicial bodies that sometimes issued conflicting rulings and frequently disagreed about jurisdictional responsibilities.

The military justice system consists of 44 military courts and the Supreme Military Tribunal, which serves as the court of appeal for all cases tried in military courts. The Supreme Court of Justice serves as a second court of appeal for cases in which sentences of 6 or more years in prison are imposed.

The military justice system may investigate and prosecute active duty military and police personnel for crimes "related to acts of military service." The military penal code specifically defines torture, genocide, massacre, and forced disappearance as crimes unrelated to military service. All human rights violations are considered unrelated to military service and are handled by the civilian justice system. The military penal code specifically excludes civilians from military jurisdiction, and civilian courts must try retired military and police personnel, although military courts are responsible for service-related acts committed prior to their retirement. The military penal code denies commanders the power to impose military justice discipline on their subordinates and extends legal protection to service members who refuse to obey orders to commit human rights abuses.

The Office of the Prosecutor General is responsible for investigations and prosecutions of criminal offenses. Its Human Rights Unit, which included 15 satellite offices in seven regional capitals, specialized in investigating human rights crimes. The unit's 45 specialized prosecutors and 62 assistant prosecutors were handling a total of 4,122 cases at year's end.

The Office of the Inspector General investigates allegations of misconduct by public employees, including members of the state security forces. The Inspector General's Office referred all cases of human rights violations it received to the prosecutor general's Human Rights Unit.

Through August the Office of the Inspector General had opened disciplinary processes against 1,887 members of the armed forces for human rights offenses, all of which were referred to the prosecutor general for criminal investigation. In addition the Prosecutor General's Office brought charges against 616 members of the armed forces; information was unavailable on trial outcomes for those convicted during the year.

Trial Procedures.—The country continued implementing a new oral accusatorial-style criminal procedure code, which was scheduled to be in place nationwide on January 1, 2008. The code replaced the Napoleonic written inquisitorial system whereby a person was detained pending an investigation that involved the formal acceptance of evidence, without an actual trial.

Under the new code, the prosecutor files a formal charge with a judge, and the accused is notified of the charge. Trials are public and juries are used. Defendants have the right to be present and consult with an attorney, the right to confront witnesses, and the right to present evidence. The accused is presumed innocent and has a right of appeal.

In the military justice system, military judges preside over courts-martial without juries. Counsel may represent the accused and call witnesses, but the majority of fact-finding takes place during the investigative stage. Military trial judges issue rulings within 8 days of a court-martial hearing. Representatives of the civilian Inspector General's Office are required to be present at courts-martial.

Criminal procedure within the military justice system includes elements of the inquisitorial and accusatorial systems. Defendants are considered innocent until prov-

en guilty and have the right to timely consultation with counsel. A Constitutional Court ruling forbids military attorneys from undertaking defense counsel duties. Defendants must retain counsel at their own expense or rely on defenders paid by a special military officers' fund.

Military justice system reforms begun in 2005 continued through the year; the reforms aimed to establish a forensic investigative corps, transition to an accusatorial system, and establish a military defense corps.

Civilian courts convicted military members for past human rights violations, for instance:

- On September 15, the Supreme Court overturned two prior acquittals to convict Major Luis Fernando Campuzano for allowing AUC members unfettered access to La Gabarra, Norte de Santander, which led to the killing of 27 persons in 1999. He was sentenced to 40 years in prison.
- On September 21, the 12th Circuit Court of Bogota convicted two pilots and a technician to 6 years' house arrest for manslaughter. The judge ruled that a 1998 bombing, which killed 17 persons in Santo Domingo, was an unintentional military error and that the three posed no threats to society.

Political Prisoners and Detainees.—The Government stated that it did not hold political prisoners. Some human rights advocacy groups characterized as political detainees some detainees held on charges of rebellion or terrorism in what the groups claimed were harassment tactics by the Government against human rights advocates. During the year there were 2,298 prisoners accused of rebellion or aiding and abetting insurgence. The Government provided the ICRC access to these prisoners.

Civil Judicial Procedures and Remedies.—Citizens can sue for damages for a human rights violation against a state agent or body in the Administrative Court of Litigation. Although critics complained of delays in the process, the court was generally considered to be impartial and effective.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The law prohibits such actions; while the Government generally respected these prohibitions in practice, there were exceptions. The law requires government authorities to obtain a warrant signed by a senior prosecutor to enter a private home without the owner's consent unless the suspect has been caught in hot pursuit, and government authorities generally adhered to these regulations.

Government authorities generally need a judicial order to intercept mail or monitor telephone conversations, even in prisons. However, government intelligence agencies investigating terrorist organizations sometimes monitored telephone conversations without judicial authorization; such evidence could not be used in court.

The Government continued to use a network of civilian informants to identify terrorists and sympathizers. Some national and international human rights groups criticized the network as subject to abuse and a threat to privacy and other civil liberties. The Government maintained that the network was voluntary and established to facilitate citizens' right to self-defense.

On June 26, the Inspector General's Office sanctioned six senior members of the Intelligence Directorate of the national police (DIPOL), including its director, for illegally wiretapping paramilitary members incarcerated in Itagui prison and several citizens, among them congressmen, civil employees, journalists, and international members of NGOs who made contact with the prisoners or participants in the peace process. Generals Jorge Daniel Castro and Guillermo Chavez, then director of the national police and head of DIPOL, respectively, were asked to resign; 10 other officials of that rank sought retirement.

New illegal groups, paramilitaries who refused to demobilize, and FARC and ELN guerrillas routinely interfered with the right to privacy. All groups forcibly entered private homes, monitored private communications, engaged in forced displacement and conscription, and abused family members. The standing orders of the FARC, which used large numbers of female combatants, prohibit pregnancies among its troops.

g. Use of Excessive Force and Other Abuses in Internal Conflicts.—The country's 43-year-long internal armed conflict, involving government forces, two terrorist groups (FARC and ELN), and new illegal groups, continued. The conflict and narcotics trafficking, which both fueled and prospered from the conflict, were the central causes of multiple violations of human rights.

After the last AUC block demobilized in August 2006, the Government confronted militarily any groups that did not demobilize as well as new criminal groups. The Government reported that during the year it demobilized 155 individual paramilitary members who had previously refused to demobilize, bringing the total number of paramilitaries demobilized to approximately 34,000 since the process began

in 2003. The Organization of American States (OAS) continued to verify all stages of demobilization and reincorporation of former combatants into society. The OAS verification mission's 10th report noted "emerging situations of possible rearmament and the appearance of armed groups claiming to be the 'new generation of paramilitaries,'" who in some cases "were recruiting former paramilitary combatants." The OAS estimated that there were approximately 20 new illegal or criminal groups (with 3,000 members) operating in the country.

Killings.—Security forces were allegedly responsible for unlawful killings. CINEP reported that there were 128 such killings during the first 6 months of the year, compared with 92 in the same period of 2006. According to the Prosecutor General's Office, there were 170 active investigations of extrajudicial killings that occurred from January 2001 to August 31, 2007. Six of these investigations concluded during the year, resulting in nine convictions (eight military personnel and one police officer). The majority of the killings being investigated occurred in the departments of Antioquia (71), Meta (32), and Norte de Santander (13); 86 percent of them occurred in rural areas. A large number of the reported cases allegedly involved the Fourth Infantry Battalion, the 12th Mobile Brigade, and the 15th Mobile Brigade and included investigations of six colonels, seven majors, and 15 captains. The investigations concerned 388 victims (349 men, 39 women), 40 of whom were minors.

A Ministry of Defense directive focusing on extrajudicial killings created a senior-level committee on July 11. The committee reviewed cases with the U.N. High Commissioner for Human Rights (UNHCHR) and permitted the UNHCHR to visit all seven army divisions to review cases with the commanders of the units. The committee also developed an action plan to accelerate progress in these cases and worked to improve communication and information sharing with the Prosecutor General's Office. Through its efforts 600 human rights cases were transferred during the year from the military to the civilian justice system. The committee's work also led to orders instructing military commanders to emphasize demobilization over captures and capture over kills, to ensure the development and implementation of revised rules of engagement for military personnel, and to provide logistical assistance and support for civilian investigators.

Reports during the year included:

- On January 27, troops assigned to the Codazzi Battalion allegedly shot at a truck, killing Fabio Ramirez and wounding his wife, Alicia Aponte, and their two minor children in Mateguadua, municipality of Florida, Valle.
- On May 24, NGOs reported that members of the 13th Mobile Brigade detained and killed Awa indigenous community member Miguel Moran Acosta. According to military officials, Moran Acosta died in combat.

According to CINEP, extrajudicial killings attributed to the Government were a combination of false reports of guerrillas killed in combat and "social cleansing" (including vagrants, homosexual populations, and other "undesirables"). Examples of extrajudicial executions by security forces reported by CINEP and the UNHCHR included:

- January 29: Members of the 12th Mobile Brigade stopped Fidelino Mahecha Ramirez's vehicle in the municipality of Vista Hermosa (Meta) and killed him. The army reported the incident as a guerrilla killed in a combat operation, and no further investigation was conducted.
- March 8: Units of the 12th Mobile Brigade in Granada, Meta, killed Galician Aurelio Mancera, nephew of Asael Mancera Field, a soldier of the same mobile brigade. Witnesses filed a formal denunciation, and the investigation by the prosecutor general's human rights unit of the murder as an extrajudicial killing continued at year's end.
- April 5: Members of the Seventh Infrastructure Battalion, killed John Freddy Marquez and injured Jose Manuel Cannon in Barrancabermeja, Santander, for an unspecified charge as "delinquents," a term sometimes used to refer to social cleansing.

There were developments in some continuing cases and little change in others.

- The death of 10 persons in April 2006, allegedly killed by members of the 12th Brigade in the hamlet of Sanza, San Juan de Arama, Meta, and reported by Amnesty International, remained under Military Justice System investigation at year's end.
- On May 4, the Circuit Court of El Santuario, Antioquia, sentenced three soldiers, Jose Arlet Marin Serna, Luis Oscar Gil Montoya, and Davinson Andres Gil Ciro, to 12 to 16 years' imprisonment for the April 2006 killing of two farmers in San Luis, Antioquia.

- According to CINEP, in March 2006 soldiers from the Fourth or 17th Brigade killed Nelly Johana Durango in San Jose de Apartado, Antioquia. CINEP alleged that the soldiers subsequently presented her as an enemy combatant. There were no developments at year's end.
- In July the Inspector General's Office charged two sergeants major and five soldiers for their involvement in the January 2006 killing of Edilberto Vasquez Cardona. Disciplinary investigation continued at year's end.
- On March 5, the Supreme Judicial Council assigned the case of the January 2006 killings of four persons in Montebello, Antioquia, to the Prosecutor General's Office. According to the allegations, members of the Fourth Brigade's Pedro Nel Ospina Battalion summarily executed the victims and subsequently presented them as enemy combatants. The investigation continued at year's end.
- In January the Prosecutor General's Office charged two soldiers of the Fourth Brigade, Aisnel Gomez Loaiza and John Raul Cano Galeano, with the 2005 death of Frey Marcial Restrepo in San Francisco, Antioquia.
- Continued ballistics checks and a lack of witness cooperation frustrated progress in the 2005 case in which a grenade allegedly from the army's 17th Brigade killed San Jose de Apartado community leader Arlen Salas David.
- On May 2, authorities indicted one officer, 10 soldiers, and two civilians for their role in the 2004 killing of Kankauamo indigenous leader Victor Hugo Maestre Rodriguez. The case remained under investigation at year's end.
- On July 31, public hearings began in the trial against seven soldiers from the Pijaos Antiterrorist Battalion for their alleged involvement in the 2004 killing in Cajamarca of five persons in Cajamarca, Tolima. The trial was ongoing at year's end.
- On August 23, a Bogota court sentenced four soldiers and one civilian guide to 40 years' imprisonment for the 2004 killing of three trade union members near Saravena, Arauca.
- On May 9, the Prosecutor General's Office issued preventive detention measures against Captain Juan Carlos Rodriguez Agudelo, Corporal Francisco Blanco Esteban, and Albeiro Perez Duque on charges of aggravated homicide, aggravated forced disappearance, and aggravated torture for involvement with paramilitary forces in the killings of Jhon Jairo Iglesias Salazar, Araceli Londono Varona, Ananias Mojica, and Jesus Antonio Cespedes Salgado (alias Jose Cespedes) in 2003 in Cajamarca, Tolima. On August 15, the Prosecutor General's Office issued arrest warrants for three more soldiers in this case, which remained under investigation at year's end.

In response to UNHCHR's June 2006 request, the Office of the Inspector General investigated 37 cases of alleged killings of persons who had been presented as enemies killed in combat and subsequently identified 29 cases that were extrajudicial killings. Of these, the military justice system was investigating one case, the Supreme Council of the Judiciary was reviewing another for jurisdiction, and the remaining 27 were being investigated by the Prosecutor General's Office. As of September, the Prosecutor General's Office had issued seven preventive detention orders in two of its cases.

In September 2006 the Prosecutor General's Office detained army Major Jorge Alberto Mora Pineda, commander of the antikidnapping unit in Barranquilla, for his alleged role in a false kidnapping operation in August 2006 in which members of the unit killed six persons. The Prosecutor General's Office investigated six members of the GAULA and one agent from the DAS. The case was in its preliminary trial phase at year's end.

On February 22, ex-soldier Miguel Angel Molina Delgado was convicted and sentenced to 43 years and 9 months in prison on charges of homicide and trafficking firearms for launching a grenade into a house, killing a minor and injuring three persons in 2005.

On September 12, the Prosecutor General's Office initiated investigations against Captain Gabriel Bonilla Gonzalez, deputy commander of the Mobile Anti-Disturbance Squadron (ESMAD) and two staff, Edwin Lugo Escalante and Pedro Cuadros Castaneda, in the 2005 killing of Jhonny Silva Aranguren during a protest at Valle University.

On November 23, Captain Guillermo Armando Gordillo Sanchez was detained on charges of homicide in the 2005 case of eight civilians killed in San Jose de Apartado, Antioquia. On February 23, the Prosecutor General's Office began questioning 69 members of the brigade in connection with the massacre. The investigation continued at year's end, with almost half the members questioned.

In September 2006 the Prosecutor General's Office detained one officer, one noncommissioned officer, and four soldiers in the 2005 killing of Luis Orozco and Mario Pineda in Tierralta, Cordoba. The case was in its preliminary phase and pending at year's end.

On September 18, the Circuit Court of Marinilla convicted a sergeant major and four soldiers of the Fourth Brigade, Dairo Francisco Mendoza Torres, John Jairo Cuervo Rodriquez, Jonathan Ortiz Suaza, and Diego Leon Botero Murillo, of murdering Jose Valencia Morales, who disappeared in 2004.

On September 3, the Specialized Circuit Court of Arauca sentenced Gustavo Adolph Sastoque Murillo, a retired police officer, to 32 years' imprisonment for aggravated homicide, attempted homicide, and torture in the 2002 Saravena, Arauca, killing of two individuals. Three officers have been convicted since 2002 in connection with the case.

On January 23, the 41st Circuit Court of Bogota sentenced Francisco Chalito Gualtero, a retired army officer, to 29 years in prison for the 1993 aggravated homicides of four farmers in the municipality of Hacari, Norte de Santander.

In 2005 the Prosecutor General's Office issued an arrest warrant for Sergeant Sergio Salazar Soto for conspiracy in helping paramilitary members kill 40 persons in Cienaga, Magdalena, in 2000. On April 18, the Prosecutor General's Office indicted nine additional suspects, including five members of the armed forces, for their role, and the case continued at year's end.

On November 28, a judge exonerated Brigadier General Jaime Uscategui and sentenced former army colonel Hernan Orozco to 40 years' imprisonment for the 1997 massacre in Mapiripan of at least 27 civilians. The Prosecutor General's Office appealed the Uscategui verdict, and the case remained pending at year's end.

In April former AUC member Victor Manuel Mejia Munera was indicted for his role in the 2004 paramilitary massacre of 11 peasant farmers in Tame, Arauca. In October authorities captured three other ex-paramilitaries. The trial had not begun at year's end.

Paramilitary members who refused to demobilize and new illegal groups killed journalists, local politicians, human rights activists, indigenous leaders, labor leaders, and others who threatened to interfere with their criminal activities, showed leftist sympathies, or were suspected of collaboration with the FARC. They also reportedly committed massacres and "social cleansing" killings of prostitutes, homosexuals, drug users, vagrants, and gang members in city neighborhoods they controlled. New illegal groups, according to CINEP, were responsible for the deaths of 128 civilians from January through June, a 52 percent increase from 58 deaths reported during the same period in 2006.

On January 31, unknown assailants killed human rights activist Yolanda Izquierdo outside her home in Monteria, Cordoba. Izquierdo was a leader of the Popular Housing Organization, a group that assisted internally displaced persons to reclaim land seized by paramilitary groups. The Government arrested the suspected perpetrator; issued an arrest warrant for Sor Teresa Gomez, the suspected intellectual author; and sought an additional six individuals it thought might link the crime to demobilized paramilitary leaders held in Itagui prison.

There were no known developments, and none were expected, in the investigation of the January 2006 killing of Freddy Abel Espitia, president of the Committee of Displaced Persons of Cotorra in Cordoba Department.

In October 2006 authorities indicted and detained Hermen Jose Munoz Gonzalez ("Diomedes"), a suspected ex-paramilitary member, on murder charges in the killing of Afro-Colombian leader Orlando Valencia in 2005. Authorities also arrested AUC member Julio Cesar Silva Borja ("El Indio") in September 2006 and Pablo Jose Montalvo Cuitiva ("Alfa 11"), the suspected perpetrator, in November 2006. Their trials had not started by year's end. In October 2006 the Prosecutor General's Office also opened an investigation into the alleged involvement of two police officers in the killing. On July 12, authorities linked two additional members of the former AUC Bloque Elmer Cardenas to the murder and, on July 13, arrested Horacio Restrepo Urrego in connection with Valencia's death. The trials were pending at year's end.

The trials continued of nine alleged paramilitaries for aggravated homicide and other charges in the 2005 abuse and killing of 12 minors in Buenaventura, Valle de Cauca.

In compliance with the Justice and Peace Law, demobilized paramilitary members continued revealing the existence of mass graves, which the Prosecutor General's Office uncovered across the country. By year's end the Prosecutor General's Office had discovered approximately 1,196 bodies in 1,009 mass graves.

Guerilla group force levels continued to decline. There were an estimated 2,263 guerrilla desertions during the first 9 months of year. Additionally, during the first

8 months of the year, 2,280 members of guerilla groups were demobilized, compared with an estimated 1,990 demobilized in all of 2006.

FARC and ELN guerrillas killed journalists, religious leaders, candidates for public office, local elected officials and politicians, alleged paramilitary collaborators, and members of government security forces. In many areas of the country, the 9,500-member FARC and the 2,000-member ELN worked together to attack government forces or demobilized paramilitary members; in other areas, especially in Arauca, Valle, Cauca, and Narino departments, they fought each other. Various courts indicted members of the FARC secretariat in absentia on charges ranging from kidnapping and terrorism to aggravated homicide. The entire FARC secretariat was convicted in November in absentia for the 1998 massacre in Billar, Caqueta.

The Presidential Program for Human Rights reported that during the year the FARC killed at least 17 persons in three massacres, while another 111 persons were killed in massacres in which the perpetrators remained unidentified. There were several FARC massacres of public security forces. The Presidential Program for Human Rights reported that between January and October, the FARC had killed 65 members of the public security forces and the ELN had killed four.

Representative incidents included:

- January 21: In Buenaventura, Valle de Cauca, the FARC detonated two explosives during a police patrol, killing six persons, including two police officers; 14 others, including six police officers, were injured.
- March 3: Members of the 27th and 43rd FARC fronts attacked army personnel in Guayabero, Meta, killing seven soldiers and injuring four others.
- April 14: In Valle de Guamuez, Putumayo, members of the 32nd FARC front detonated an explosive during a police patrol, killing three officers and injuring four others.
- May 10: In Tulua, Valle de Cauca, members of the Victor Saavedra column of the FARC attacked an army patrol, killing 10 soldiers and injuring 16 others.
- September 3: The ICRC recovered the bodies of 11 departmental legislators killed while being held by the FARC. Although the FARC claimed the 11 hostages were killed in a cross-fire with government security forces in Narino Department on June 18, forensic evidence developed by an international commission and the Prosecutor General's Office indicated the FARC executed them.

The FARC also killed persons it suspected of collaborating with government authorities or paramilitary groups. According to the government's tracking system, the FARC killed 130 demobilized paramilitaries during the year.

On March 7, the Prosecutor General's Office detained a member of the FARC's Teofilo Forero column for his role in a 2005 massacre of city council members and their family members in Campoalegre, Huila. Six others were linked to the case, five of whom were captured. Two of those linked to the case were convicted and incarcerated.

Abductions.—New illegal groups, paramilitaries that refused to demobilize, and FARC and ELN terrorists continued to take hostages for ransom. The FARC and ELN also kidnapped politicians, prominent citizens, and members of the security forces to use as pawns in a prisoner exchange. The National Indigenous Organization (ONIC) stated that through July the FARC kidnapped 12 indigenous persons.

New illegal groups often abducted persons suspected of collaboration with guerrillas, almost all of whom were presumed dead.

The National Foundation for the Defense of Personal Liberty (Fondelibertad) reported that new illegal group members continued to be responsible for kidnappings during the year, but those numbers were not differentiated from kidnappings due to common crime, since the Government statistics considered new illegal groups as criminals. Common crime accounted for 244 kidnappings (or 61 percent of those in which a perpetrator was identified) during the year.

The FARC and ELN continued to commit numerous kidnappings. Fondelibertad reported that during the year guerrillas kidnapped 149 persons (38 percent of those in which a perpetrator was identified), the FARC 121 persons, and the ELN 28 persons.

Kidnapping for ransom remained a major source of revenue for both the FARC and ELN. The FARC continued to hold political and foreign-born hostages taken in previous years, including:

- In 2003: U.S. citizens Marc Gonsalves, Thomas Howes and Keith Stansell. Although the FARC did not provide proof-of-life for these hostages, military forces seized proof-of-life materials during a November operation.

- In 2002: Former presidential candidate Ingrid Betancourt; former senator Jorge Eduardo Gechem; former member of congress Francisco Giraldo; the former governor of Meta, Alan Jara; and former Members of Congress, Orlando Bernal, Luis Eladio Perez, Gloria Polanco, and Consuelo Gonzalez; and at least four foreign-born persons.

When proof-of-life videos were obtained, debate arose over the possibility of an exchange of hostages for imprisoned FARC members. In December President Uribe agreed to create an encounter zone to conduct negotiations on a humanitarian exchange with the FARC. The FARC rejected the offer but said it would unilaterally release three Colombian hostages, although the initial attempt at year's end was unsuccessful.

Physical Abuse, Punishment, and Torture.—According to preliminary reporting from the Presidential Program of Integrated Action Against Anti-personnel Mines, 1,774 landmine explosions killed 187 persons and injured 687 others during the year; 154 of the victims were military personnel, while 33 were civilians. The International Campaign to Ban Landmines stated that the FARC continued to be the largest individual user of landmines and that the ELN also continued to use landmines.

Child Soldiers.—Guerrillas used children as soldiers. The Ministry of Defense estimated that 4,620 FARC members and 1,330 ELN members were minors and that most guerrilla fighters had joined the guerilla ranks as children. Human Rights Watch reported that there were approximately 11,000 child soldiers, stating the percentage of those in the FARC and the ELN had increased relative to those who may have joined new criminal groups.

Other Conflict-Related Abuses.—Guerrillas failed to respect injured and medical personnel. Both the FARC and the ELN frequently executed injured prisoners, threatened and harassed doctors and nurses, and killed enemy combatants receiving medical care. On February 28, members of the Tulio Varon Front of the FARC in Venadillo, Tolima, attacked a marked Red Cross ambulance, injuring a nurse, Maribel Sanabria.

New illegal groups also prevented or limited the delivery of food and medicines to towns and regions considered sympathetic to guerrillas, straining local economies and increasing forced displacement.

Guerrillas forcibly displaced peasants to clear key drug and weapons transit routes and remove potential government or new illegal group collaborators from strategic zones. Guerrillas also imposed de facto blockades of communities in regions where they had significant influence. For example, ONIC reported many incidents in which illegal armed groups forcibly recruited indigenous people or obligated them to collaborate, restricted their freedom of movement, and blockaded their communities.

Paramilitary members who refused to demobilize and new illegal groups continued to displace civilians residing along key drug and weapons transit corridors or suspected of collaborating with guerrillas.

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.

The independent media were active and expressed a wide variety of views without restriction. A number of independent newspapers and magazines published freely, and all print media were owned privately. Privately owned radio and television stations broadcast freely.

Government security forces and corrupt officials occasionally subjected journalists to harassment, intimidation, or violence.

Members of illegal armed groups intimidated, threatened, kidnapped, and killed journalists. National and international NGOs reported that local media representatives regularly practiced self-censorship because of threats of violence. Seven journalists went into voluntary exile during the year; all were receiving protection from the Ministry of Interior's protection program, and the Government was investigating the threats. In October journalists Hollman Morris and Geovanny Alvarez Castro left the country following death threats from illegal armed actors. Additionally, journalist Gonzalo Guillen fled his home in Bogota after receiving more than 20 death threats.

According to the NGO Foundation for Press Freedom (FLIP), there were 85 death threats against journalists for the year, compared with 77 in 2006 (see Section 1.g.). On January 10, journalist and former community leader Elacio Murillo was killed in Istmina, Choco. On January 12, Franklin Diaz Mosquera, a member of the new illegal group, Aguilas Negras, a criminal group focusing on criminal and narcotics

activity, was arrested and charged in his murder. The police believed other suspects were involved, and an investigation continued at year's end.

The Ministry of Interior and Justice operated a $39.5 million (76.63 billion pesos) program that provided protection to 9,444 persons, including 128 media representatives (compared with 94 in 2006). The ministry also supported an alert network organized for journalists by providing a small number of radios and an emergency telephone hot line.

Internet Freedom.—There were no government restrictions on access to the Internet or reports that the Government monitored e-mail or Internet chat rooms. Individuals could engage in the peaceful expression of views via the Internet, including by e-mail.

Academic Freedom and Cultural Events.—There were no government restrictions on academic freedom or cultural events. However, guerrillas maintained a presence on many university campuses to generate political support for their respective causes and undermine support for their adversaries through both violent and nonviolent means. New illegal groups and FARC and ELN guerrillas threatened, displaced, and killed educators and their families for political and financial reasons. According to the Vice President's Office, various assailants killed 26 educators during the first 7 months of the year. Threats and harassment caused many educators and students to adopt lower profiles and avoid discussing controversial topics.

The Ministry of Education, in conjunction with the Colombian Federation of Educators and the Presidential Program for Human Rights, operated a program for at-risk educators with 78 regional committees to investigate specific threats against educators and, in some cases, facilitate relocation with continued employment as educators. Approximately 15 threatened educators have been successfully relocated since 2004.

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. Freedom of association was limited in practice by threats and acts of violence committed by illegal armed groups against NGOs, indigenous groups, and labor unions (see Section 1.g.).

Although the Government does not prohibit membership in most political organizations, membership in private organizations that espoused or carried out acts of violence, such as the AUC, FARC, and ELN, was illegal.

c. Freedom of Religion.—The law provides for freedom of religion, and the Government generally respected this right in practice.

The Roman Catholic Church retained a de facto privileged status. Accession to a 1997 public law agreement with the state is required for non-Catholic religions to minister to their adherents in public institutions and to perform marriages recognized by the state. When deciding whether to grant accession, the Government considers a religion's total membership, its degree of popular acceptance within society, and other relevant factors.

Societal Abuses and Discrimination.—New illegal groups and FARC and ELN guerrillas harassed, threatened, and sometimes killed religious leaders and activists, although often for political rather than religious reasons (see Section 1.g.). The Presidential Program for Human Rights reported that illegal armed groups, especially the FARC, made numerous threats against priests and other religious workers.

The Jewish community had an estimated 4,000 members. There were increased reports of anti-Semitism, including graffiti painted on the exterior walls of synagogues and anti-Semitic statements in pamphlets published by small anti-Semitic organizations.

For a more detailed discussion, see the 2007 International Religious Freedom Report.

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons.—The law provides for freedom of movement within the country, foreign travel, emigration, and repatriation, and while the Government generally respected these rights in practice, there were exceptions. Military operations and occupation of certain rural areas restricted freedom of movement in conflict areas.

New illegal groups, paramilitaries that refused to demobilize, and FARC and ELN guerrillas continued to establish illegal checkpoints on rural highways, but enhanced government security presence along major highways reduced the number of kidnappings.

In February members of the FARC stopped eight buses in Hormiga, Putumayo, blocking the road from Orito. and stopped three cars in Tibu, Norte de Santander, after blocking rural access routes.

The law prohibits forced exile, and the Government did not employ it. However, many persons went into self-imposed exile because of threats from new illegal groups and FARC and ELN guerrillas.

Internally Displaced Persons (IDPs).—The internal armed conflict was the major cause of internal displacement. Estimates of the numbers of IDPs varied. In the first 9 months of the year, Accion Social (formerly known as the Social Solidarity Network), the government's internal welfare and foreign coordination agency, registered 140,183 newly displaced persons, compared with 110,302 during 2006. The NGO Consultancy for Human Rights and Displacement (CODHES) estimated that 305,000 persons were displaced during the year, a 27 percent increase compared with CODHES' estimate for 2006. Statistics differed because the Government registered new IDPs whose applications for recognition had been accepted, while CODHES estimated new displacements based on information from the media, civil society, and some field work. CODHES also included as displaced persons an undetermined number of coca and opium poppy producers who migrated in response to government drug eradication efforts. However, in September the ICRC forecast an 8 percent increase in the number of IDPs it would assist during the year, primarily due to a continued rise in the number of individual displacements. The Office of the U.N. High Commissioner for Refugees (UNHCR) estimated that more than 3 million citizens had been displaced at some point during the past 15 years. Most IDPs were rural peasants displaced to cities.

The FARC and ELN continued to discourage IDPs from registering with the Government through force, intimidation, and disinformation; guerrilla agents often infiltrated IDP receptor communities.

The UNHCR reported that it was difficult to estimate the number of indigenous or Afro-Colombian IDPs because of geographic isolation, displacement within traditional territories, and their tendency to seek assistance from communities or local organizations rather than the government. The ONIC reported that 7,190 indigenous persons were displaced during the year. The Government registered 3,754 new IDPs who identified themselves as indigenous in the first 9 months of the year. CODHES estimated that during the year 12 percent of the displaced population was Afro-Colombian. New illegal groups and FARC and ELN guerrillas continued to use forced displacement to gain control over strategic or economically valuable territory, weaken their opponents' base of support, and undermine government control and authority.

International humanitarian assistance organizations and NGOs observed that the rate of mass displacements (a displacement of 50 persons or more at one time) had decreased. The ICRC assisted 25 percent fewer IDPs subjected to mass displacements. These organizations pointed out that, while the emergency response to such mass displacements was often rapid and adequate, assistance to those displaced individually or in smaller groups was frequently delayed for several days or weeks. In addition, due to the intensity of the fighting in conflict zones, including areas in the departments of Narino, Valle de Cauca, Arauca, Antioquia, Choco, and Norte de Santander, national and international aid organizations often could not access many newly displaced populations.

CODHES reported that Narino, home to many Afro-Colombian and indigenous people, was "the department most gravely affected by forced displacements." For example, in March the U.N. Office of the Commissioner for Humanitarian Affairs (OCHA) reported that FARC incursions and confrontations with the armed forces plus the presence of the emerging illegal group, Organizacion Nueva Generacion, displaced approximately 9,000 persons from as many as 28 rural villages to the coastal areas of El Charco and La Tola in the department of Narino. FARC offensives caused additional displacements in Narino later in the year. For example, in September FARC incursions led to displacement of more than 1,000 indigenous Awa to Inda Sabaleta near Tumaco.

OCHA reported on several mass displacements in various other departments throughout the year. In April threats in Arauca Department by both FARC and ELN guerrillas and new illegal groups displaced more than 700 persons, many of them from the Gauibos indigenous community, to the municipality of Tame near the Venezuelan border, according to OCHA and the ICRC. In May military conflicts with the FARC and ELN caused displacements of almost 400 persons in Cauca Department. In July a series of FARC threats led to the displacement of approximately 400 Afro-Colombians in Condoto, Choco. In the first 9 months of the year, ICRC and OCHA reported several mass displacements in Urrao, San Francisco, and Sonson in Antioquia Department.

In addition to displacements of resident population, at least six leaders of IDP organizations were killed in the first 9 months of the year. Press reports indicated

that most of these IDP leaders were seeking reparations or return of land that former paramilitary groups had forced them to surrender.

Government assistance to IDPs increased during year by more than 10 percent to approximately $500 million (950 billion pesos). Assistance was delivered through Accion Social, the Colombian Family Welfare Institute (ICBF), the Ministry of Social Protection (MSP), and other governmental ministries and agencies.

Despite several initiatives to enhance IDP access to services and knowledge of their rights, many IDPs continued to live in unhygienic conditions with limited access to health care, education, or employment. In addition, several international organizations and domestic nonprofit groups, such as the International Organization for Migration (IOM), the ICRC, the Colombian Red Cross, and the Catholic Church worked with the Government to provide emergency (first 90 days) relief and long-term assistance to displaced populations.

Protection of Refugees.—The law provides for the granting of asylum or refugee status in accordance with the 1951 U.N. Convention relating to the Status of Refugees and its 1967 protocol, and the Government has established a system for providing assistance to refugees. In practice the Government provided protection against refoulement, the return of persons to a country where there is reason to believe they feared persecution. The Government cooperated with the UNHCR and other humanitarian organizations in assisting refugees and asylum seekers. The Government reserved the right to determine eligibility for asylum, based upon its own assessment of the nature of an applicant's claim. According to the government, as of September, 145 recognized refugees resided in the country, and two refugee cases were approved and 11 rejected 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, generally free and fair elections held on the basis of nearly universal suffrage. Active duty members of the armed forces and police may not vote or participate in the political process. Civilian public employees, although eligible to vote, may participate in partisan politics only during the 4 months immediately preceding a national election.

Elections and Political Participation.—In May 2006 independent candidate Alvaro Uribe won a second term as president in elections that were considered generally free and fair, despite a concerted campaign by the FARC and AUC to disrupt or manipulate the outcome. The OAS electoral observation mission stated that the elections took place "in an atmosphere of freedom, transparency, and normalcy."

On October 28, there were local elections for governors, mayors and department and town councils; according to the OAS electoral mission chief, the elections proceeded smoothly. Twenty-five candidates were killed leading up to the elections. The number was significantly lower than in previous years, due in part to improved security conditions.

Political parties could operate without restrictions or outside interference. The Liberal and Conservative parties previously dominated politics. The reelection of President Uribe as an independent in 2006 and the second-place showing of the Polo Democratico presidential candidate, Carlos Gaviria, reflected a widening of the political arena. More than 20 political parties from across the political spectrum were represented in Congress.

New illegal groups, paramilitaries that refused to demobilize, and the FARC threatened and killed government officials (see Section 1.g.). According to the National Federation of Councils (FENACON), 16 council members were killed during the year, compared with 23 in 2006. FENACON attributed 50 percent of attacks on council members to the FARC.

Scores of local officials throughout the country resigned because of threats from the FARC. A Ministry of Interior and Justice program provided protection to 330 mayors, one former mayor, and 1,945 council members during the year.

The law requires that women be placed in at least 30 percent of appointed government posts and that the Government report to Congress each year the percentage of women in high-level government positions. There were 13 women in the 102-member Senate, including its president, and 17 women in the 166-member House of Representatives. There were five women in the 13-member cabinet and two on the 23-member Supreme Court.

Two indigenous senators and one indigenous member of the House of Representatives occupied seats reserved for indigenous persons. There were no indigenous cabinet members and no indigenous persons on any of the nation's high courts.

There were two Afro-Colombian senators and seven Afro-Colombian members of the House of Representatives, two of whom occupied seats reserved for Afro-Colom-

bians. There was one Afro-Colombian cabinet minister; there were no Afro-Colombians on any high court.

Government Corruption and Transparency.—The law provides criminal penalties for official corruption, and the Government actively prosecuted cases of governmental corruption; however, officials sometimes engaged in corrupt practices with impunity. The World Bank's worldwide governance indicators reflected that government corruption was a problem. Drug-trafficking revenues exacerbated corruption.

In January the Prosecutor General's Office charged two members of the governor's staff in Guajira with defrauding the Government of more than $150,000 (300 million pesos) by illegally adjusting pensions.

The Justice and Peace Law process continued to expose corruption and paramilitary ties within the Government and security forces, and President Uribe urged the Supreme Court to punish public officials found guilty. The president continued funding for the Supreme Court's investigative unit, which investigates Members of Congress and senior government officials.

Investigations by the Supreme Court and Prosecutor General's Office of links between politicians and paramilitary groups implicated 52 congressmen, 11 governors, and 19 mayors; 18 congressmen, 14 mayors, and two governors were in jail at year's end. On December 19, Erik Morris became the first sitting congressman convicted of paramilitary ties; he was sentenced to 6 years' imprisonment and fined $480,000 (960 million pesos).

In January 2006 the Inspector General's Office opened an investigation into Edilberto Castro Rincon, governor of Meta Department, for spending public funds for personal electoral benefit. According to investigators, Rincon signed contracts amounting to 28 percent of the department's budget in less than 1 month's time leading up to elections. The Inspector General's Office conducted seven different investigations involving Rincon, three of which resulted in charges against him.

In December 2006 an appellate court placed Barranquilla Mayor Guillermo Hoenigsberg under house arrest as part of a criminal proceeding for cost overruns on the renovation of Barranquilla's City Hall. Hoenisgsberg remained under investigation for embezzlement and public contract fraud.

In December 2006 the Inspector General's Office charged the mayor of Cali, Apolinar Salcedo, with receiving kickbacks from public contracts and prohibited him from serving in office for 16 years. In May the Inspector General's Office charged Salcedo with corruption but reduced the period of ineligibility to serve in office from 16 to 14 years. Salcedo appealed his case, and a decision was pending at year's end.

By law public officials must file annual financial disclosure forms.

The law provides for public access to government information, and the Government generally provided such access in practice. While there are no prohibitive fees to access government information, there were reports that some low-level officials insisted on bribes to expedite access to information.

Section 4. Governmental Attitudes Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A wide variety of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Although government officials generally were cooperative and responsive to their views, NGOs claimed that criticism from high-level officials, including President Uribe, put them at risk for retaliation by illegal armed groups. In June the NGO Human Rights First expressed concern that a prosecutor was investigating charges of slander and libel against Ivan Cepeda, the director of a human rights umbrella organization, for calling for the resignation of a mayor. Cepeda and his family received numerous threats on their lives. Many domestic NGOs also contended that the Government arbitrarily arrested and detained human rights activists, particularly in high-conflict areas.

While the Uribe administration maintained an open dialogue with NGOs and met with them several times during the year, NGOs complained that they had difficulty arranging meetings with government officials or receiving prompt replies to their correspondence.

Several thousand human rights and civil society NGOs were registered in the country, although most existed only on paper. Local human rights NGOs had far-reaching influence. By sharing information among themselves and disseminating it to international human rights organizations and the media, they raised the country's human rights profile and contributed to significant levels of international attention.

The Government and prominent local human rights groups differed in their evaluations and analyses of the human rights situation, which led to mutual suspicions. The Government asserted that some human rights activists engaged in activities

that supported terrorism (see Section 1.e.). Human rights groups requested the Government to remove the offenses of slander and libel from the criminal code and cited the cases of Ivan Cepeda and Principe Gabriel Gonzalez Arango as examples of the government's attempts to harass human rights defenders. The Prosecutor General's Office was appealing an acquittal of Gonzalez Arango, who remained under protection by the Government due to paramilitary threats resulting from his trial.

According to the NGO Colombian Commission of Jurists (CCJ), five human rights activists were killed during the year. The CCJ attributed some of the killings to paramilitaries but did not know whether the perpetrators were part of the Justice and Peace process or had refused to demobilize.

Several NGOs reported receiving e-mail threats from newly formed criminal groups. The UNHCHR expressed concern over the threats, the Government condemned them, and investigations by the Prosecutor General's Office continued at year's end.

There were several reports of thefts of computers and electronic data from human rights groups. On June 2, the office of the NGO Fellowship of Reconciliation was robbed; three computers containing victims' information were taken, while other valuables, such as a television set, money, and passports, were left untouched. On June 14, the office of the NGO JustaPaz was robbed. Witnesses and local security guards saw two men running from the building carrying a computer; the national police have an arrest warrant associated with the case. On October 21, unidentified persons broke into the office of Colombia's Evangelical Council and stole three computers; the investigation continued at year's end.

A government program provided protection to more than 537 human rights activists during the year (see Section 2.a.). The Government has fortified 94 NGO offices since 2000.

The Government cooperated with international organizations. The UNHCR, the IOM, the International Labor Organization (ILO), the UNHCHR, and the ICRC had an active presence in the country and carried out their work without government interference.

The Government continued to meet with the UNHCHR, local NGOs, and members of the diplomatic corps to discuss steps it has taken to comply with UNHCHR recommendations on improving human rights practices. While acknowledging progress on several recommendations, the UNHCHR and local NGOs reported that the Government had not fully implemented most of them by year's end. In September the Government extended the UNHCHR's mandate for 3 years.

The national human rights ombudsman is independent, reports to the inspector general, and has responsibility for ensuring the promotion and exercise of human rights. The Government generally cooperated with the ombudsman, whose Bogota office was the headquarters of a national early warning system designed to alert public security forces of impending human rights violations, particularly large-scale massacres. The office was underfunded and understaffed, which limited its ability to monitor human rights violations effectively. Regional human rights ombudsmen were under constant threat from illegal armed groups.

The Presidential Program for Human Rights, which operated under the authority of the vice president, coordinates national human rights policy and actions taken by government entities to promote or protect human rights. It is the government's primary interlocutor with domestic and international NGOs and with foreign governments on human rights issues. The program publishes the Human Rights Observer magazine, which provides analyses of major human rights issues and the human rights situation in various regions of the country.

Both the Senate and House of Representatives have human rights committees. The committees serve as forums for discussion of human rights issues but have no authority to draft legislation.

Pursuant to a September 2006 decree implementing the Justice and Peace Law, the Prosecutor General's Office started taking voluntary statements of demobilized paramilitaries, while encouraging victims' participation in the process. The Justice and Peace Law process helped clarify more than 3,000 crimes leading to the exhumation of 1,196 remains in 1,009 mass graves. Testimony from the voluntary confessions also triggered investigations of politicians' ties to paramilitary forces, including two congressmen and one governor.

Although more than 89,000 victims provided information to Justice and Peace prosecutors and investigators, the OAS noted problems in obtaining victims' participation in the process. The OAS reported that victims were misinformed or received little information about the process, that they were highly susceptible to killings, threats, and intimidation, and that government efforts were uncoordinated. The National Commission for Reconciliation and Reparations established offices in the cities of Sincelejo, Barranquilla, Bucaramanga, and Medellin. The centers contained

one-stop informational centers for victims and assisted victims with enrollment and receipt of legal and psychological support. The Prosecutor General's Office created a 24-hour telephone hot line to increase access by victims living in remote areas. On September 18, the Ministry of Interior and Justice issued a decree creating an integrated program to protect approximately 70,000 victims who had denounced paramilitary crimes or sought redress under the Justice and Peace Law.

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

Although the law specifically prohibits discrimination based on race, gender, disability, language, or social status, many of these prohibitions were not enforced in practice.

Women.—Although prohibited by law, rape, including spousal rape, remained a serious problem. The law provides for sentences ranging from 8 to 15 years' imprisonment for violent sexual assault. For acts of spousal sexual violence, the law mandates sentences of 6 months to 2 years and denies probation or bail to offenders who disobey restraining orders. The Institute for Legal Medicine and Forensic Science, which reported 14,299 cases of suspected sex crimes, including rape, indicated that many cases went unreported. New illegal group members and guerrillas raped, sexually abused, and sometimes sexually mutilated women and children for fraternizing with the enemy, working as prostitutes, having sexual relations outside of marriage, or violating imposed codes of conduct or restrictions on dress. The ICBF provided psychosocial, medical, and legal support to victims of sexual violence.

Although prohibited by law, domestic violence, including spousal abuse, remained a serious problem. Judicial authorities may remove an abuser from the household and require therapy or re-education. The law provides prison time if the abuser causes grave harm or the abuse is recurrent; however, provisions for fines were not applied. The Institute for Legal Medicine and Forensic Science reported approximately 26,260 cases of domestic violence against women during the first 7 months of the year but noted that only a small percentage of cases were brought to its attention. The law stipulates that the Government must provide victims of domestic violence with immediate protection from physical or psychological abuse. The ICBF provided safe houses and counseling for victims, but its services were dwarfed by the magnitude of the problem. In addition to fulfilling traditional family counseling functions, ICBF family ombudsmen handled domestic violence cases. The Human Rights Ombudsman's Office conducted regional training workshops to promote the application of domestic violence statutes.

Adult prostitution is legal in designated "tolerance zones," but enforcement of, and restriction to, the zones remained difficult. Prostitution was widespread and exacerbated by poverty and internal displacement. Sex tourism existed to a limited extent, particularly in coastal cities such as Cartagena and Barranquilla, where marriage and dating services were often fronts for sexual tourism. The law prohibits organizing or facilitating sexual tourism and provides penalties of 3 to 8 years' imprisonment. Trafficking in women for sexual exploitation continued to be a problem.

A 2006 law applicable to both the private and public sectors provides measures to discourage and punish harassment at the workplace, such as sexual harassment, verbal abuse or derision, aggression, and discrimination. Nonetheless, sexual harassment remained a pervasive problem.

Although women enjoy the same legal rights as men, discrimination against women persisted. Women faced hiring discrimination, were disproportionately affected by unemployment, and had salaries that generally were incompatible with their education and experience. Female workers in rural areas were affected most by wage discrimination and unemployment.

The president's advisor for equality of women has primary responsibility for combating discrimination against women. The advisor ran a program to help women who were microbusiness entrepreneurs and heads of families to get favorable lines of credit for their companies. During the year the Government provided 8,965 microcredit loans to women, in the amount of $8.35 million (16.7 billion pesos). NGOs such as the Popular Women's Organization in Barrancabermeja, Santander, and the Women's Path to Peace in Medellin, Antioquia, promoted women's involvement and equality, particularly through peace initiatives.

In January 2006 Congress created an Observatory for Gender Affairs to monitor and improve gender equality and enacted a law to combat workplace harassment, including sexual harassment. No information was available on its effectiveness.

In August 2006 the Government published its National Plan for the Defense of Woman's Rights, which outlined 116 measures to combat domestic violence, enhance women's rights after the dissolution of a marriage, and protect women in the workplace.

Children.—The Government generally was committed to children's rights and welfare. The ICBF oversees all government child protection and welfare programs and also funds nongovernmental programs that benefit children.

Public schooling is provided to age 18 and is universal, compulsory, and free to age 15. The National Department of Statistics (DANE) estimated that more than 9 million children between ages 6 and 15 attended school. The Government covered most basic costs of primary education. However, families were obliged to pay for books and school supplies, transportation, and additional matriculation fees after age 15; these costs often were prohibitive, particularly for the rural poor. According to the government, 4.75 million children attended public or private schools, while 211,000 did not, primarily because they worked full or part time.

While the Government provided equal medical care to boys and girls, medical facilities were not widely available, especially in rural areas.

Child abuse was a serious problem. The National Institute for Legal Medicine and Forensic Sciences reported approximately 7,028 cases of child abuse during the year. The institute also estimated that approximately 42 percent of the 16,891 reported sex crimes involved sexual abuse of children, most of whom were under age 14.

According to a report by the Inspector General's Office, 3,588 minors were reported as sexual workers, although many other cases went unreported. Children were trafficked for sexual exploitation.

The law prohibits service in the public security forces before age 18, and government practice complied with the law. Guerrillas, however, forcibly recruited and used children as soldiers (see Section 1.g.).

A 2002 UNICEF study estimated that 83 percent of child soldiers volunteered to join guerrilla and then AUC paramilitary groups and did so because of limited educational and economic opportunities and a desire for acceptance and camaraderie. Nevertheless, many children found membership in guerrilla and paramilitary organizations difficult, and the Ministry of Defense reported an increase in the number of minors who deserted illegal armed groups. At least 709 children (494 of them former members of the FARC) surrendered to state security forces during the year and were transferred to the ICBF, which operated a reintegration program for former child soldiers.

The UNHCR reported that 74 percent of IDPs were women and children. Displaced children particularly were vulnerable to physical abuse, sexual exploitation, and recruitment by criminals.

Trafficking in Persons.—Although the law prohibits trafficking in persons, there were reports that persons were trafficked from, through, and within the country.

The country was a major source for trafficking in persons, primarily for sexual and labor purposes. As of September the IOM's trafficking prevention hot line received 244 calls related to trafficking. The vast majority of trafficking victims were young women, although children and young men were also at risk. Destinations included Venezuela, Ecuador, El Salvador, Aruba, Panama, The Netherlands, Chile, Costa Rica, Curacao, Italy, Jamaica, Mexico, Spain, Japan, Hong Kong, and the United States. Internal trafficking of women and children from rural to urban areas for sexual exploitation and forced labor remained a serious problem. Victims also transited the country from other South American countries on their way to Europe and the United States.

Many traffickers disclosed the sexual nature of the work they offered but concealed information about working conditions, clientele, freedom of movement, and compensation. Others disguised their intent by portraying themselves as modeling agents, offering marriage brokerage services, providing study programs, or operating lottery or bingo scams with free trips as prizes. Recruiters reportedly loitered outside high schools, shopping malls, and parks to lure adolescents into accepting nonexistent jobs abroad. The IOM and domestic NGOs estimated that international organized crime networks were responsible for most transnational trafficking. Domestically, organized crime networks, some related to illegal armed groups, were also responsible for trafficking for sexual exploitation or organized begging, and the armed conflict created situations of vulnerability for a large number of internal trafficking victims.

The law provides for prison sentences of between 13 and 23 years and fines of up to 1,000 times the monthly minimum wage for trafficking offenses. These penalties may be increased by up to one-third if there are aggravating circumstances, such as trafficking of children under the age of 14. Additional charges of illegal detention, violation of the right to work in dignified conditions, and violation of personal freedom also may be brought against traffickers. While limited resources hindered prosecutions, during the year the Prosecutor General's Office handled 208 trafficking investigation cases, 15 of which resulted in indictments. Trials in 44 cases were pending at year's end.

With the support of the IOM, the National Committee against Trafficking (composed of 14 agencies) prepared information campaigns, promoted information exchange among government agencies, and planned the implementation of a database to monitor trafficking cases. The Prosecutor General's Anti-Trafficking Unit, in coordination with the Ministry of Interior and Justice, has the lead on combating trafficking. The Government cooperated with foreign counterparts on investigations.

The country's diplomatic missions provided legal and social welfare assistance to victims abroad and worked with the IOM to repatriate victims. The IOM strengthened government institutions involved in antitrafficking efforts and assisted trafficking victims; during the year IOM trained 285 officials on specific trafficking issues and provided awareness-raising training to 30 NGO groups. The IOM also provided victims with job training and employment opportunities, temporary emergency shelter, necessary medical and psychological care, and opportunities for social reintegration. The Hope Foundation, an antitrafficking NGO, provided educational information, social support, and counseling to trafficking victims. The Rebirth Foundation (an antitrafficking NGO) provided housing, psychosocial therapy, medical care, and legal assistance to child victims of sexual exploitation.

The IOM started a campaign to advertise a national hot line to prevent trafficking and report violators. The IOM also continued its antitrafficking public awareness campaign that included placing large posters in airports, bus stations, foreign consulates, and travel agencies and running professionally produced public service announcements on radio and television.

Persons with Disabilities.—The law prohibits discrimination against persons with physical and mental disabilities in employment, education, access to health care, or the provision of other state services, and the Government effectively enforced these prohibitions. No law mandates access to public buildings for persons with disabilities. The law provides persons with physical disabilities access to voting stations. The Presidential Program for Human Rights is responsible for protecting the rights of persons with disabilities.

The Colombian Association for Physical Medicine and Rehabilitation reported that only approximately 15 percent of the disabled population received medical attention adequate to prevent complications arising from disabilities. According to press reports, only 7,000 of Bogota's 100,000 persons with disabilities had access to public education.

National/Racial/Ethnic Minorities.—According to the national census, approximately 4.3 million persons, or 11 percent of the population, was of African origin. However, some human rights groups and Afro-Colombian organizations estimated that there were as many as 10 million Afro-Colombians. While Afro-Colombians are entitled to all constitutional rights and protections, they faced significant economic and social discrimination. An estimated 75 percent of Afro-Colombians lived in poverty; their infant mortality rate was five times that of the general population, and the number without any education was 30 percent higher than the national average. Choco, the department with the highest percentage of Afro-Colombian residents, had the lowest per capita level of social investment and ranked last in terms of education, health, and infrastructure. It also continued to experience some of the country's worst political violence, as new illegal groups and FARC and ELN guerrillas struggled for control of the department's drug- and weapons-smuggling corridor (see Section 1.g.).

Indigenous People.—The Constitution and laws give special recognition to the fundamental rights of indigenous people, who comprised approximately 2 percent of the population, and require that the Government consult beforehand with indigenous groups regarding governmental actions that could affect them.

By law indigenous groups have perpetual rights to their ancestral lands. Traditional indigenous authorities operated approximately 545 reservations—accounting for 30 percent of the country's territory—as municipal entities, with officials selected according to indigenous traditions. However, many indigenous communities had no legal title to lands they claimed, and illegal armed groups often violently contested indigenous land ownership. The National Agrarian Reform Institute administered a program to buy lands declared to belong to indigenous communities and return those lands to them.

The law provides for special criminal and civil jurisdictions within indigenous territories based on traditional community laws. Proceedings in these jurisdictions were subject to manipulation and often rendered punishments that were more lenient than those imposed by regular civilian courts. The law permits indigenous communities to educate their children in traditional dialects and in the observance of cultural and religious customs. Indigenous men are not subject to the national military draft.

Indigenous leaders complained about the occasional presence of government security forces on indigenous reservations and asked that the Government consult with indigenous authorities prior to taking military action against illegal armed groups and guerrillas operating in or around such areas. The Government stated that for security reasons it could not provide advance notice of most military operations and that it consulted with indigenous leaders when possible before accessing land held by the communities. The law permits the presence of government security forces on lands of indigenous communities; however, Ministry of Defense directives instructed security forces to respect the integrity of indigenous communities, particularly during military and police operations.

The Ministry of Interior and Justice, through its Office of Indigenous Affairs, is responsible for protecting the territorial, cultural, and traditional rights of indigenous people. Ministry representatives resided in all regions of the country and worked with other governmental human rights organizations and NGOs to promote indigenous interests and investigate violations of indigenous rights.

Despite special legal protections and government assistance programs, indigenous people continued to suffer discrimination and often lived on the margins of society.

Parties in the internal armed conflict continued to victimize members of indigenous communities. In March UNHCHR reported that ethnic groups, particularly indigenous and Afro-Colombian populations, were increasingly vulnerable as a result of the internal armed conflict. ONIC reported that violence during the year killed 43 indigenous persons and displaced 7,190 others.

The Presidential Program on Human Rights reported a reduction in homicides (28 percent), kidnappings (25 percent), displacement (54 percent), and forced migration of indigenous peoples in the first 8 months of the year.

Investigations continued at year's end into allegations that, in February and March 2006, military officials beat Wayuu indigenous community members, Roberto Solano Uriana and Lorenzo Rafael Solano.

In August 2006 hooded gunmen in Ricaurte, Narino, killed five members of the Awa indigenous community, including a former governor of the Chinbuza indigenous reserve. An investigation by the Prosecutor General's Office identified 11 suspects, of whom six were military officers and five were civilians. Authorities detained seven of the suspects and were searching for remaining four.

The UNHCHR continued to criticize threats and violence against indigenous communities, characterized government investigations of human rights violations against indigenous groups as inadequate, and appealed to the Government to do more to protect indigenous people.

Section 6. Worker Rights

a. The Right of Association.—The law provides for the right to organize unions, and the Government generally respected this right in practice. The law does not cover members of the armed forces or police. The number of unions and union members continued to decline. Approximately 742,000 workers (4 percent of the workforce of 18.2 million) were union members. Almost 60 percent of the workforce was employed in the informal sector.

The labor code provides for automatic recognition of unions that obtain 25 signatures from potential members and comply with a registration process. Unions claimed that this process was slow and was used to block union registration, specifically in the cut flower sector. Some union leaders claimed that forming a union was a lengthy, bureaucratic process, and that union organizers were often fired before the union was officially established. On May 24, the MSP issued a resolution reducing from 15 to 2 days the time period within which it must respond to an application for union registration; in the case of a denial, 2 months are allowed for amendment of the application. MSP is required to issue a decision within 5 days of receiving all documents and, if does not, administrative silence is deemed in favor of the application. MSP officials are subject to discipline for failure to comply with the regulations.

Pursuant to a June 2006 tripartite agreement among the government, trade confederations, and business groups, a resident ILO representative arrived in January to establish an ILO office in the country. In October the Government transferred $4.0 million (8.0 billion pesos) to the ILO office to finance special projects included in the tripartite agreement, focusing on employment generation for women, youth, and the displaced, as well as social dialogue on labor issues. In addition the tripartite partners agreed to reconvene the National Settlement Commission for Labor and Salary, which had been boycotted by labor representatives prior to the May presidential election, and removed the country from discussion in the ILO's Committee for the Application of Standards for the first time in 21 years.

FARC and ELN guerrillas and new illegal groups continued to target labor members for political reasons, but some killings of union members resulted from robberies, domestic disputes, and other nonpolitical motives (see Section 1.g.). Violence against union members and antiunion discrimination discouraged some workers from joining unions and engaging in trade union activities. According to the MSP, 26 trade unionists, including unionized teachers, were killed during the year, compared with 60 in 2006. According to the National Labor College (ENS), a labor rights NGO, 39 trade unionists were killed during the year, compared with 72 in 2006. ENS and government figures differed because the ENS counted nonaffiliated advisers to unions, retired and inactive union members, and rural community organization members as trade unionists, which the MSP did not.

Teachers made up the largest percentage of union members who were victims of violence by illegal armed groups. The ENS reported that 24 unionized teachers, four of whom were leaders, were killed during the year, while the MSP registered killings of 18 unionized teachers, three of whom were leaders.

By the end of the year, the Government had assigned 13 prosecutors and 78 investigators to a new subunit of the Prosecutor General's Office dedicated to prosecuting cases of violence against trade unionists, which began work in January. In October 2006 the Prosecutor General's Office worked with the three largest unions to identify 187 priority cases of violence against trade unionists. By year's end, 13 of the 187 had been prosecuted, resulting in conviction and imprisonment of 25 perpetrators. The new labor subunit prosecuted 10 of the cases, accounting for 17 of the individuals convicted.

A court convicted former AUC leader Salvatore Mancuso and two other paramilitary members for the 2001 murder of USO President Sarah Marrugo; a special labor judge sentenced Mancuso to 40 years' imprisonment.

Union leaders recognized important advances made by the new labor sub-unit of the Prosecutor General's Office but said more needed to be done to end impunity for perpetrators of violence against workers. According to the Prosecutor General's Office, the motives in most of the cases they prosecuted were not due to the victim's union affiliation. The majority stemmed from personal disputes or common crimes, such as robberies. The courts found that the victim's union affiliation was the primary motive in only 15 percent of their cases.

The Government continued its protection program for threatened union members, providing protection measures for more than 1,900 unionists during the year.

While the law prohibits antiunion discrimination, some long-standing ILO criticisms of the labor code remained, including the practice of firing labor union unionists who participated in legal strikes or work stoppages, the prohibition of strikes in a wide range of public services that are not necessarily essential, and the government's power to intervene in disputes through compulsory arbitration to end a strike. The Government disputed these ILO criticisms.

b. The Right to Organize and Bargain Collectively.—The law provides workers the right to organize and bargain collectively, and the Government respected this right in the private sector; however, collective bargaining was not implemented fully in the public sector. Unions claimed that fewer than 150,000 of their members had collective bargaining contracts. High unemployment, a large informal economic sector, traditional antiunion attitudes, and violence against trade union leaders made organizing difficult. Weak union organization limited workers' bargaining power in all sectors.

Collective pacts between individual workers and their employers were not subject to collective bargaining. Collective pacts give employers the right to negotiate accords on pay and labor conditions at any time with groups of workers when no union is present or when a union represents less then one-third of the employees. Labor groups complained that employers used collective pacts, permitted by law, to discourage labor organization. In practice, when a union presented a collective bargaining proposal, employers offered some workers better conditions and pay in exchange for their leaving the union and joining the pact, which undermined organized labor's ability to bargain collectively.

The continued growth and prevalence of workers' cooperatives further diminished collective bargaining. Workers' cooperatives are required to register with the superintendent of economic cooperatives, who estimated the number of such cooperatives at more than 3,000 with more than 400,000 associated workers. Workers' cooperatives were obligated to provide compensation at least equivalent to the minimum wage and the same health and retirement benefits offered by traditional employers.

Most cooperatives engaged in subcontracting, and in some cases, private sector employers forced workers to form cooperatives and were themselves managing the cooperatives' daily operations. The Government has the authority to fine labor rights violators but has no recourse to shut down repeat offenders. In practice,

nominal fines assessed by the Government did little to dissuade violators. A 2006 government decree prohibits the use of workers' cooperatives as labor subcontractors and raised the maximum fine for illegal cooperatives.

The law provides for the right to strike, and workers exercised this right in practice; however, members of the armed forces, police, and persons performing "essential public services" were not permitted to strike. The Government did not declare illegal any of the seven strikes that occurred during the year, although it registered more than 941 work stoppages, only one of which was declared illegal.

Before conducting a strike, public sector unions must follow prescribed legal procedures and give advance notice to their employers and local authorities. The law prohibits the use of strikebreakers. The law prohibiting public employees from striking was often ignored. By law public employees must accept binding arbitration if they cannot reach an agreement.

There are no special laws or exemptions from regular labor laws in export processing zones. Labor law applies in the country's 15 free trade zones where its standards were enforced.

c. Prohibition of Forced or Compulsory Labor.—The law prohibits forced or compulsory labor, including by children, but there were some reports that such practices occurred (see Section 6.d.).

New illegal groups and both FARC and ELN guerrillas practiced forced conscription; forced labor was also involved in prostitution. There were some reports that FARC and ELN guerrillas and new illegal groups used forced labor, including child labor, in areas outside government control (see Section 1.g.).

d. Prohibition of Child Labor and Minimum Age for Employment—While there are laws to protect children from exploitation in the workplace, child labor remained a significant problem, particularly in the informal sector. The ICBF reported that at least 2.5 million children worked, of whom only an estimated 20 percent were working legally. The ICBF's most recent report on the subject (2001) estimated that there were 25,000 child sexual workers.

The minimum age for employment is 15 years. Minors between 15 and 17 years of age must obtain authorization from the local inspection units of the MSP. Such minors may work only 6 hours per day and 30 hours per week, with no work hours past 6 p.m. Minors between 17 and 18 years of age may only work 8 hours per day, 40 hours per week with no work hours past 8 p.m. There is an exception to the minimum age: Minors under age 15 may receive authorization from the local inspection unit to engage in remunerated activities in art, culture, recreation, or sport. However, the authorization establishes the maximum number of hours and specific labor conditions. For example, a minor under age 15 may not engage in remunerated activities more than 14 hours per week.

The legal minimum age for work was consistent with completing basic education, but only 38 percent of working children attended school. All child workers are prohibited from working at night or performing work where there is a risk of bodily harm or exposure to excessive heat, cold, or noise. Although children are prohibited from working in a number of specific occupations, including mining and construction, in practice these prohibitions largely were ignored.

Estimates of the number of children who worked in illegal mining operations varied from 10,000 (DANE) to 200,000 (state mining company) According to DANE, children also worked as coca pickers or in other aspects of the illegal drug trade. Children were also recruited as soldiers by FARC and ELN forces and were engaged in illegal labor and fighting by new criminal groups.

Although there were no reports of forced child labor in the formal economy, several thousand children were forced to serve as FARC or ELN guerrilla combatants or members of new illegal groups (see Section 1.g.), prostitutes, or coca pickers. The minor's code provides for fines of up to 40 times the minimum monthly wage for violations of child labor laws. A violation deemed to endanger a child's life or threaten moral values may be punished by temporary or permanent closure of the responsible establishment.

The MSP's 276 labor inspectors nationwide were responsible for enforcing child labor laws in the formal sector (which covered approximately 20 percent of the child labor force) through periodic inspections. Resources were inadequate for effective enforcement. With assistance from the ILO, the Government worked to improve cooperation among national, regional, and municipal governments through its national plan to eradicate child labor and protect working youth. The ILO's International Program on the Elimination of Child Labor operated a program to prevent children from engaging in commercial sexual exploitation, while World Vision and Partners of the Americas conducted programs to remove children from the worst forms of child labor.

e. Acceptable Conditions of Work.—The Government establishes a uniform minimum wage every January that serves as a benchmark for wage bargaining. The monthly minimum wage, which is negotiated among representatives of business, organized labor, and the government, was approximately $205 (433,700 pesos), a 6.3 percent increase from the previous year. If the negotiation process fails to reach agreement, the Government can set the minimum wage unilaterally. The national minimum wage did not provide sufficient income to purchase the basic market basket of goods for a family of four. Furthermore, it was difficult to enforce the minimum wage in the informal sector.

The labor code provides for a regular workweek of 48 hours and a minimum rest period of 8 hours within the week. The code stipulates that workers are entitled to receive premium compensation for additional hours worked over the regular workweek of 48 hours and for work performed on Sundays. Compulsory overtime is permitted only in exceptional cases where the work is considered essential for the company's functioning.

The law provides comprehensive protection for workers' occupational safety and health, which the MSP enforced through periodic inspections. However, a scarcity of government inspectors, poor public safety awareness, and inadequate attention by unions resulted in a high level of industrial accidents and unhealthy working conditions. Workers in the informal sector sometimes suffered physical or sexual abuse. The law provides workers with the right to remove themselves from a hazardous work situation without jeopardizing continued employment, and the Government enforced this right. Nonunion workers, particularly those in the agricultural and in some parts of the flower sector, claimed they often continued working in hazardous conditions because they feared losing their jobs if they criticized abuses. However, the flower growers' association recently implemented voluntary principles on environmental and worker safety and reduced use of pesticides by more than 60 percent.

COSTA RICA

Costa Rica, a constitutional democracy with a population of approximately 4.3 million, is governed by a president and unicameral legislative assembly directly elected in free multiparty elections every 4 years. In February 2006 Oscar Arias Sanchez of the National Liberation Party (PLN) won the presidency in elections that generally were considered free and fair, as was an October national referendum on joining a major regional trade agreement. The civilian authorities generally maintained effective control of the security forces.

While the Government generally respected the human rights of its citizens, the following human rights problems were reported: Substantial judicial process delays, particularly in pretrial detention and civil and labor cases; antiquated libel laws and excessive penalties for violations; domestic violence against women and children; child prostitution; and child labor.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life.—There were no reports that the Government or its agents committed arbitrary or unlawful killings during the year; however, authorities investigated one death during police apprehension.

On April 28, a robbery suspect died in a supermarket after suffering blows to the face and body. Two private security guards handcuffed the man and waited for the police. When a police officer arrived, he informed headquarters that the man was behaving aggressively and had suffered blows. A confrontation allegedly led to the death of the suspect. A lower criminal court ordered the police officer to be held in preventive detention for 4 months, while an investigation was conducted to determine if he had participated in the beating. At year's end the case was pending.

At year's end one of the two former police officers arrested in May 2006 for assisting in the 2005 revenge killings of three persons remained in preventive detention; the other awaited trial.

b. Disappearance.—There were no reports of politically motivated disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—Although the Constitution prohibits such practices and the Government generally respected this prohibition, some members of the security forces committed abuses. Any statement obtained through violence is invalid, and the Government investigated, prosecuted, and punished agents responsible for confirmed cases of abuse.

On June 13, authorities arrested two police officers on abuse of authority and robbery charges. At year's end they were in preventive custody while an investigation continued.

Appeals were pending in the case of four police officers found guilty in 2005 of abuse of authority for beating a suspect who resisted arrest.

The Ombudsman's Office lodged and recorded complaints of police misconduct and received 30 such complaints, 29 of which remained under investigation, while one was determined to be legitimate and forwarded for further investigation or prosecution. Of the 20 complaints received in 2006, eight remained under investigation, nine were closed with no action recommended (either because of insufficient evidence or because they were unfounded), and three were determined to be legitimate. The ombudsman's investigation is a preliminary step, with any recommendation for action forwarded to the respective agency for investigation or follow-up.

On March 8, the Inter-American Commission on Human Rights (IACHR) found inadmissible a July 2006 Nicaraguan petition against Costa Rica that cited a 2005 incident in which seven public security officers allegedly witnessed but did not intervene when two guard dogs attacked a Nicaraguan. The case was closed.

Prison and Detention Center Conditions.—Although the Government continued to improve prison conditions during the year, isolated cases of overcrowding, as well as poor sanitation, lack of health services, and violence among prisoners remained problems in some prison facilities. The ombudsman's office investigated all complaints and referred serious cases of abuse to the public prosecutor. Illegal narcotics were readily available in the prisons, and drug abuse was common.

Recent expansions at several prison facilities reduced the countrywide prison population at midyear to within the system's capacity. San Carlos Prison reduced the number of inmates by 7 percent, which put it at capacity as of June 30. Authorities opened La Casona Prison in San Rafael for 120 minimum-security inmates and remodeled Pococi, Liberia, and Buen Pastor prisons. As of October 31, there were 12,828 persons under supervision by the Ministry of Justice, including 7,819 jailed prisoners, 511 persons required to spend nights and weekends in jail, 3,987 persons in supervised work programs requiring no jail time, and 511 juveniles.

San Sebastian, where most prisoners in pretrial detention were held, continued to be overcrowded (about 115 percent of planned capacity) and unsanitary. To alleviate the overcrowding, some pretrial detainees were held with convicted prisoners in long-term detention facilities throughout the country.

Medical care at most facilities generally was adequate for routine illnesses and injuries. However, prisoners were referred to social services agencies for complex medical issues, such as HIV/AIDS, with consequent treatment delays.

While prisoners generally were separated by sex and by level of security (minimum, medium, and maximum), overcrowding sometimes prevented proper separation of prisoners of different security levels. As of June 30, the San Jose women's prison brought its inmate numbers to within capacity with the construction of two new units. Both Liberia and Perez Zeledon prisons added special sections for women.

The Government permitted prison visits by international and local independent human rights observers, including representatives from the Ombudsman's Office. Human rights observers were allowed to speak with prisoners and to prison employees in confidence and without the presence of prison staff or other third parties.

d. Arbitrary Arrest or Detention.—The law prohibits arbitrary arrest and detention, and the Government generally observed these prohibitions.

Role of the Police and Security Apparatus.—The country has no military. The Ministry of Public Security was responsible for the general police force, the drug control police, the border police, and the coast guard. The Ministry of Public Works and Transportation operated the traffic police, and the Government had mechanisms in place to investigate and punish abuse and corruption. However, court overcrowding and an antiquated legal system greatly slowed such action. There were no reports of impunity involving the security forces during the year, but the police forces' effectiveness was hampered by inadequate funding, equipment, and training.

Arrest and Detention.—The law requires issuance of judicial warrants before making arrests, except where probable cause is evident to the arresting officer. The law entitles a detainee to a judicial determination of the legality of detention during arraignment before a judge within 24 hours of arrest. The law provides for the right to bail and prompt access to an attorney and to family members, and the authorities generally observed these rights in practice. Indigents are provided a public attorney at government expense; in practice even those with sufficient personal funds were able to use the services of a public defender. With judicial authorization, the au-

thorities are able to hold suspects incommunicado for 48 hours after arrest or, under special circumstances, for up to 10 days.

A criminal court may hold suspects in pretrial detention for periods of up to 1 year, and the court of appeals may extend this period to 2 years in especially complex cases. The law requires that suspects in pretrial detention have their cases reviewed every 3 months by the court to determine the appropriateness of continued detention. According to the Ministry of Justice, as of October 31, there were 1,854 persons in pretrial detention, representing 24 percent of the prison population.

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary, and the Government generally respected judicial independence in practice. The legal system faced many challenges, including significant delays in the adjudication of civil disputes and a growing workload.

The judicial branch of government includes the upper and lower courts, the Judicial Investigative Police (OIJ), the Office of the Prosecutor, the Office of the Public Defender, forensic laboratories, and the morgue. The lower courts include courts of first instance and circuit courts. The Supreme Court is the highest court, with 22 justices known as magistrates. The legislative assembly elects those magistrates for 8-year terms, which are renewed automatically unless two-thirds of the assembly opposes such renewal. The Supreme Court elects the attorney general for a 4-year term. The court publicly requests prospective candidates to submit their names, academic and professional records, and qualifications according to requirements established by law and then votes on the candidates after review of their qualifications.

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

All trials, except those that include juvenile defendants, are public. A trial is presided over by a single judge or by a three-judge panel, depending on the potential penalties arising from the charges. Trials that involve victims or witnesses who are minors are closed during that portion of the trial where the minor is called to testify. There are no jury trials. Accused persons can select attorneys to represent them, and the law provides for access to counsel at state expense for the indigent. The law provides for detainee and attorney access to government-held evidence, and defendants can question witnesses against them and present witnesses on their behalf. Defendants enjoy a presumption of innocence and, if convicted, have the right of appeal.

Political Prisoners and Detainees.—There were no reports of political prisoners or detainees.

In December the IACHR confirmed that the petition former president Angel Calderon filed in 2005 for a review of the corruption case against him had not been admitted, as all local appeal procedures had not yet been exhausted.

Civil Judicial Procedures and Remedies.—There is an independent and impartial judiciary in civil matters where lawsuits, including human rights violations, are brought. Administrative and judicial remedies for alleged wrongs are available.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The Constitution prohibits such practices, and the Government generally respected these prohibitions in practice. The law requires judicial warrants to search private homes. Judges may approve the use of wiretaps in investigations of certain crimes, but legal guidelines are so restrictive that the use of wiretaps was rare.

The law grants considerable rights to squatters who invade uncultivated land, regardless of who may hold title to the property. Irregular enforcement of property rights and duplicate registrations of title harmed the real property interests of many who believed they held legitimate title to land. Landowners throughout the country suffered occasional squatter invasions; sometimes they received government assistance to evict squatters forcibly from private land.

In 2005 a trial court found 17 squatters guilty of usurpation in the 2004 Bambuzal case and prescribed a 6-month suspended sentence. In January 2006 a criminal appeals court confirmed the sentence, and the case was closed.

In 2005 the Ombudsman's Office requested governmental action to title the land where feasible or to resettle 2,000 of the 4,500 families living on lots too small to be plotted or in dangerous areas of the squatter development of La Carpio. The office reported that the project would take several years to complete and might require legislation to reform the law on the housing financial system. The government's pretitling surveys continued.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech and of the press. Journalists and media company owners continued to criticize legislation that imposes criminal penalties, including lengthy jail sentences instead of

civil fines, for common press infractions and argued that such legislation promoted self-censorship.

Under the law reporters are not required to reveal the identity of a source in any civil or criminal trial if the source has requested confidentiality. Reporters are allowed to defend themselves against libel charges by claiming that they were merely repeating a story published by foreign media. Libel convictions are punishable with fines or jail time.

The Government modified the criminal procedures law to comply with a 2004 Inter-American Court of Human Rights ruling that the Government should reform within a reasonable amount of time the press freedom laws on media prosecution. In August a civil tribunal ordered the Government to pay $123,000 (63.8 million colones) to a daily newspaper to comply with the ruling.

The law provides persons criticized in the media with an opportunity to reply with equal attention and at equal length. Media managers reported that it was difficult to comply with provisions of this law. The provisions outline a series of "insult laws" that establish criminal penalties of up to 3 years in prison for those convicted of insulting the honor or decorum of a public official. The law also identifies defamation, libel, slander, and calumny as offenses against a person's honor that can carry criminal penalties.

In July the Constitutional Chamber of the Supreme Court overturned a decision by the social security system that prevented employees from giving press interviews.

In August a trial court found two journalists not guilty of "offenses against the honor, defamation, and slander," stemming from their 2004 report critical of some social security officials' alleged use of public vehicles and overtime payment for a private event.

In March officials from the State Television System (SINART) did not renew the contract for a television commentary program. The program's director claimed the reason was political, while SINART officials asserted that it was administrative.

In December a court convicted two of the defendants in the 2001 killing of radio host Parmenio Medina of murder and other related charges and sentenced them to 47 and 30 years in prison, respectively. It acquitted the other defendants of murder but found one guilty of fraud in the case and sentenced him to 15 years in prison.

Internet Freedom.—There were no government restrictions on access to the Internet or reports that the Government monitored e-mail or Internet chat rooms. Individuals and groups could engage in the peaceful expression of views via the Internet, including by e-mail.

Academic Freedom and Cultural Events.—There were no government restrictions on academic freedom.

The Commission on Control and Rating of Public Performances rates films and has the authority to restrict or prohibit their showing if it is determined that the films are pornographic or violent in nature, or incite crime or vice. The commission has similar powers over television programs, radio programs, and stage plays. In addition the commission regulates the sale and distribution of written material deemed pornographic, enforcing specific packaging and display regulations. A tribunal reviews appeals of the commission's actions.

At year's end the IACHR was considering a petition it accepted in 2005 on a case alleging censorship, brought by the owner of a local tabloid magazine closed by the Government in 2004 for printing seminude photographs in 2003 without rating commission approval.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for freedom of assembly and association, and the Government generally respected these rights in practice.

c. Freedom of Religion.—The Constitution provides for freedom of religion, and the Government generally respected this right in practice.

Besides notaries public, only officials of the Roman Catholic Church may perform marriages that are automatically recognized by the state. Other religious groups can perform wedding ceremonies, but the marriage must then be legalized by a civil union. Couples may also choose to have only a civil ceremony.

Although Roman Catholic religious instruction is provided in the public schools, it is not mandatory, and students may obtain exemptions from the instruction with the permission of their parents. The school director, the student's parents, and the student's teacher must agree on an alternative course of instruction for the exempted student during the instruction time. Religious education teachers in public schools must be certified by the Roman Catholic Church Conference, which does not certify teachers from other denominations or faiths. In January the Supreme Court rejected an argument from an individual plaintiff that this requirement was contrary to the constitution's protection of work as an individual right.

The August 2006 immigration law changed certain procedures for religious workers seeking residency. Under interim guidelines missionaries must apply for a residency permit in their country of origin and belong to a religious organization accredited by the Ministry of Foreign Affairs and Religion. The General Directorate of Immigration may grant a temporary permit ranging from 90 days to 2 years. A September 2006 agreement allowed Catholic religious workers to apply for religious visas once they arrived in the country, rather than in the country of origin.

Societal Abuses and Discrimination.—There were no reports of societal abuses or discrimination, including anti-Semitic acts, during the year. There was a small Jewish population.

For a more detailed discussion, see the 2007 International Religious Freedom Report.

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons.—The Constitution and law provide for freedom of movement, foreign travel, emigration, and repatriation, and the Government generally respected these rights in practice.

The law requires that adults carry national identification cards at all times. Persons who fail to produce such documents at security checkpoints may be detained until their identity and immigration status are verified.

The Constitution prohibits forced internal or external exile, and it was not used in practice.

Protection of Refugees.—The law and a series of executive decrees provide for the granting of asylum in accordance with the 1951 U.N. Convention relating to the Status of Refugees and its 1967 protocol, and the Government has established a system for providing protection to refugees. In practice the Government provided protection against refoulement, the return of persons to a country where there is reason to believe they feared persecution. The Government granted refugee status or asylum and cooperated with the Office of the U.N. High Commissioner for Refugees (UNHCR) and other humanitarian organizations in assisting refugees and asylum seekers.

The Refugee Department, a new entity within the General Directorate of Migration, is in charge of refugee status determination. The law requires refugee applications to be adjudicated within a month of receipt.

According to UNHCR, there were 11,500 recognized refugees in the country, most of them from Colombia, as well as 300 asylum seekers and 5,000 "persons of concern." In August the security ministry and the Colombian Government closed a joint investigation into whether any of the approximately 10,000 Colombian refugees living in the country had obtained refugee status under false pretenses. In 2006 the UNHCR had characterized this effort as a violation of the confidentiality principle refugees should enjoy, but the investigators indicated that there was no evidence or reports of abuse originating from this information sharing, and the UNHCR agreed with the findings. The Government closed its old refugee office and implemented a new "reformed" asylum system as a result of the corruption scandal uncovered during the joint investigation.

Stateless Persons.—There were occasional problems of statelessness in the border areas with Panama and Nicaragua. Members of the Ngobe-Bugle indigenous group from Panama came to work on Costa Rican plantations, and sometimes their children were born in fields. In these cases the children were not registered as Costa Rican citizens because the families did not think it was necessary to register the birth, but when the family returned to Panama, the children were not registered there, either. A similar problem occurred with Nicaraguan families that migrated to work in coffee plantations. However, the Government attempted to advise the migrant population to register at birth children born in the country.

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

The Constitution provides citizens the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections based on universal suffrage and by secret ballot every 4 years. The independent Supreme Electoral Tribunal ensured the integrity of elections, and the authorities and citizens respected election results. Presidents may seek reelection after sitting out two subsequent 4-year terms, and assembly members may seek reelection after at least one term out of office. Political parties operated without restriction or outside interference.

Elections and Political Participation.—In the 2006 national elections, Oscar Arias of the PLN won the presidency in elections that generally were considered free and fair. In October the country held its first national referendum, on joining the U.S.-

Central America-Dominican Republic Free Trade Agreement, which was also considered to be generally free and fair. The Supreme Electoral Tribunal reviewed a few complaints of fraud and determined them to be unfounded.

The Supreme Electoral Tribunal requires that a minimum of 40 percent of candidates for elective office be female and that women's names be placed accordingly on the ballots by party slate. The first vice president (who was also the minister of justice), and the ministers of science and technology, health, culture, and public works were women. There were 21 women in the 57-seat legislative assembly, including seven legislative committee chairwomen and the heads of three of the four major party caucuses.

Indigenous persons did not play significant roles in politics or government except on issues directly affecting their welfare, largely because of their relatively small numbers and physical isolation. There were no indigenous members in the legislative assembly.

There was one black member in the assembly. There were no indigenous or black members of the cabinet.

Government Corruption and Transparency.—The law provides criminal penalties for official corruption, and the Government generally implemented these laws effectively. However, according to the World Bank's worldwide governance indicators, government corruption was a problem, and there were isolated reports of government corruption during the year.

The Government continued to pursue allegations of corruption against the executive branch. Two former presidents, Rafael Angel Calderon and Miguel Angel Rodriguez, remained under investigation for separate and unrelated cases of suspected corruption. In March the Prosecutor's Office formally filed charges against Calderon and the board of directors of the social security fund in a 2004 corruption case, and preliminary hearings began in August. In August the Prosecutor's Office also filed corruption charges against Rodriguez; as of year's end the court had not set a date for a preliminary hearing. In October the Attorney General's Office closed for lack of evidence a case against former president Jose Maria Figueres Olsen regarding kickbacks received from his former company.

Public officials are subject to a 2004 law against corruption and illicit enrichment in the public service. This law requires senior officials to submit sworn declarations of income, assets, and liabilities. The public ethics prosecutor, the comptroller general, the attorney general, and the ombudsman are all responsible for combating government corruption. The main function of the public ethics prosecutor is to take the administrative steps necessary to prevent, detect, and eradicate corruption and to raise ethical and transparency standards in the public service.

The law provides for public access to government information, and the Government generally respected this right. Government institutions published reports that detailed the year's activities. The Ombudsman's Office operated a Web page dedicated to enhancing transparency by improving citizen's access to public information.

Section 4. Governmental Attitudes Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A variety of 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.

The national Ombudsman's Office has five regional offices and a staff of approximately 150 employees to oversee actions or inaction by the Government that affect the rights and interests of citizens, which includes human rights advocacy. The ombudsman is accountable to the legislative assembly, which appoints him or her to a 4-year term and funds the office's operations. The ombudsman plays an active role in the drafting and approval process of legislation, promotes good administration and transparency, and presents an annual report to the assembly with nonbinding recommendations. While the ombudsman's recommendations and decisions are not legally enforceable, the position carried a strong moral and symbolic weight in the country.

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

The Constitution prohibits discrimination based on race, gender, disability, language, or social status, and the Government generally enforced these prohibitions effectively.

Women.—The law defines various types of rape and provides penalties dependent upon a victim's age and other factors such as an assailant's use of violence or position of influence over the victim. The law provides for penalties from 10 to 18 years in prison for rape and 2 to 10 years in prison for statutory rape. The judiciary effec-

tively enforced the rape law and provided due process for both victim and defendant. According to the autonomous National Institute for Women (INAMU), the rape law applies to spousal rape, although spousal rape cases in practice were much more difficult to prove.

Authorities acknowledged that many known rape cases were not investigated due to reluctance by the victim or family of the victim to press charges against perpetrators. According to the prosecutor's Special Sexual Crimes and Domestic Violence Unit in San Jose, during the first 6 months of the year, 159 rape cases were reported.

The Government continued to identify domestic violence against women and children as a serious and growing societal problem. The law prohibits domestic violence and provides measures for the protection of domestic violence victims. Criminal penalties range from 10 to 100 days in prison for aggravated threats and up to 35 years in prison for aggravated homicide. In May a law that penalizes violence against women and establishes a 20- to 35-year prison sentence for men who kill their partners took effect. The law also provides for alternative sanctions (such as weekend detentions) and assistance such as referrals for social services.

The Special Prosecutor's Office for the San Jose area investigated a total of 1,698 cases, compared with 1,110 cases in 2006. During the year INAMU provided counseling to 5,823 women. INAMU reported that 16 women and girls were killed in incidents of domestic violence, compared with 35 victims during all of 2006. INAMU also maintained a domestic abuse hot line.

The law against domestic violence established a number of victim-assistance mechanisms including basic training for new police personnel on handling domestic violence cases, requiring public hospitals to report cases of domestic violence against women, and denying perpetrators possession of the family home in favor of the victim. The public prosecutor, police, and ombudsman had offices dedicated to this problem.

Prostitution is legal for persons over the age of 18 and was practiced openly throughout the country, particularly in areas with heavy concentrations of foreign tourists. The penal code prohibits individuals from promoting or facilitating the prostitution of persons of either sex, regardless of the person's age, and the penalty is increased if the victim is under the age of 18. There are no specific laws against sex tourism, which was growing; however, law enforcement agencies initiated investigations under existing legislation. The Government and several advocacy groups also continued awareness campaigns publicizing the dangers of sex tourism and its association with child sexual exploitation. Approximately 200 tour companies signed a conduct code as part of a global initiative against the commercial sexual exploitation of children, promoted by the World Tourism Organization and End Child Prostitution in Asian Tourism.

The law prohibits sexual harassment in the workplace and educational institutions, and the Ministry of Labor generally enforced this prohibition. The law imposes penalties ranging from a letter of reprimand to dismissal, with more serious incidents subject to criminal prosecution. By August 9, the Ombudsman's Office received 48 complaints of sexual harassment in the workplace, compared with 52 complaints in all of 2006.

The law prohibits discrimination against women and obligates the Government to promote political, economic, social, and cultural equality. The Government maintained offices for gender issues in most ministries and parastatal organizations. The Ministry of Labor was responsible for investigating allegations of gender discrimination. INAMU implemented programs that promoted gender equality and publicized the rights of women.

In July the census institute reported that women represented 37.2 percent of the labor force. Approximately 4.4 percent worked in agriculture, 12.8 percent in manufacturing, and 82.6 percent in the service sector. According to a 2006 U.N. Development Program (UNDP) report, women occupied 40 percent of professional and technical positions and 26 percent of high-level legislative, senior official, and managerial positions. The law requires that women and men receive equal pay for equal work; however, the UNDP report estimated that earned income for women was approximately 46 percent of the earned income for men, although the study was based on general employment rather than equal pay-equal employment. This proportion reflected the fact that most women's jobs were in traditionally lower-paid sectors (domestic and clerical workers, as opposed to professional or industrial).

Children.—The Government was committed to children's rights and welfare through systems of public education and medical care. Primary education is compulsory, free, and universal. The law requires 6 years of primary and 3 years of secondary education for all children, and attendance is required until age 15.

There is a nominal cost for books, supplies, and uniforms, which some low-income families were unable to pay, contributing to the drop-out rate. The Government sponsored programs such as "Avancemos," which included a monetary reward to offset these costs and to encourage drop-outs to return to school with minimum economic hardship. As of November, 94,621 adolescents participated in the Avancemos program, compared with 8,068 adolescents at the end of 2006.

The Ministry of Education reported that the estimated primary school dropout rate was 3.8 percent and the secondary school dropout rate was 13.2 percent; these figures were based on actual registration and did not reflect students who failed to register at the beginning of the school year. UNDP reported that women had the same enrollment rates in the formal educational system as men; women's school drop-out rates were lower than men's; and women had higher net rates of access, permanency, and academic performance than men in secondary and college education.

The law provides equal access to education and health care services to all minors, regardless of gender or legal residency status.

In recent years the autonomous National Institute for Children (PANI) increased public awareness of abuse of children, which remained a problem. The prosecutor's Special Sexual Crimes and Domestic Violence Unit in San Jose received reports of 172 cases of sexual abuse of minors and 19 cases of child prostitution during the first 6 months of the year. From January 1 to March 31, PANI assisted 936 children and adolescents, including 592 cases of physical abuse and 310 cases of sexual abuse. Traditional attitudes and the inclination to treat sexual and psychological abuse as misdemeanors occasionally hampered legal proceedings against those who committed crimes against children.

The government, security officials, and child advocacy organizations acknowledged that commercial sexual exploitation of children remained a serious problem. PANI estimated that a significant number of children suffered from commercial sexual exploitation. Street children in the urban areas of San Jose, Limon, and Puntarenas were particularly at risk. During the first 3 months of the year, PANI reported that it provided assistance to minors in 34 separate cases of commercial sexual exploitation. In July President Arias signed an amendment to the law against commercial sexual exploitation that added sanctions for possession of child pornography, strengthened protection of children less than 14 years of age, and extended the statute of limitations for child abuse. In addition PANI adopted a program of integral care of children and adolescents at risk and in vulnerable situations, combined with a program to help adolescent mothers return to school.

Child labor was a problem mainly in the informal sector of the economy.

Trafficking in Persons.—Although the law prohibits transnational human trafficking for purposes of prostitution or forced labor, including minors, it does not adequately address internal trafficking of adults. Lack of a comprehensive antitrafficking law inhibited the government's ability to prosecute and convict traffickers, and prosecutors relied on several criminal statutes to bring traffickers to justice. There were reports that persons, particularly women and minors, were trafficked to, from, and within the country, most often for commercial sexual exploitation. The Government identified child sexual tourism as a serious problem.

Cases of trafficking involved persons from Nicaragua, Dominican Republic, Colombia, Panama, Russia, Bulgaria, and the Philippines. While evidence suggested that most trafficked persons remained in the country, some transited to Canada, Guatemala, Mexico, Japan, and the United States. Women and children were trafficked within the country for sexual exploitation, while men, women, and children were also trafficked within the country for forced labor as domestic servants, agricultural workers, and workers in the fishing industry. Traffickers often lured victims, generally from impoverished backgrounds, with a promise of secure employment and good pay. Chinese nationals were trafficked to the country in bonded indebtedness for exploitive labor.

The law explicitly criminalizes the transnational trafficking of persons for the purpose of prostitution or forced labor with a 3- to 6-year prison sentence. Prosecution of domestic trafficking cases was limited to crimes—usually sex offenses—that are addressed in specific statutes, such has having sex with minors or pimping. The law provides sentences of between 2 and 10 years' imprisonment for anyone who engages in sex with a minor, and between 4 and 10 years' imprisonment for managing or promoting child prostitution.

In 2006 the OIJ opened five investigations into international trafficking organizations and continued a number of earlier investigations. In January authorities arrested eight persons in connection with an organization suspected of trafficking Chinese to the country for labor exploitation and charged them with extortion; there was insufficient evidence to accuse them of trafficking. Dismantling this organiza-

tion closed two of the OIJ investigations; three were pending at year's end. The OIJ opened seven new investigations into trafficking in persons and 14 cases of alien smuggling, but there was no information available about the status of these investigations.

While there were limited formal mechanisms specifically designed to aid trafficking victims, the Government offered temporary shelter services to minors, in addition to emergency medical care and legal assistance to adults. The Government also provided indirect assistance, such as stay-in-school programs, to child victims of trafficking, and provided funds to an NGO working with victims of sexual exploitation. As in 2006 some foreign nationals were not identified as trafficking victims, were not granted temporary or permanent residence status, and often were deported immediately to their countries of origin, where they faced possible reprisals from traffickers or risked being retrafficked.

Government agencies responsible for combating trafficking and child sexual exploitation included the special prosecutor on domestic violence and sex crimes, PANI, the foreign ministry, the labor ministry, the public security ministry, the tourism ministry, and the OIJ, which has an investigative unit dedicated solely to trafficking in persons.

President Arias publicly condemned human trafficking, and the Government acknowledged the serious nature of the problem, especially the sexual exploitation of minors. Campaigns against child sex tourism continued, in addition to television, radio, and billboard notices designed to warn young women of the dangers of commercial sexual exploitation. With international assistance, the Government launched a national hot line in February for potential victims to receive information about trafficking, accompanied by a widespread television and radio campaign.

In July the Government adopted a Third National Five-Year Plan of Action against Commercial Sexual Exploitation of Minors, a more technical approach that incorporates some of the recommendations by the U.N. Committee on the Rights of the Child.

Persons with Disabilities.—The Constitution prohibits discrimination against persons with physical and mental disabilities in employment, education, health care access, or provision of other state services, and there were no reports of in education or in the provision of other state services. There were no reports of employment discrimination, but the Ombudsman's Office reported that, due to poor facility access and entrenched business practices, discrimination occurred.

Although a 1996 law mandates access to buildings for persons with disabilities and established a 10-year deadline for the Government to make necessary installations and upgrades, the Government did not enforce this provision in practice, and many buildings remained inaccessible to persons with disabilities. Public transportation services improved access slightly for wheelchair-bound passengers. However, only 6 percent of buses complied with the accessibility regulations in 2006, and the Ministry of Transportation was revising a manual governing accessibility of public transportation. The Ombudsman's Office received 60 complaints about violations of the law that protects equal opportunities for persons with disabilities, which were processed and investigated.

The Ministry of Education continued to operate a program for persons with disabilities, including a national resource center that provided parents, students, and teachers with advanced counseling, training, and information services. There were 26 special education centers exclusively to assist special education students and students with disabilities and 36 centers for adults with disabilities. In addition, 1,619 primary schools and 132 secondary schools had programs to provide some support to students with disabilities.

National/Racial/Ethnic Minorities.—The country's 100,000 blacks, who mostly resided in the province of Limon, enjoyed full rights of citizenship, including the protection of laws against racial discrimination. There were no reports made to the Ombudsman's Office of racial discrimination against blacks. Approximately 15 percent of the resident black population was foreign born.

There were sporadic reports of discrimination, usually directed against Nicaraguans, but there were no government-endorsed patterns of discrimination.

Undocumented immigrants received medical care, including prenatal and maternity care, at public health centers. However, they were sometimes denied discretionary or long-term medical care because they were not participants in the national health care insurance program.

Indigenous People.—Indigenous people, comprising nearly 70,000 persons among eight ethnic groups, accounted for nearly 2 percent of the population. While indigenous persons were not subject to official discrimination, social and health network gaps diminished their quality of life. Approximately 73 percent of the indigenous

population lived in traditional communities on 24 reserves, which because of their remote locations often lacked access to schools, health care, electricity, and potable water. The housing ministry estimated that only 27 percent of the indigenous population lived in homes considered to be in good condition, mainly due to reluctance to move from primitive huts into more modern housing. Few government health care facilities were established in indigenous reserves. The law nominally protects reserve land as the collective, nontransferable property of the indigenous communities. Some indigenous landowners, however, sold their land to pay off debts, sometimes illegally to nonindigenous persons. The ombudsman had a unit dedicated to investigating violations of the rights of indigenous persons and sought to return reserve land to indigenous groups.

At year's end nonindigenous property owners continued to hold title to land on approximately 40 percent of the reserves legally set aside for indigenous occupation. The law requires that the Government purchase all pre-existing land titles within the reserves in order to secure exclusive use and ownership rights for the indigenous populations.

Other Societal Abuses and Discrimination.—Although there are no laws prohibiting discrimination against persons based on sexual orientation, discrimination based on HIV/AIDS in health care, employment, and education was prohibited by law and by presidential decree. The Ombudsman's Office received one report complaining of such discrimination during the year. In April the president and the minister of health signed an order derogating a 1990 decree that established a prohibition for HIV/AIDS high risk persons from donating blood, plasma, and body organs and tissues.

Section 6. Worker Rights

a. The Right of Association.—The law specifies the right of workers to join unions of their choosing without prior authorization, and workers exercised this right in practice. The law also provides for the right not to join a union and to leave a union and accordingly prohibits any action that might infringe that right. In June the Ministry of Labor reported that approximately 9 percent of workers were unionized.

Some trade union leaders contended that the existence of worker "solidarity associations" in some enterprises displaced unions and discouraged collective bargaining. The law prohibits these non-dues-collecting associations from representing workers in collective bargaining negotiations or in any other way that assumes the functions of or inhibits the formation of trade unions. Solidarity associations offered membership services, including credit union programs, matching-fund savings accounts, and low-interest loans. As of June 30, solidarity associations had approximately 225,000 members, 81 percent of whom worked in the private sector. Unions considered a pattern of firing employees who wanted to unionize a valid concern. However, solidarity associations were utilized freely by private sector employees, and the International Labor Organization (ILO) found no wrongdoing in this area in its report published during the year.

The center for alternative resolution of labor disputes handled 3,219 cases during the first 6 months of the year, 75 percent of which resulted in an agreement between the parties. The Government opened conciliation centers, one in San Jose and two in rural areas, to resolve conflicts without having to hire a lawyer and to remove some cases from the courts' overcrowded dockets, which covered many areas including labor disputes.

Due to complex procedures, the process for filing labor grievances continued to be extremely slow. The ILO reported that antiunion activity cases took 4 years to reach judgment. Additionally, according to the International Trade Union Congress (ITUC), reinstating a wrongfully dismissed employee took 3 or more years.

The Ministry of Labor continued to train arbitrators and to educate workers and unions on labor rights, in order to reduce backlogs caused by the lengthy labor dispute resolution process.

b. The Right to Organize and Bargain Collectively.—Workers exercised the constitutional right to organize and the right to voluntary collective bargaining. Foreign nationals are expressly prohibited from exercising direction or authority in unions. There are no special laws or exemptions from regular labor laws in export processing zones.

The law requires employers to initiate the bargaining process with a trade union if at least 34 percent of the workforce requests collective bargaining, and the Government enforced this law in practice.

Although private sector unions had the legal right to engage in collective bargaining with employers, direct bargaining arrangements between employers and unorganized workers occurred more commonly.

The ITUC stated that the Constitutional Court deemed numerous provisions of collective agreements illegal, including severance pay, bonuses, and wage increases. These accounted for 12 percent of 122 contested clauses, but 62 percent were pending.

The law provides for the right to strike, and workers exercised this right in practice; however, unions complained of burdensome administrative requirements for a strike to be legal. The law requires that at least 60 percent of the workers in an enterprise support strike action. Restrictions on the right to strike apply only to essential services that concern the national economy or public health.

In May 2006 the Supreme Court repealed specific sections of collective bargaining agreements between several public employee unions and various government agencies, stating that some fringe benefits received by certain public employees were disproportionate and unreasonable. An ILO commission visited in October 2006 to consider these rulings, and its 2007 report found the Government to be compliant with international law and standards in labor practices.

c. Prohibition of Forced or Compulsory Labor.—The law prohibits forced or compulsory labor, including by children, but some reports were under investigation at year's end.

d. Prohibition of Child Labor and Minimum Age for Employment.—The law provides special occupational protection for minors and establishes a minimum working age of 15 years. Adolescents between the ages of 15 and 18 may work for a maximum of 6 hours daily and 36 hours weekly with special permission from PANI. The law prohibits night work and overtime for minors. Certain activities considered to be unhealthy or hazardous typically require a minimum age of 18. In addition working minors are entitled to attend educational establishments through school arrangements and timetables adapted to their interests and employment conditions, and to participate in apprenticeship training programs. According to the ILO, however, working minors aged 15–18 received less than the minimum wage, which was corroborated by the chief of the Office for the Eradication of Child Labor (OATIA).

The Ministry of Labor, in cooperation with PANI, generally enforced these regulations effectively through inspections in the formal sector; the regulations were not effectively enforced in the informal labor sector as a result of inadequate resource allocations by the government.

Child labor continued to be a problem in formal and informal agricultural operations, especially among the indigenous population. For example, 80 percent of the Ngobe-Bugle group on the Panama border migrate to Costa Rica for seasonal work, and since all members of families travel together, some of their children worked with the rest of the family, even though the Government offers schooling to children of migrants. Child labor was also used in domestic work and family-run enterprises. Child prostitution and other types of child sexual exploitation remained serious problems.

The labor ministry's OATIA was responsible for coordinating government efforts and programs targeted at child labor. The ILO's International Program on the Elimination of Child Labor continued operating programs as part of a 7-year regional effort to combat commercial sexual exploitation of children. An international NGO collaborated with several local civil society groups in executing a program to strengthen the capacity of the Government and civil society to withdraw and prevent children from hazardous labor through the provision of educational services.

OATIA conducted seven projects in coordination with public and private institutions. These projects were geared toward improving life and work conditions of indigenous and migrant groups, eradication of child labor and adolescent protection, protection of at-risk children, and in general improving life and work conditions of adolescents.

e. Acceptable Conditions of Work.—The law provides for a minimum wage, which is set by the national wage council, which updates levels annually based upon inflation and other factors. Monthly minimum wages for the private sector ranged from approximately $185 (91,847 colones) for domestic employees to approximately $715 (355,009 colones) for university graduates. The Ministry of Labor effectively enforced minimum wages in the San Jose area but was not generally effective in enforcing the wage laws in rural areas, particularly those where large numbers of migrants were employed. The national minimum wage did not provide a decent standard of living for a worker and family.

The Constitution sets workday hours, overtime remuneration, days of rest, and annual vacation rights. Workers generally may work a maximum of 48 hours weekly. While there is no statutory prohibition against compulsory overtime, the labor code stipulates that the workday may not exceed 12 hours under any circumstances. Nonagricultural workers receive an overtime premium of 50 percent of regular

wages for work in excess of the daily work shift. However, agricultural workers did not receive overtime pay if they worked voluntarily beyond their normal hours. Hourly work regulations generally were enforced in the formal labor market in San Jose but were enforced poorly in rural areas and in the informal sector. In April the IACHR accepted a petition against the Government asserting that the long working hours required from substitute mothers at PANI shelters violated the American Convention on Human Rights.

While the Ministries of Labor and Health shared responsibility for drafting and enforcing occupational health and safety standards, they did not enforce these standards effectively. The law requires industrial, agricultural, and commercial firms with 10 or more workers to establish a joint management-labor committee on workplace conditions and allows the Government to inspect workplaces and to fine employers for violations. Most firms subject to the law established such committees, but they either did not use the committees or did not turn them into effective instruments for improving workplace conditions. Resource constraints continued to hinder the labor ministry inspection directorate's ability to carry out its inspection mandate. Workers who consider a work condition to be unhealthy or unsafe must make a written request for protection from the Ministry of Labor or the Ministry of Health in order to remove themselves from the condition without jeopardizing their continued employment.

CUBA

Cuba, with a population of approximately 11 million, is a totalitarian state formally led by an acting president, General Raul Castro. In the 2003 elections for the National Assembly, which were neither free nor fair, the Communist Party (CP) won 98 percent of the vote and all 609 seats in the National Assembly. The Government exercises control through the CP and its affiliated mass organizations, the bureaucracy, and the state security apparatus. General Castro was granted provisional control by his brother, Fidel Castro, in a proclamation issued in July 2006 after the latter underwent medical treatment; however, Fidel Castro continued to dominate policy on a wide range of issues. The Ministry of the Interior exercises control over police, the internal security forces, and the prison system.

The Government continued to deny its citizens their basic human rights and committed numerous, serious abuses. The Government denied citizens the right to change their government. There were at least 240 political prisoners and detainees held at year's end. As many as 5,000 citizens served sentences for "dangerousness," with no more specific criminal behavior charged. The following human rights problems were reported: Unlawful killings; killings, beatings, and abuse of detainees and prisoners, including human rights activists, carried out with impunity; harsh and life-threatening prison conditions, including denial of medical care; harassment, beatings, and threats against political opponents by government-recruited mobs, police, and state security officials; arbitrary arrest and detention of human rights advocates and members of independent professional organizations; denial of fair trial, and interference with privacy, including pervasive monitoring of private communications. There were also severe limitations on freedom of speech and press; denial of peaceful assembly and association; restrictions on freedom of movement, including selective denial of exit permits to citizens and the forcible removal of persons from Havana to their home towns; and refusal to recognize domestic human rights groups or permit them to function legally. Domestic violence, underage prostitution, sex tourism, discrimination against persons of African descent, and severe restrictions on worker rights, including the right to form independent unions, were also problems.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life.—The Government or its agents were not known to have committed any politically motivated killings.

On March 20, in the city of Matanzas, an off-duty police officer shot and killed 34-year-old Rangel Enrique Pons, who was unarmed. Allegedly the police officer demanded that Pons give him his motorbike in exchange for the officer not revealing information about Pons' illegal rum business. When Pons refused to hand over the motorbike, the officer shot him in the head.

On July 29, the prison director ordered guards in Kilo 8 Prison in Camaguey Province to quell an altercation between inmates. The guards used clubs and metal

poles to beat the prisoners with such force that they killed two of them, Carlos Rafael Labrada and Amauri Medina, and seriously injured another inmate. Witnesses stated that the guards continued to beat the prisoners after they were unconscious.

b. Disappearance.—There were no reports of politically motivated disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The law prohibits abusive treatment of detainees and prisoners; however, members of the security forces sometimes beat and otherwise abused human rights and pro-democracy advocates, detainees, and prisoners and did so with impunity.

Although physical torture was rare, authorities beat, harassed, and made death threats against dissidents, both inside and outside of prison. Many were interrogated and pressured to sign incriminating statements or to collaborate with authorities. Some detainees and prisoners endured physical abuse, sometimes by other inmates with the acquiescence of guards, or long periods in isolation or punishment cells. Political prisoners and detainees who refused to wear the prison uniform or take part in "reeducation" activities were targeted for mistreatment.

Independent journalist Armando Betancourt Reina, freed on August 20 after completing a 15-month sentence in the Ceramica Rota prison, said that, unlike in previous years, guards avoided the abuse of political prisoners in front of witnesses. Prisoners who had been beaten reported that they were placed in isolation and not returned to the general population for 15 to 20 days, by which time bruises or other injuries had healed. Families of prisoners said they believed that prison staff sometimes goaded inmates with promises of rewards to beat a political prisoner, although reportedly this practice was less common than in previous years. On September 7, the mother of political prisoner Jose Luis Diaz Paneque stated that, with the collusion of staff, another prisoner in Las Mangas Prison in Granma Province beat her son so that he required four stitches. On September 7, independent journalist Adolfo Fernandez, incarcerated in Canaleta Prison in Ciego de Avila, witnessed military guards beat with their fists, boots, and batons nonpolitical prisoner Many Adan Perez for resisting transfer to another facility. The same day Fernandez saw two guards beat a prisoner for attempting to put his lunch in a container when rules specify that meals must be eaten in the mess hall.

The Government continued to subject persons who disagreed with it to "acts of repudiation," although these incidents, especially those that occurred in front of the homes of dissidents, were notably fewer and less intense than in previous years. The Government targeted dissenters by directing militants from the CP, the Union of Communist Youth (UJC), Committees for the Defense of the Revolution (CDRs), the Federation of Cuban Women, the Association of Veterans of the Cuban Revolution, and other groups and individuals to stage public protests against the dissidents, usually in front of their homes. Participants shouted insults and obscenities. Mobs sometimes damaged the victim's home or property and occasionally assaulted the victim or his relatives. On March 2, a mob in the city of Santa Clara beat independent journalist Guillermo Farinas. On August 23, a crowd surrounded Jose Armando Torres at his work place in Bayamo, Granma, and insulted him in front of his coworkers. Leading dissidents, such as Martha Beatriz Roque, continued to receive death threats. Although the Government characterized acts of repudiation as spontaneous, undercover police and State Security agents were often present and clearly directed the activities, for example by threatening neighbors with job loss if they did not participate. The Government did not detain any participants in acts of repudiation, even those who physically attacked the victim, nor did police respond to victims' complaints.

The police also attacked dissidents in individual confrontations and did so with impunity. On September 15, three police officers arrived at the home of dissident and independent librarian Jose Diaz Silva and took him to the police station, where seven policemen struck him on the face and torso and strangled him. Diaz, who suffered multiple injuries, was released without charges. When Diaz sought to file a complaint, the officer in charge dismissed the incident as a "personal quarrel."

Prison and Detention Center Conditions.—Prison conditions continued to be harsh and life threatening. Conditions at approximately 200 detention facilities and jails were even worse, with cells that were routinely vermin infested and lacked water, sanitation facilities, adequate ventilation, and lighting. Many prisoners, such as Francisco Chaviano, released in August after serving 13 years and 3 months, spent months in isolation in narrow, dark punishment cells. Many cells were damp and caused respiratory problems. Authorities also often denied medical treatment, family visitation, adequate nutrition, exposure to natural light, pay for work, and the right to petition the prison director. The Government sent most political convicts to

prisons located far from their families, increasing their and their families' sense of isolation, due to the difficulty of domestic travel.

The Government stated that prison guards only used force when strictly necessary to restore order, but there were instances of unnecessary force and brutality, sometimes resulting in killings. On September 13, prisoner Angel Garcia Rivero, incarcerated at Kilo 7 Prison in Camaguey, said that he saw the chief guard of the prison block throw a mentally retarded inmate, Erinaldo Gonzalez Betancourt, to the ground, causing him to lose consciousness. Garcia said that Gonzalez was then placed in a punishment cell nude with both hands chained to the bars so that he hung suspended off the floor for several hours. Prisoner Yarlo Chavez Salazar reported that on September 23, in Unit 1 of the Havana prison Combinado del Este, he was subjected to electric shocks.

Health conditions and hygiene at prisons were very poor. Family members reported widespread serious disease and illnesses among political prisoners, for which the prison staff sometimes withheld treatment. Digestive disorders were widely reported, and preventable ailments such as beri-beri and dengue fever were common. Outbreaks of skin diseases caused by contaminated water were frequent. A serious skin disease epidemic broke out in mid-September in Kilo 8 Prison in Camaguey. There were also instances of food poisoning. On September 7, 900 inmates at Kilo 7 Prison experienced severe intestinal upset and hives after eating a meat-flavored pasta dish. The prison doctor treated the ill prisoners with only boiled guava leaves. Freed prisoners, such as Francisco Chaviano and Armando Betancourt Reina, said that frequently prisoners extracted their own teeth because authorities refused to arrange dental visits. In July the head of medical services of Kilo 7 Prison acknowledged that 60 percent of the prison population was infected with tuberculosis. Prisoners stated that the staff did not try to stem the tuberculosis outbreak and that the prison director in fact expelled prisoners from the dispensary prior to the July 26 holiday and kept it closed for several weeks. On August 12, prisoner Raul Ferro Rodriguez died after guards at Quivican Prison repeatedly ignored his pleas for assistance during an acute asthma attack. On September 10, in the provincial prison of Sancti Spiritus, Geovany Figueroa Reyes died of cardiac problems after unsuccessfully pleading for several days for heart medication.

Human rights groups stated that suicides were common in prisons and detention centers, but the Government did not reveal information on this subject. The family of dissident Manuel Acosta Larena, who according to police hanged himself in his cell at the police station of Aguada de Pasajeros in Cienfuegos, suspected foul play and asked for an investigation. Family members said that Acosta was in good physical and mental health and had been detained in the past without becoming significantly depressed. The police refused to investigate the incident.

The Government placed some mentally healthy prisoners in cells with mentally disturbed inmates.

Some inmates resorted to self mutilation, often to seek a transfer to a prison closer to family. Independent journalist Armando Betancourt Reina said that he witnessed inmates inflicting large gashes on their arms.

Prison food was often inedible, and food from outside was essential to meet nutritional needs. Prisoners' typical diet consisted of undercooked rice that was often infested with worms and sometimes toasted corn or wheat flour cakes. Prisoners' relatives were ostensibly allowed to bring them 30 to 40 pounds of food at 2- to 3-month intervals, but families reported that prison guards often prevented food deliveries. Typically, water for drinking, bathing, and flushing the hole in the cell floor that served as the common toilet was contaminated, for example with visible parasites.

Overcrowding was common. Released political prisoner Armando Betancourt Reina stated that during his 15 months' confinement he shared a 13- by 16-foot cell with 11 other inmates. Prisoners in other facilities reported similar densities.

Sexual assault occurred at prisons. At Manto Negro Prison in Havana, the country's largest women's prison, forced homosexual relationships were common. In many such cases, women serving lengthy sentences targeted younger women. Those who resisted faced potential violence, including beatings and stabbings. Guards frequently looked the other way and failed to punish perpetrators. The Government did not release information on the treatment of minors at either youth or adult prisons or detention centers.

Reading materials were either prohibited or heavily restricted. Prison officials regularly denied prisoners other rights, such as the right to correspondence.

The Government sometimes denied political detainees and prisoners pastoral visits. However, detainees stated that, more frequently than in the past, authorities honored written requests to see a Catholic priest.

The Government did not permit independent monitoring of prison conditions by international or national human rights groups. The Government did not permit access to political detainees by international humanitarian organizations. The Government has denied prison visits by the International Committee of the Red Cross since 1989.

d. Arbitrary Arrest or Detention.—Although prohibited by law, the Government effectively and frequently used arbitrary arrest and detention to harass opponents.

The police have broad detention powers, which they may exercise without a warrant. Under the law, police can detain without a warrant not only persons caught in the act but also someone merely accused of a crime against state security.

Role of the Police and Security Apparatus.—The Ministry of the Interior exercises control over police, the internal security forces, and the prison system. The National Revolutionary Police (PNR) is the primary law enforcement organization and generally was effective in investigating common crimes. Specialized units of the Ministry of the Interior's State Security service are responsible for monitoring, infiltrating, and suppressing opposition political groups. The PNR played a supporting role by carrying out house searches and provided interrogation facilities for State Security agents.

Members of the security forces acted with impunity in committing numerous, serious human rights abuses. While the PNR ethics code and Interior Ministry regulations ban police brutality, the Government did not announce any investigations into police misconduct during the year. Corruption was a problem.

CP officials and leaders of neighborhood CDR branches lack formal law enforcement powers but wielded considerable authority and often used it to mobilize action against anyone criticizing the Government or its leaders.

Arrest and Detention.—The law requires police to file formal charges and either release a detainee or bring the case before a prosecutor within 96 hours of arrest; it also requires authorities to provide suspects with access to a lawyer within 7 days of arrest. The penal code sets 6 months as the maximum period that a defendant can remain in prison before the case is brought to trial. In practice the law was not respected. In May 2006 journalist Armando Betancourt Reina was arrested at the scene of an eviction. He was held in isolation without access to family members or attorneys until his transfer to a different prison in June 2006. Pretrial hearings began February 8; defense witnesses were not allowed to testify, and the court held the case for further investigation; finally, on July 3, authorities charged him with creating a public disorder.

Bail was available, although typically not in cases involving alleged antigovernment activity. Time in detention before trial counted toward time served if convicted. The Government denied prisoners and detainees prompt access to family members.

The law provides that all legally recognized civil liberties may be denied to anyone who "actively opposes the decision of the people to build socialism." Government officials routinely invoked this authority to deny due process to persons detained on purported state security grounds. Police frequently lacked warrants when carrying out arrests or issued warrants themselves at the time of arrest. The Cuban Commission for Human Rights and National Reconciliation (CCDHRN) reported that police frequently had a stack of blank court-stamped warrants, which were filled out on the spot. Authorities sometimes employed false charges of common crimes to arrest political opponents and often did not inform detainees of the charges against them.

The authorities routinely engaged in arbitrary arrest and detention of human rights advocates. In the vast majority of instances, dissidents were held for several hours and then released without charges. The CCDHRN listed 146 such detentions from January to August. On September 24, police in the city of Santa Clara took into custody 42 participants in a peaceful march and then released all of them after several hours without charges. On September 27, police detained in various cities 45 dissidents who were en route to a protest at the Ministry of Justice. All were released without charges within 24 hours.

The penal code includes the concept of "potential dangerousness," defined as the "special proclivity of a person to commit crimes, demonstrated by his conduct in manifest contradiction of socialist norms." No proof is required for a conviction for this offense. The CCDHRN estimated that 3,000 to 5,000 citizens, including 1,000 women, were in jail for this offense. The CCDHRN also noted that eight of the nine political prisoners imprisoned during the year were convicted of "potential dangerousness."

Dissident Jorge Luis Perez Garcia ("Antunez") was confined to his home for 24 hours on December 9–10, after he was forcibly returned to his home town of

Placetas for participating in a demonstration for International Human Rights Day in Havana.

Ramon de Jesus Verdecia Canejo, of the "Peace, Love and Freedom" Party, was confined to his home in Colon, Matanzas Province, from December 8 to 10.

e. Denial of Fair Public Trial.—While the Constitution provides for independent courts, it explicitly subordinates them to the National Assembly of People's Power (ANPP) and the Council of State. The ANPP and its lower-level counterparts choose all judges. Thus, in practice the CP controlled the courts.

Civilian courts existed at the municipal, provincial, and appellate levels. Panels composed of professionally-certified and lay judges presided over them. Military tribunals, which were governed by a special law, assumed jurisdiction for certain "counterrevolutionary" cases. The military tribunals tried civilians if a member of the military was involved with civilians in a crime. In these tribunals, there was a right to appeal and access to counsel, and the charges were made known to the defendant.

Trial Procedures.—The courts undermined the right to a fair trial by restricting the right to a defense and often failed to observe due process rights nominally available to defendants. While most trials were ostensibly public, trials were closed when there were alleged violations of state security. Almost all cases were tried in less than 1 day; there were no jury trials. The law provides the accused with the right to an attorney and, except in cases involving state security, the right to consult an attorney in a timely manner, but many defendants either had no defense attorney or met an attorney only minutes before the start of their trial. Moreover, the government's control over members of the lawyers' collectives compromised their ability to represent clients, especially those accused of state security crimes.

Criteria for presenting evidence were arbitrary and discriminatory. Often the sole evidence provided, particularly in political cases, was the defendant's confession, usually obtained under duress and without legal advice. A defendant's right to present witnesses was arbitrarily observed. Defense attorneys were given access to the police dossier and the prosecutor's written accusation only at, or minutes before, the trial. Because of this constraint and because most trials last less than 8 hours, defense attorneys did not have time to arrange for testimony by defense experts.

In April dissident lawyer Rolando Posada Jimenez was tried in absentia by a secret court, without the presence of family members or legal representation, since the court rejected his request to serve as his own defense attorney. Posada had been arrested in 2003. The court sentenced him to 12 years' imprisonment for revealing secrets that compromised state security, the exact nature of which were never revealed to the defendant, and for disrespect to Commander in Chief Fidel Castro.

Prosecutors may introduce testimony from a CDR member about the revolutionary background of a defendant, which may contribute to a longer or shorter sentence. The law presumes defendants innocent until proven guilty, but authorities often ignored this presumption in practice. The law recognizes the right of appeal in municipal courts but limits it in provincial courts to cases involving lengthy prison terms or the death penalty. Appeals in capital cases are automatic. The Council of State must affirm capital punishment.

Political Prisoners and Detainees.—The CCDHRN stated that the Government held at least 240 political prisoners and detainees at year's end; 47 of them had been convicted of terrorism and 30 of dangerousness. The convictions were for such offenses as disrespect of the head of state, disrespect and scorn of patriotic symbols, public disorder, and attempting to leave the country illegally. Other inmates had been convicted of disseminating enemy propaganda, illicit association, clandestine printing, or the broad charge of rebellion, which sometimes has been brought against advocates of peaceful democratic change. In a significant shift, authorities used short term detention and charges of potential dangerousness against political dissidents, instead of charges for offenses that carry long prison terms, which were frequently employed in the past.

At year's end 59 of the 75 peaceful activists, journalists, union organizers, and opposition figures arrested and convicted in 2003, mostly on charges of violating national security and aiding a foreign power, remained in prison.

Mistreatment of political prisoners and detainees was widespread. Beatings were not uncommon, and many political inmates were denied privileges given to ordinary prisoners, such as access to an exercise yard or sunshine. The Government continued to deny human rights organizations and the International Committee of the Red Cross access to political prisoners and detainees. Authorities denied visits to families of political prisoners and detainees. Prisoners in punishment cells had no access to lawyers.

Civil Judicial Procedures and Remedies.—There is a judiciary for civil matters. The law provides citizens alleging human rights violations the right to lodge a formal complaint with prosecutors, but the CCDHRN noted that CP control of the courts discouraged citizens from seeking recourse to the civil judiciary. The CCDHRN was not aware of any successful human rights-related lawsuit during the year or of any damages ordered by any court in connection with a human rights case.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—While the Constitution provides for the inviolability of a citizen's home and correspondence, official surveillance of private and family affairs by government-controlled organizations, such as the CDRs, remained pervasive. The Government employed physical and electronic surveillance against nonviolent political opponents and interfered in the lives of citizens. The authorities employed a wide range of social controls to discover and discourage nonconformity.

State Security routinely read correspondence coming from abroad. Most letters from overseas were delivered with the envelope obviously torn and resealed; many were placed in a different envelope. State Security monitored domestic and overseas telephone calls, correspondence, and conversations with foreigners. The CCDHRN estimated that the Government has permanent taps on 30,000 phone lines. During the year, State Security agents subjected journalists and foreign diplomats to harassment and surveillance, including electronic surveillance and surreptitious entry into their homes. In September Uruguayan Congressman Gustavo Espinosa filed an official complaint that his telephone communications with dissidents were jammed.

There were numerous credible reports of forced evictions of squatters and residents who lacked official permission to reside in Havana and other major cities.

The Ministry of Interior employed a system of informants and CDR block committees to monitor and control public opinion. CDRs continued to report on suspicious activity, including conspicuous consumption; unauthorized meetings, including those with foreigners; and what it considered defiant attitudes toward the Government and the revolution.

In some instances the Government pressured individuals to join the CP or CDRs. Candidates for jobs at a company that supplied hotel personnel had to provide documentation proving their participation in a CP or CDR or other similar organization to be eligible for employment. In September a human rights activist was arrested, detained for several hours, and fined approximately $25 (600 pesos) for failing to turn on his porch light during CDR festivities held on his street.

Government officials retaliated against the spouses and children of dissidents. On February 2, in Buenaventura, Holguin Province, police detained Leyanis Dominuez, the 13-year-old child of Reverend Delmides Fidalgo, and interrogated her for 1 hour about her father's activities; 2 months later, police brought her to the station for questioning a second time. On March 17, in Corralillo, Villa Clara Province, police threatened Silvia Aguado, wife of a political prisoner, with the loss of custody of her child. On July 18, Yoselin Becquer Gonzalez was fired from her job for being the wife of a dissident.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech and of the press insofar as they "conform to the aims of socialist society," a clause effectively barring free speech, and in practice the Government did not allow criticism of the revolution or its leaders. Laws against antigovernment propaganda, graffiti, and disrespect of officials impose penalties of between 3 months and 1 year in prison; criticism of the president or members of the ANPP or Council of State is punishable by 3 years' imprisonment. Disseminating "enemy propaganda," which included expressing opinions at odds with those of the government, is punishable by up to 14 years' imprisonment. The Government considered international reports of human rights violations and mainstream foreign newspapers and magazines to be enemy propaganda. Local CDRs inhibited freedom of speech by monitoring and reporting dissent or criticism.

Citizens who spoke with independent journalists risked government retaliation. On March 14, in the town of Ciego de Avila, evangelical minister Luis Enrique Cervantes lost his job for speaking with an independent journalist. Catholic priests and other clergy were able to deliver sermons without prior government approval. Catholic Church officials were allowed to broadcast 15-minute radio programs on special occasions such as Christmas as long as they did not have any political content.

The Government considered print and electronic media to be state property. The Government owned and the CP controlled all media except for a number of underground newsletters. The Government operated four national television stations, six

national radio stations, one international radio station, one national magazine, and three national newspapers. Additionally, it operated many local radio stations, television stations, magazines, and newspapers. All were official organs of the CP. Content was nearly uniform across all of these media; none enjoyed editorial independence. With the exception of a few Catholic publications, the regime vigorously prosecuted anyone attempting to distribute written, filmed, or photographed material. The law bars "clandestine printing." The Government was the sole book publisher in the country, and with the exception of some Catholic Church publications, state censors required prepublication approval.

The Government subjected independent journalists to travel bans, detentions, harassment of family and friends, equipment seizures, imprisonment, and threats of imprisonment. State Security agents posed as independent journalists in order to gather information on activists and spread misinformation and mistrust within independent journalist circles. A total of 24 journalists were in prison during the year. On April 17, a court in Matanzas Province sentenced independent journalist Oscar Sanchez Madam to 4 years' imprisonment for potential dangerousness. Sanchez had written articles that attempted to document the actual size of the sugar cane harvest, which was smaller than the government's official harvest figures. Authorities fined independent journalist Alvaro Yero Felipe $250 (6,000 pesos) for potential dangerousness. The Government continued to harass some journalists even after freeing them from prison. In August journalist Albert Santiago Dubouchet, who was released in 2005 after a conviction resulting from an article he had written, was sentenced to 6 years' imprisonment for the alleged theft of a handkerchief signed by Fidel Castro. Reporters Without Borders called the charge "grotesque and disgraceful." In September police warned recently released journalist Armando Betancourt Reina that they would shut off his phone service if he used it for "counter-revolutionary activities."

Catholic church-run publications were subject to governmental pressure. In April Dagoberto Valdes Hernandez, the editor of Vitral magazine, a publication of the diocese of Pinar del Rio that had gained a reputation for independent opinion, announced he was ceasing publication due to a lack of paper and ink. The Vitral editorial board also lost their Internet access at that time. The new bishop of Pinar del Rio Diocese disputed the claim that Vitral was forced to close; however, the bishop acknowledged that without necessary supplies the magazine would not be able to continue production. In June Vitral resumed publication under new editorial management and with less bold content.

In February the Government ordered Cesar Gonzalez-Calero, of the Mexican City daily El Universal, and Gary Marx, of the Chicago Tribune, to leave the country. Marx stated that government authorities deemed his articles "too negative." Also in February the Government denied a visa to BBC reporter Stephen Gibbs.

The law prohibits distribution of printed material from foreign sources. Citizens did not have the right to receive or possess publications from abroad, although newsstands at some hotels for foreigners and certain hard-currency stores sold limited numbers of foreign newspapers and magazines. Dissident Marta Beatriz Roque reported cases of persons being fined up to $1,560 (approximately 30,000 pesos) for possession of illegal satellite television equipment; televisions and video players were subject to confiscation. On June 1, Raul Castro revoked the law criminalizing possession of a DVD player. The Government continued to jam the transmissions of Radio Marti and Television Marti.

The Government frequently barred independent libraries from receiving materials from abroad and seized materials donated by foreign diplomats. The Government prohibited diplomatic missions from printing or distributing publications, including newspapers and newspaper clippings, unless such publications exclusively addressed conditions in a mission's home country and prior government approval was received.

Internet Freedom.—The Government controlled nearly all Internet access. Authorities reviewed and censored e-mail and forbade any attachments. Authorities also blocked access to Web sites they considered objectionable. Citizens could access the Internet only through government-approved institutions, except at Internet facilities provided by a few diplomatic offices. In August authorities shut down Internet access in four government-run Internet cafes, including one located in the Ministry of Communications. The only citizens granted direct Internet access were some government officials and certain government-approved doctors, professors, and journalists. The Government also further restricted Internet use in government offices, confining most officials to Web pages related to their work. Foreigners, but not citizens, were allowed to buy Internet access cards from the national telecommunications provider and to use hotel business centers where Internet access cost $10 (240 pesos) an hour. The Government stated that 8 percent of the population had

Internet access, but independent studies concluded that only 2 percent of the population had access to the Internet.

A 2004 law stipulates that all public Internet centers must register with the government, and that all such centers may be the object of control and supervision, without prior warning, by the Agency of Ministry for Information Technology and Communications. While the law does not provide for any specific punishments for Internet use, it is illegal to own a satellite dish that would provide uncensored Internet access.

Academic Freedom and Cultural Events.—The Government restricted academic freedom and continued to emphasize the importance of reinforcing revolutionary ideology and discipline. Students are required to participate in patriotic school ceremonies and to swear to follow the principles of Fidel Castro and the CP. Academics were prohibited from meeting with some diplomats without prior government approval. Academics permitted to travel abroad were aware that their actions, if deemed politically unfavorable, could negatively impact their relatives back home.

Independent academic Roberto de Miranda, head of the Cuban Independent Educators' College, compiled a list of approximately 300 educators who lost their jobs on the basis of political beliefs since 2004, none of whom had been reinstated or had found a new position within the education system after being discharged.

Government-controlled public libraries denied access to books or information unless the requester produced a government letter of permission.

University admission was normally based on whether the student participated in government-encouraged secondary school activities, rather than on academic achievement.

b. Freedom of Peaceful Assembly and Association.—Although the Constitution grants limited rights of assembly and association, these rights are subject to the requirement that they may not be "exercised against the existence and objectives of the Socialist State."

Freedom of Assembly.—The law punishes any unauthorized assembly of more than three persons, including those for private religious services in private homes, by up to 3 months in prison and a fine. The authorities selectively enforced this prohibition and often used it as a pretext to harass and imprison human rights advocates.

The authorities never have approved a public meeting by a human rights group and often detained activists to prevent them from attending meetings, demonstrations, or ceremonies. Unapproved meetings and demonstrations took place, which the Government frequently disrupted, infiltrated, or attempted to prevent. On September 27, authorities detained dozens of protesters at various locations, some upon arrival at a bus terminal, hours before they planned to join a protest at the Ministry of Justice. Authorities sometimes used or incited violence against peaceful demonstrators. On December 6, police struck and pepper sprayed dissident Jorge Luis Garcia Perez ("Antunez") and his wife, Iris Perez, outside their home as they prepared to hold a peaceful march.

Freedom of Association.—The law specifically prohibits unrecognized groups, and the Government denied citizens freedom of association. Authorities have never approved the existence of a human rights group; however, a number of professional associations operated as nongovernmental organizations (NGOs) without legal recognition. The Constitution proscribes any political organization other than the CP.

Recognized churches, the Roman Catholic humanitarian organization Caritas, the Freemason movement, and a number of fraternal or professional organizations were the only associations permitted to function outside the formal structure, but not the influence, of the state, the CP, and their mass organizations. The authorities continued to ignore applications from new groups for legal recognition, thereby subjecting members to potential charges of illegal association.

c. Freedom of Religion.—Although the Constitution recognizes the right of citizens to practice any religious belief within the framework of respect for the law, the Government continued to restrict freedom of religion. The Government required churches and other religious groups to enroll with the provincial registry of associations within the Ministry of Justice to obtain official recognition.

The Government continued to allow foreign priests and religious workers, including a newly appointed bishop from Spain, into the country, generally to replace foreign priests and nuns who had died or whose residence permits had expired.

On December 4, police forcibly entered a church in Santiago de Cuba Province and pepper sprayed and beat a group of approximately 18 dissidents awaiting Mass. Police arrested seven of the dissidents, who were released the following day. The Catholic Bishops' Conference of Cuba condemned the incident, and government offi-

cials subsequently apologized to the Church. Church officials accepted the apology and no further investigation was expected.

Although it did not favor any particular religion or church, the Government appeared most tolerant of churches that maintained close relations to the state through the Cuban Council of Churches (CCC).

There were numerous reports of official discrimination against Seventh Day Adventists and Jehovah's Witnesses in employment and education due to these groups' refusal to work or participate in mandatory school activities on Saturdays, and for Jehovah's Witnesses' refusal to comply with compulsory military training.

There were reports that persons engaged in religious practices experienced harassment because of ignorance or personal prejudice by a local official. Jehovah's Witnesses from Holguin Province reported that in November the Government prohibited a bus company from renting buses to the Jehovah's Witnesses who wished to transport several thousand worshippers to a series of district assemblies.

The Government rarely permitted the construction of new churches, forcing many growing congregations to seek permits to meet in private homes. The CCC reported that none of its members received government permission to construct a new church building during the reporting period. Most registered religious groups were able to hold services in private homes.

A government directive requires house-church operators to register their house churches with the government. To register one's house church, an operator must meet a number of requirements: The house church must host no more than three meetings per week, it must not be located within 1.2 miles of another house church, it cannot be in a multifamily residence, and it may be open only between 5 p.m. and 10 p.m. on workdays, and between 9 a.m. and 10 p.m. on other days. The vast majority of house churches were unregistered and thus technically illegal.

Education was secular, and no religious educational institutions were allowed; however, the Catholic Church, Protestant churches, and Jewish synagogues were permitted to offer religious education classes to their members.

Religious literature and materials may be imported only through a registered religious group and distributed only to officially recognized religious groups.

The Government permitted each diocese to request airtime for a 15-minute broadcast on Christmas, Easter, and the feast day of Our Lady of Copper. The Archbishop of Santiago, Dionisio Garcia Ibanez, was allowed to broadcast a Christmas message, the first time the Santiago Diocese was granted airtime since the Pope's visit in 1998.

Religious groups were required to submit a request to local CP officials before holding processions or events outside of religious buildings.

Societal Abuses and Discrimination.—There were no reports of societal violence, harassment, or discrimination against members of religious groups. There were between 1,000 and 1,500 members of the Jewish community. There were no reports of anti-Semitic acts.

For a more detailed discussion, see the 2007 International Religious Freedom Report.

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons.—The law qualifies these rights, and the Government severely restricted foreign travel and emigration. The Government tightly restricted foreign and domestic travel by dissidents and limited internal migration to Havana. Dissident blacklists were maintained at bus stations, railway terminals, and airports, and those appearing on the list were unable to purchase tickets.

Although the Constitution allows all citizens to travel anywhere within the country, residence is heavily restricted, thus impeding free movement. The local housing commission and provincial government authorities considered requests for change of residence largely on the basis of housing space. During the wait for permission, which routinely lasted 6 months or more, the applicant could not obtain food rations or a local identification card. Anyone living in a location illegally may be fined and sent home. While the regulation was in effect nationwide, it was applied most frequently in Havana. The CCDHRN reported discovering a specially designated train car, in which 50 to 100 young people lacking appropriate identity cards were returned to their home localities each week.

The Government restricted both emigration and temporary foreign travel, mainly by requiring an exit permit. Although the Government allowed the majority of persons who qualified for immigrant or refugee status in other countries to depart, at least 544 citizens who had received foreign travel documents, or their dependents, were denied exit permits during the year. This figure represented only persons who reported their difficulties to a foreign diplomatic establishment. Persons denied exit

permits included medical personnel, men of military age, dissidents, and citizens with certain political or religious beliefs.

An unpublished government policy denies exit permits to medical professionals until they have performed 3 to 5 years of service in their profession after requesting permission to travel abroad.

The Government denied exit permits for several years to relatives of individuals who migrated illegally (for example, merchant seamen and sports figures who defected while out of the country). The Government frequently withheld exit visas to control dissidents. Dissident doctor Hilda Molina continued to wait for exit permission, as she had for more than 12 years. In addition, Molina's elderly mother was not allowed to apply for exit permission.

The Government denied exit permission to human rights activists who held valid foreign travel documents. The Government continued to refuse permission to dissident Oswaldo Paya or members of the Ladies in White, the wives of political prisoners, to travel abroad to attend conferences or to receive awards from international human rights groups.

The Government used both internal and external exile. The law permits authorities to bar an individual from a certain area, or to restrict an individual to a certain area, for a period of 1 to 10 years. Under this provision, authorities may exile any person whose presence in a given location is considered "socially dangerous." The authorities routinely warned emigrating dissidents or their family members that speaking out against the Government abroad could result in relatives' loss of employment or denial of permission to leave the country.

Those seeking to emigrate legally also faced reprisals, harassment, and intimidation by the government, including expulsion from school, involuntary job transfers, threatened arrest, and dismissal from employment.

Those wishing to migrate must pay processing fees of approximately $180 (4,500 pesos) for exit permission, $66 (1,650 pesos) for a passport, and $30 (750 pesos) for an airport tax, which amounted to approximately 23 months' salary for the average citizen. Citizens applying for exit permission to the United States faced an additional charge of approximately $625 (15,000 pesos, or 6 months' salary, for adults and $444 (10,656 pesos) for children. These fees represented a significant hardship, particularly for migrants who had been fired from their jobs for being "politically unreliable" and had no income. At year's end some would-be migrants were unable to leave the country because of inability to pay exit fees. Authorities routinely dispossessed migrants and their families of their homes and most of their belongings before permitting them to leave the country. The Government also demanded payment of hefty fines for past unsuccessful attempts to leave the country illegally.

The law provides for imprisonment of up to 3 years or a fine of $12 to $40 (300 to 1,000 pesos) for unauthorized departures by boat or raft. The Government also sometimes applied a law on trafficking in persons to would-be migrants. The CCDHRN estimated that at year's end, between 300 and 500 citizens were serving sentences or awaiting trial on this charge, which ordinarily carries a term of 15 to 20 years' imprisonment. Under the terms of the 1994 U.S.-Cuba Migration Accord, the Government agreed not to prosecute or retaliate against migrants returned from international or U.S. waters, or from the U.S. Naval Station at Guantanamo, after attempting to emigrate illegally if they had not committed a separate criminal offense. However, in practice some would-be migrants experienced harassment and discrimination such as fines, expulsion from school, job loss, and detention in prison.

The Government generally refused to accept nationals returned from U.S. territory beyond the maritime limits of the Migration Accords.

Protection of Refugees.—Although the country is not a party to the 1951 U.N. Convention relating to the Status of Refugees and its 1967 protocol, the Constitution provides for the granting of asylum to individuals persecuted for their ideals or actions involving a number of specified political grounds. Although the Government has no formal mechanism to process asylum for foreign nationals, in practice it provided protection against refoulement, the return of persons to a country where there is reason to believe they feared persecution, including to some fugitives from justice, whom it defines as refugees for political reasons.

The Government cooperated with the Office of the U.N. High Commissioner for Refugees and other humanitarian organizations in assisting refugees and asylum seekers.

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

In the 2003 elections for the National Assembly, which were neither free nor fair, the Communist Party (CP) won 98 percent of the vote and all 609 seats in the National Assembly.

In July 2006 due to an ongoing health problem, President Castro provisionally transferred power to his brother, General Raul Castro. Without citizen participation, existing undemocratic institutions, including the armed forces, the CP, and the ANPP endorsed the transfer.

Elections and Political Participation.—While the Constitution provides for direct election of provincial, municipal, and ANPP members, citizens do not have the right to change their government, and the Government retaliated against those who sought peaceful political change. On September 6, dissident Oswaldo Paya handed to the Council of State a demand that the electoral law be annulled for violating the Constitution, which provides for free and fair elections. The Government made no response.

Candidates for provincial and national office must be approved in advance by mass organizations, such as the women's and youth party organizations controlled by the government. For the first time, up to eight candidates could run for each municipal seat in the October 21 municipal elections. Previously, each municipality could only nominate a single candidate. In practice a small group of leaders, under the direction of the president, selected the members of the highest policy-making bodies of the CP, the Politburo, and the Central Committee. Although not a formal requirement, in practice CP membership was a prerequisite for high-level official positions and professional advancement.

There were two women in the 21-member Politburo and 17 in the 126-member Central Committee. Women held five seats in the 29-member Council of State and 219 seats in the 608-seat National Assembly.

Persons of African descent held four seats in the Politburo. Following the selection of the ANPP in 2003, the Government reported its composition as 67 percent white, 22 percent black, and 11 percent mixed race.

Government Corruption and Transparency.—The law provides criminal penalties for official corruption; however, the Government did not implement the law effectively, and officials frequently engaged in corrupt practices with impunity.

According to the World Bank's worldwide governance indicators, government corruption was a problem. Independent and official press reported incidents of government corruption. Government officials occasionally engaged in extortions of citizens legally residing overseas who returned to visit relatives. Customs officials occasionally confiscated the belongings of such visitors or requested unauthorized fees to pass through the customs process.

Government officials are not subject to any special financial disclosure laws and government officials are not required to comply with specific laws beyond those that apply to the general population regarding revealing sources of income for tax purposes and obedience of the law against "illegal enrichment"; however, all officials must sign a code of ethical conduct that includes not accepting funds from illicit sources. No government agencies were specially tasked with combating government corruption.

The law provides for public access to government information, but in practice requests for information routinely were rejected, often on the grounds that access was not a right. Many convicts and their defense attorneys never received a copy of the sentence certification to which they were legally entitled.

Section 4. Governmental Attitudes Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

In violation of its own statutes, the Government did not recognize any domestic human rights groups or permit them to function legally. Several human rights organizations continued to function outside the law, including the CCDHRN, the Christian Liberation Movement, the Assembly to Promote Civil Society, and the Lawton Foundation for Human Rights. The Government subjected domestic human rights advocates to violence, intense intimidation, and harassment, including threats of death and disappearance.

Although it employed this tactic less frequently than in the past, the Government also staged acts of repudiation, in which it mobilized Communist militants and others to hold a public rally aimed at intimidating and ostracizing a member of a human rights NGO.

The Government also took steps to prevent the movement of activists; on many occasions, State Security, police, and mobs prevented Ladies in White members from traveling to Havana to take part in marches.

The Government rejected international human rights monitoring, did not recognize the mandate of the U.N. Human Rights Council, and refused to acknowledge requests by the personal representative of the U.N. High Commissioner for Human Rights to visit the country. The Government continued to deny human rights organizations and the International Committee of the Red Cross access to political pris-

oners and detainees. U.N. Special Rapporteur for Food Jean Zeigler visited the country from October 28 to November 6.

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

The Constitution prohibits discrimination based on race, gender, disability, or social status; however, racial discrimination occurred frequently.

Women.—The law criminalizes rape, including spousal rape, and a victim has the right to report the matter to the police. Police rarely forwarded cases to a court if the victim did not suffer visible physical injuries.

Although the Government did not release statistics during the year on arrests, prosecutions or convictions for rape, the law stipulates penalties ranging from 4 to 10 years' imprisonment. If two or more rapists are involved, or if the rapist had been convicted previously of the same offense, sentences could reach 15 years. If the victim is under 12, or if the act results in injuries or grave illness, capital punishment is possible. The Government enforced the law.

The law prohibits threats and inflicting injuries, including those associated with domestic violence. The law provides for the same penalties for domestic violence as those for assault, which range from fines to prison sentences of varying lengths, depending on the severity of the offense.

Human rights advocates reported that violence against women was a problem, and police often did not act on cases of domestic violence. The press rarely reported on violent crime, and the Government did not release data on the extent of domestic violence. However, the CCDHRN, and organizations such as the Center for Studies and Training for Women "Rosa Berre" and the Cuban Chapter of the Latin American Federation of Rural Women, reported that domestic violence was a serious problem and that there was a lack of programs to protect victims.

To raise awareness about domestic violence, the Government carried out a media campaign during the year. However, judges remained extremely reluctant to issue a restraining order in the event of a domestic dispute. The CCDHRN believed that many women did not report acts of domestic violence because they feared doing so could trigger another attack.

Prostitution is legal for persons over age 17, but pandering and economic activities facilitating prostitution, including room rentals, are illegal. Large numbers of foreign tourists visited the country specifically to patronize prostitutes, and sex tourism was a problem. Some police officers were suspected of providing protection to individuals engaged in prostitution. Journalist Lamasiel Gutierrez uncovered a large ring of persons in Isla de la Juventud who were recruiting students ages 14 to 20 to appear in sexually explicit materials that were then posted on the Internet or sold as DVDs.

The law provides penalties for sexual harassment, with potential sentences of 3 months' to 5 years' imprisonment. The Government did not release any statistics during the year on arrests, prosecutions, or convictions for offenses related to sexual harassment. The law was applied most frequently to male supervisors "abusing their power" over female subordinates, according to the CCDHRN.

The law provides that women and men have equal rights and responsibilities regarding marriage, divorce, raising children, maintaining the home, and pursuing a career. The law grants working mothers preferential access to goods and services. The law provides for equal pay for equal work, and women generally received pay comparable to men for similar work.

Children.—The law provides that all children have equal rights and that parents have a duty to ensure their protection. Public education was free through the university level, but advancement in the school system depended on participation in political activities. The law requires school attendance until the ninth grade, which was the highest level achieved by most children. The Government reported that 97 percent of primary-school-age children were enrolled in school during the 2006–07 school year and that attendance by secondary-school-age children was 92 percent. All elementary and secondary school students received obligatory ideological indoctrination.

The Government maintained a dossier on every child from kindergarten through high school, which included a record of the child's participation in political activities, such as mandatory marches. Full participation in political activities, such as membership in the Union of Pioneers of Cuba, a regimented youth organization used by the Government for political indoctrination, was essential to advance in the school system.

Boys and girls had equal access to a national health care system that claimed to cover all citizens. The U.N. Children's Fund reported high vaccination rates for childhood diseases. Children up to age 7 received additional food rations through the ration card system.

There was no societal pattern of child abuse.

Child prostitution was a problem, with young girls engaging in prostitution to help support themselves and their families. While underage prostitution was widely apparent, there were no reliable statistics available regarding its extent. Children may marry with the consent of their parents at age 14, but the law provides for 2 to 5 years' imprisonment for anyone who "induces minors under 16 years of age to practice homosexuality or prostitution." Minors played a key role in the country's thriving sex trade, which was fueled by visits by thousands of foreign tourists. There was anecdotal evidence that, on an individual basis, workers in state-run hotels, travel company employees, taxi drivers, bar and restaurant workers, and law enforcement personnel were complicit in the commercial sexual exploitation of children.

Although the police sometimes enforced laws on underage prostitution, cabarets and discos catered to sex tourists. Sex-tourism revenues provided an important, direct source of hard currency to the government.

There were no reports of abuse involving institutionalized children during the year, and the Government did not release information on any steps taken to prevent or punish such abuse.

Trafficking in Persons.—The law prohibits most forms of trafficking in persons. However, there were reports that women were trafficked from the country. Trafficking for underage prostitution and forced labor occurred within the country.

The nature and extent of trafficking in the country were difficult to gauge due to the closed nature of the Government and the lack of NGO reporting. However, some citizens who had successfully emigrated on "go-fast" vessels were forced to work as deckhands on subsequent smuggling trips, to pay off smuggling debts.

Trafficking victims came from all over the country, and most worked in the major cities and tourist resort areas. Some anecdotal information indicated that victims generally came from poor families, but other sources reported the phenomenon at all levels of society, including families of government officials. In some cases, families encouraged victims to enter into prostitution for the additional income that such activities could provide. In many cases, traffickers lured victims from rural areas with bus tickets and promises of well-paid jobs in urban areas.

The law criminalizes promoting or organizing the entrance of persons into, or the exit of persons from, the country for the purpose of prostitution; violators were subject to 20 to 30 years' imprisonment. The Penal Code provides penalties of between 4 and 20 years in prison for trafficking for purposes related to prostitution or sex commerce, and penalties of 7 to 15 years for international trafficking of minors. There were no known statutes against trafficking in adults for the purposes of forced labor. Civil penalties are referred to as "responsibilities" and, for an offense such as damaging a government-owned boat, can include indemnifications or other reparations. The CCHRN stated that in cases of internal trafficking, rather than bring a trafficking charge, the Government might charge the individual with "pimping."

The Ministries of Justice and Education, the PNR, and local governments were tasked with different facets of combating trafficking in persons and the problem of underage prostitution; no single entity had complete autonomy dealing with these problems. The police were responsible for investigating and arresting traffickers, the Ministry of Justice with prosecuting and incarcerating traffickers, and the Ministry of Education with rehabilitating prostitutes.

There were no reliable statistics on the number of traffickers prosecuted or convicted during the year. The CCDHRN estimates that between 500 and 1,000 citizens were serving sentences for "pimping," but it was unclear whether these individuals actually trafficked in persons or merely facilitated work by willing individuals. All those prosecuted or convicted had come to the country from the United States, Mexico, or other countries such as the Bahamas, apparently to traffic persons out of Cuba. No information was available concerning government assistance with international investigations of trafficking or the extradition of traffickers.

There was anecdotal evidence that state-run hotel workers, law enforcement personnel, and others involved in the tourist industry were complicit in the commercial sexual exploitation of children involved in the sex trade targeting tourists. There were no known investigations or prosecution of public officials for complicity in trafficking during the year.

Although prostitution is not a crime per se, individuals who engaged in prostitution, including possible trafficking victims and children, often were treated as criminals, detained, and taken to rehabilitation centers that were not staffed with personnel who were trained or equipped to adequately care for trafficking victims.

No civil society groups in the country assisted trafficking victims in an official capacity. The Government did not coordinate on trafficking-related matters with inter-

national organizations or NGOs operating in the country. There were no known government programs to prevent trafficking.

Persons with Disabilities.—There was no known law prohibiting official discrimination against persons with disabilities in employment, education, access to health care, or in the provision of other state services. However, a Labor Ministry resolution gives persons with disabilities the right to equal employment opportunities and to equal pay for equal work. There was no official discrimination against persons with disabilities. There are no laws mandating accessibility to buildings for persons with disabilities, and in practice, buildings and transportation rarely were accessible to persons with disabilities.

The Special Education Division of the Ministry of Education was responsible for the education and training of children with disabilities. The Ministry of Labor and Social Security was in charge of the Job Program for the Handicapped.

National/Racial/Ethnic Minorities.—Although there were many black police officers and army enlisted personnel, Afro-Cubans often suffered racial discrimination. Afro-Cubans complained of frequent and disproportionate stops for identity checks and stated that often persons shouted insults and racial epithets at them in public. Afro-Cubans were disproportionately represented in neighborhoods with the worst housing conditions. Only 3 percent of the officer corps of the military was made up of Afro-Cubans, although Afro-Cubans were heavily represented in the rank and file. Few of the children in the elite schools attended by the higher-ranking CP members were of African descent. Non-whites, who comprised an estimated 50 percent or more of the population, constituted an estimated three-quarters of the country's prison population.

Other Societal Abuses and Discrimination.—Societal discrimination against homosexuals persisted, as police occasionally conducted sweeps in areas where homosexuals congregated, particularly along sections of Havana's waterfront.

The Government continued to restrict some persons found to be HIV-positive to sanatoriums for treatment and therapy before conditionally releasing them into the community. Even after their release, some persons with HIV/AIDS said the Government monitored their movements with a chaperone to prevent the spread of the illness. Some persons with HIV/AIDS suffered job discrimination or were rejected by their families. The Government operated four prisons exclusively for HIV/AIDS sufferers; some inmates were serving sentences for "propagating an epidemic." A person with HIV/AIDS released in November from a Havana prison for HIV/AIDS sufferers reported that prison conditions were poor, medical care was erratic, and antiviral drugs and other HIV treatment were not provided regularly.

Section 6. Worker Rights

a. The Right of Association.—The law does not allow workers to form and join unions of their choice. Rather, the state established official unions and did not permit competing independent unions. Official labor unions had a mobilization function and did not act as trade unions, promote worker rights, or protect the right to strike. Such organizations were under the control of the state and the CP, which also managed the enterprises for which the laborers worked. Because all legal unions were government entities, antiunion discrimination by definition did not exist.

The only legal labor confederation was the Confederation of Cuban Workers (CTC), whose leaders were chosen by the CP. The CTC's principal responsibility was to ensure that government production goals were met. Virtually all workers were required to belong to the CTC, and promotions were frequently limited to CP members who took part in mandatory marches, public humiliations of dissidents, and other state-organized activities.

Workers often lost their jobs because of their political beliefs, including their refusal to join the official union.

Several small independent labor organizations operated without legal recognition, most notably the Union of Bicycle Taxi Drivers. These organizations also were subject to infiltration by government agents and were unable to represent workers effectively or work on their behalf.

The Government continued to incarcerate independent labor activists, including Pedro Pablo Alvarez Pedroso, president of the Unitary Workers Council, who was serving a 25-year sentence.

Six of the seven independent labor leaders jailed in 2003 remained in prison, serving sentences of between 12 and 25 years.

b. The Right to Organize and Bargain Collectively.—Although provided for in the law, collective bargaining did not exist in practice. The State Committee for Work and Social Security set wages and salaries for the state sector, which was virtually

the only employer in the country. The law does not provide for strikes, and none were known to have occurred during the year.

There are no special laws or exemptions from regular labor laws in the three export processing zones.

The law denies all workers, except those with special government permission, the right to contract directly with foreign companies investing in the country. Although a few firms negotiated exceptions, the Government required foreign investors and diplomatic missions to contract workers through state employment agencies, which were paid well in foreign currency, but which in turn paid workers very low wages in pesos. Workers subcontracted by state employment agencies must meet certain political qualifications. The state employment agencies consulted with the CP, the CTC, and the UJC to ensure that the workers chosen "deserved" to work in a joint enterprise.

c. Prohibition of Forced or Compulsory Labor.—The law does not prohibit forced or compulsory labor by adults. The Government maintained correctional centers for persons convicted of such crimes as dangerousness. Prisoners held in such centers were forced to work on farms or at sites performing construction, agricultural, or metal work. The authorities also often imprisoned persons sent to work sites who refused to work.

The law prohibits forced or compulsory labor by children, but such practices occurred.

In May a judge postponed the hearing of three citizens living abroad who had filed suit in a foreign court in 2006 alleging that they were among hundreds of Cubans forced by the Government to work at a shipyard in Curacao. The men asserted that Cuban guards threatened them with prison or worse if they refused to work 112-hour weeks. The case was pending at year's end.

d. Prohibition of Child Labor and Minimum Age for Employment.—The law prohibits forced and compulsory labor by children, and the Ministry of Labor and Social Security was responsible for enforcement. Nonetheless, the Government required children to work in various situations.

Students at rural boarding schools were expected to participate in several hours of manual labor per day. Secondary school students were expected to devote up to 15 days of their summer vacation completing a variety of tasks ranging from farm labor to urban cleanup projects, and were paid a small wage for this labor. Students in postsecondary institutions (technical schools, university preparatory schools, and agricultural institutes) were expected to devote 30 to 45 days per year to primarily agricultural work. Refusal to do agricultural work could result in expulsion from school.

The legal minimum working age is 17, but the labor code permits the employment of 15- and 16-year-old children to obtain training or to fill labor shortages. The labor code does not permit teenagers to work more than 7 hours per day or 40 hours per week or on holidays. Children ages 13 to 18 cannot work in specified hazardous occupations, such as mining, or at night.

There were no known government programs to prevent child labor or remove children from such labor.

e. Acceptable Conditions of Work.—The minimum wage, which is enforced by the Labor Ministry, varies by occupation. On average, the minimum monthly wage was approximately $9 (225 pesos). The Government supplemented the minimum wage with free education, subsidized medical care (daily pay is reduced by 40 percent after the third day of being admitted to a hospital), housing, and some subsidized food. Even with subsidies, by the government's own admission the minimum wage did not provide a decent standard of living for a worker and family.

The law requires foreign investors to contract workers through government employment agencies. Foreign companies pay the Government as much as $600 to $800 per worker per month. However, because the Government pays salaries in nonconvertible pesos, workers only receive approximately 3 percent of the money paid by their foreign employer.

The standard workweek is 44 hours, with shorter workweeks in hazardous occupations, such as mining. The law provides workers with a weekly 24-hour rest period. These standards were effectively enforced. The law does not provide for premium pay for overtime or prohibit obligatory overtime. Refusal to work overtime could result in a notation in the employee's official work history that could imperil subsequent requests for vacation time.

Laws providing for workplace environmental and safety controls were inadequate, and the Government lacked effective enforcement mechanisms. The law provides that a worker who considers his life in danger because of hazardous conditions has the right to refuse to work in a position or not to engage in specific activities until

such risks are eliminated; the worker remains obligated to work temporarily in whatever other position may be assigned him at a salary provided for under the law.

DOMINICA

Dominica is a multiparty, parliamentary democracy with a population of approximately 69,000. Prime Minister Roosevelt Skerrit's Dominica Labour Party (DLP) prevailed over the opposition United Workers Party (UWP) in 2005 elections, the results of which were certified despite challenges filed by the opposition in a few constituencies. The civilian authorities generally maintained effective control of the security forces.

The Government generally respected the human rights of its citizens; however, there were problems in a few areas, primarily violence against women and children and adverse conditions experienced by indigenous Kalinago (Carib Indians).

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life.—The Government or its agents did not commit any politically motivated killings; however, security forces killed one person during the year.

On December 2, two police officers shot and killed Stan Bruney while pursuing another man. On December 11, authorities charged the two officers with murder and released them on bail to await trail.

The Director of Public Prosecutions ruled that there was not enough evidence to prosecute prison guards accused of beating Henson Joseph to death in 2005.

b. Disappearance.—There were no reports of politically motivated disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—While the Constitution prohibits such practices, there were reports that police used excessive force while making arrests, including documented cases in which the police shot the victim.

On July 10, a man was hospitalized after being shot in the thighs by police who claimed they were acting in self-defense. On August 5, police shot a possibly mentally ill man in both legs. Police claimed that they acted in self-defense, and both cases were still under investigation at year's end.

On December 1, police shot an escaped convict who was resisting capture. An investigation found this action was justified in the line of duty.

Seven cases of use of excessive force were brought against police during the year. Of these cases, authorities dismissed four for lack of evidence, and in two cases, the complainant dropped the charges. One case was pending before the Police Services Commission at year's end.

The February 2006 cases involving police beatings of Derwin Peltier and Edward Bruney were before the civil courts at year's end.

An internal police tribunal considered six cases of excessive force brought against police officers in 2005. It dismissed one case for lack of evidence, sent one to the magistrate's court where it was dismissed for lack of evidence, found guilt in three cases that were still before an independent appeals board, and had one case still under consideration at year's end.

Prison and Detention Center Conditions.—Prison conditions were below international standards, but improved significantly since 2006. On July 9, the prison dedicated a new wing and improvements to existing buildings. The new wing includes more cells, an infirmary, doctor's office, classrooms, and a multipurpose recreational hall. Conditions remained unsanitary but were improved from the previous year. The Dominica Prison Service lessened overcrowding by increasing space but keeping the capacity designation to 200 inmates. However, the prison was still somewhat overcrowded at 246 inmates.

The new space allowed adult remand inmates to be detained separately from adult convicted prisoners. Juvenile detainees (under 16 years old) and young offenders (16 to 25 years old) were held together, along with remand detainees and convicted detainees of those two age groups.

Anecdotal evidence suggested that some abuse of prisoners may have occurred, but there were no specifically reported cases during the year. Authorities provided inmates with health care services throughout the year.

The Government permitted prison visits by independent human rights observers, although no such visits were known to have occurred during the year.

d. Arbitrary Arrest or Detention.—The Constitution prohibits arbitrary arrest and detention, and the Government generally observed these prohibitions.

Role of the Police and Security Apparatus.—Civilian authorities maintained effective control over the 415-officer police force, and the Government has effective mechanisms to investigate and punish abuse and corruption. There were no reports of impunity involving the security forces during the year.

Arrest and Detention.—The police apprehend persons openly with warrants issued by a judicial authority. The law requires that the authorities inform persons of the reasons for arrest within 24 hours after arrest and bring the detainee to court within 72 hours. This requirement generally was honored in practice; however, if the authorities are unable to bring a detainee to court within the requisite period, the detainee can be released and rearrested at a later time. There is a functioning system of bail. Criminal detainees were provided prompt access to counsel and family members.

Lengthy detention before trial was a problem due to judicial inefficiency and staff shortages. Out of 114 inmates on remand, only seven had trial dates set by year's end.

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary, and the Government generally respected judicial independence in practice.

The judicial system is composed of a high court judge, five magistrates in the capital city of Roseau, and 10 magistrate's courts located in police stations around the country. Appeals can be made first to the Eastern Caribbean Court of Appeal and then to the Privy Council in the United Kingdom.

Trial Procedures.—The Constitution provides for the right to a fair trial, and an independent judiciary generally enforced this right. There are trials by jury, and defendants can confront or question witnesses. Criminal defendants are presumed innocent until proven guilty, are allowed legal counsel, and have the right to appeal. Courts provide free legal counsel to juveniles unable to obtain their own counsel, regardless of the crime committed, and to the indigent, but only in cases involving serious crimes.

Political Prisoners and Detainees.—There were no reports of political prisoners or detainees.

Civil Judicial Procedures and Remedies.—There is an independent, impartial judiciary in civil matters where one can bring lawsuits seeking damages for a human rights violation.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The Constitution prohibits such actions, and the Government generally respected these prohibitions in practice.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech and of the press, and the Government generally respected these rights in practice. Generally individuals could criticize the Government publicly or privately without reprisal. The independent media were active and expressed a wide variety of views without restriction.

In September Prime Minister Skerrit filed two libel suits against the Times newspaper, one for each article alleging that Skerrit had received two plots of land through corrupt means and lied about it. The lawsuits asserted that the articles damaged the prime minister's reputation. At year's end the two suits were before the civil courts.

Internet Freedom.—There were no government restrictions on access to the Internet or reports that the Government monitored e-mail or Internet chat rooms. Individuals and groups could engage in the peaceful expression of views via the Internet, including by e-mail. The Internet was largely available in homes, offices, and Internet cafes in urban areas, but infrastructure limitations restricted Internet access in villages.

Academic Freedom and Cultural Events.—There were no government restrictions on academic freedom or cultural events.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for freedom of assembly and association, and the Government generally respected these rights in practice.

c. Freedom of Religion.—The Constitution provides for freedom of religion, and the Government generally respected this right in practice.

The Government requires all religious organizations to register. Organizations must register as nonprofit organizations with the attorney general's office and also register their buildings through the Government registrar.

Societal Abuses and Discrimination.—Rastafarians complained that their members were victims of societal discrimination, especially in hiring. There were no other reports of societal abuses or discrimination, including anti-Semitic acts. There was no organized Jewish community.

For a more detailed discussion, see the 2007 International Religious Freedom Report.

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons.—The Constitution and the law provide for freedom of movement within the country, foreign travel, emigration, and repatriation, and the Government generally respected these rights in practice.

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

Protection of Refugees.—Although the country signed the 1951 U.N. Convention relating to the Status of Refugees and its 1967 protocol, the Government has not established a legal or procedural system for providing protection to refugees. The Government did not grant refugee status or asylum during the year.

In practice the Government provided protection against refoulement, the return of persons to a country where there is reason to believe they feared persecution.

Although no known cases occurred, the Government was prepared to cooperate with the Office of the U.N. High Commissioner for Refugees (UNHCR) and other humanitarian organizations in assisting refugees and asylum seekers. UNHCR has an honorary liaison located in the country with whom the Government can consult regarding asylum claims and other protection concerns.

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

The Constitution provides citizens with the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections based on universal suffrage.

Elections and Political Participation.—In 2005 the ruling DLP won 12 seats in parliamentary elections, defeating the UWP, which won eight seats. An independent candidate affiliated with the DLP also won a seat. After the election, the independent candidate and an opposition member joined the ruling party. Although the country has a history of holding free and fair elections, impartial election observers were not present to verify the results.

Political parties could operate without restrictions.

There were two women in the 30-seat legislature, one elected and one appointed, one of whom served as a cabinet minister. A woman also served as attorney general, a cabinet position. The speaker of the house was a woman.

The parliamentary representative for the constituency that includes the Carib Territory was a Carib Indian; he served concurrently as minister for Carib affairs.

Government Corruption and Transparency.—The law provides criminal penalties for official corruption; however, the Government did not implement the law effectively. According to the World Bank's worldwide governance indicators, government corruption was a problem.

The Integrity in Public Service Act of 2004 requires financial disclosure by elected officials and senior civil servants, but the regulations to implement this law had not been developed by year's end. The Financial Intelligence Unit is the chief government agency responsible for identifying and combating government corruption. In addition the police force and customs service have internal watchdog offices.

On August 29, a local newspaper published an article accusing the prime minister of acquiring property through corrupt methods. The prime minister vehemently denied the allegations and filed a civil suit against the newspaper, which awaited trial at year's end in the civil courts. The opposition and the Media Workers' Association of Dominica used this as example of the importance of implementing the Integrity in Public Service Act.

The law does not provide for public access to government information, and the Government did not provide such access in practice.

Section 4. Governmental Attitudes Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

There were no government restrictions on the formation of local human rights organizations, although no such groups existed. Several advocacy groups, such as the Association of Disabled People, the Dominica National Council of Women (DNCW),

and a women's and children's self-help organization, operated freely and without government interference.

There were no requests for investigations of human rights abuses from international or regional human rights groups. There is no ombudsman, but a parliamentary commissioner has the responsibility to investigate complaints against government.

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

The law specifically prohibits discrimination based on race, gender, place of origin, color, and creed, and the authorities generally respected this prohibition in practice.

Women.—The law criminalizes rape, including spousal rape. Whenever possible, female police officers handled rape cases. Although the maximum sentence for sexual molestation (rape or incest) is 25 years' imprisonment, courts normally imposed sentences of 5 to 7 years, except in the case of murder. Through November there were 17 reported cases of rape, nine of which resulted in charges, and all nine were before the courts at year's end. The Women's Bureau of the Ministry of Community Development and Gender Affairs assisted victims of abuse by finding temporary shelter, providing counseling to both parties, or recommending police action. The Women's Bureau also coordinated interagency efforts to collect data, advocate policy changes, and provide programs for the empowerment of women.

Domestic violence cases were common. Although there are no specific laws criminalizing spousal abuse, women could bring charges against husbands for battery. The Protection against Domestic Violence Act allows abused persons to appear before a magistrate without an attorney and request a protective order. The court also may order the alleged perpetrator to be removed from the home in order to allow the victims, usually women and children, to remain in the home while the matter is investigated. However, enforcement of these restraining orders was difficult because of a lack of police resources. Police officers continued to receive training in dealing with domestic abuse cases. During the year the Women's Bureau provided domestic violence counseling to 83 women and 20 men, some as victims and some as perpetrators. The Legal Aid clinic had 33 women and three men seek legal counseling concerning domestic violence. The Roseau police district, the largest police district, received reports of domestic violence from 396 women and 121 men.

The DNCW, a nongovernmental organization (NGO), provided preventive education about domestic violence and maintained a shelter where counseling and mediation services were available daily. Due to a shortage of funding, the organization could permit persons to stay at the shelter only for several days at a time; however, if needed, further housing was provided in private homes for up to 3 weeks. Abusive spouses commonly found and visited the victims at the shelter, making private homes a safer option in many cases. The Catholic Church continued to be active in educating the public about domestic violence.

Prostitution is illegal but was a problem. Anecdotal evidence suggested that members of the police force participated as customers. Although there was no evidence that foreign prostitutes, mostly from the Dominican Republic, were trafficked, these women found themselves facing cultural and language barriers that made finding assistance difficult.

The law does not prohibit sexual harassment, and it remained a problem, particularly in the workplace. Anecdotal evidence suggested that sexual harassment cases were largely underreported because victims felt there was no redress.

While there was little open discrimination against women, minor cultural instances of discrimination existed. Also, property ownership continued to be deeded to heads of households, who were usually male. When the male head of household dies without a will, the wife may not inherit or sell the property, although she may live in it and pass it to her children. The law establishes fixed pay rates for specific civil service jobs, regardless of gender. Although there were some women in managerial or high-level positions, most women worked as shopkeepers, nurses, or in education.

The Women's Bureau is charged with promoting and ensuring the legal rights of women. The bureau provides lobbying, research, support, counseling, training, and education services. In 2005 the Women's Bureau and DNCW, along with related government bodies and other NGOs, launched a 2-year, U.N.-sponsored program to improve the implementation of existing laws, policies, and plans of action to address violence against women and girls. The program was successful throughout the year in helping the government, NGO, and police sectors work more closely together, particularly in data collection and information sharing.

Children.—The Government was committed to children's rights and welfare.

Education is compulsory, free, and universal through the age of 16. Approximately 90 percent of primary school-age children attended school, and approximately 87

percent of secondary school-age children attended school. Girls had equal access to education and tended to have lower drop-out rates than boys.

Primary health care was available throughout the country, and boys and girls had equal access.

Child abuse continued to be a pervasive problem, both at home and at school. The Welfare Department of the Ministry of Community Development and Gender Affairs received 155 reports of child abuse during the year, compared with 180 in 2006. This included 104 cases of sexual abuse (up from 96 in 2006), 25 cases of physical abuse, 10 cases of neglect, one case of emotional abuse, and 15 cases of combined causes. Of these 155 cases, 127 of the victims were female. The Welfare Department also assisted victims of abuse by finding temporary shelter, providing counseling to both parties, or recommending police action. The Welfare Department reported all severe cases of abuse to the police. Lack of staff and resources continued to hamper enforcement of children's rights laws.

The age of consent for sexual relations is 16 years. No specific laws prohibit commercial sexual exploitation of children, but such activity could be prosecuted under laws against prostitution or trafficking.

Trafficking in Persons.—The law prohibits all forms of trafficking in persons, but the text of the law more clearly defines human smuggling than trafficking in persons. Persons convicted of human smuggling are subject to a fine of $37,500 (EC$100,000) and up to 7 years in prison. Although there was no concrete evidence of trafficking, experts believed this was due to a lack of investigative capacity and asserted trafficking victims might exist among foreign prostitutes and laborers.

Persons with Disabilities.—Although the law does not specifically prohibit discrimination against persons with disabilities, there was no reported discrimination against them in employment, education, access to health care, or in the provision of other state services. However, mentally challenged children had difficulty attending school and finding appropriate foster homes when faced with neglect from their birth parents. There is no legal requirement mandating access to buildings for persons with disabilities.

Indigenous People.—There was a significant Kalinago, or Carib Indian, population, estimated at 4,000 persons, most of whom lived in the 3,782-acre Carib Territory. The Government has a Ministry of Carib Affairs headed by a Kalinago. A police station on the Carib Territory was staffed by four to five officers, several of whom were Kalinago. Two neighboring police stations and fire stations also served the Carib Territory, along with two health centers. School, water, and health facilities on the territory were rudimentary but similar to those available in other rural communities. There were four preschools and two primary schools in the Carib Territory and 2 secondary schools in nearby communities attended by Kalinago children. Unemployment in the territory generally was higher than in the rest of the country, and mean income was below the national level.

The Carib Act states that any child of a Kalinago is also Kalinago. Non-Kalinagos may become Kalinagos if they are invited to live in the Carib Territory and continuously do so for 12 years. Every 5 years Kalinagos over the age of 18 who reside in the territory may vote for the chief and six members of the Council of Advisors. They also are eligible to vote in national elections. According to the Carib Act, the council must meet once a month, determine the chief's itinerary, and publish council meeting agendas in the Government Gazette.

The Kalinago people continued to suffer from low levels of unofficial and societal discrimination.

Territory building permits may be obtained from the Carib Council and were available only to Kalinagos. Although the law permits Kalinago men and women married to non-Kalinagos to continue living in the territory, in practice Kalinago women married to non-Kalinagos had to move out of the territory.

The law establishing the Carib Territory does not delineate clearly its territorial boundaries. Kalinagos continued to report difficulties obtaining bank financing, particularly since reservation land was communal and therefore unavailable for use as collateral for loans.

To lessen the challenges the Kalinago people faced, the Ministry of Education covered tuition for Kalinago students at the Dominica State College and awarded scholarships to Kalinago students for study throughout the Caribbean.

Other Societal Abuses and Discrimination.—There are no laws that prohibit discrimination in employment, housing, education, or health care against a person on the basis of sexual orientation or against persons living with HIV/AIDS. Although no statistics were available, anecdotal evidence suggested that societal discrimination against homosexuals and persons living with HIV/AIDS occurred.

The Government and the Dominica Planned Parenthood Association operated programs designed to discourage discrimination against HIV/AIDS-infected persons and others living with them.

Section 6. Worker Rights

a. The Right of Association.—Workers exercised the legal right to organize and choose their representatives. Unions represented approximately one-third of the total work force; approximately half of government workers were unionized.

The law provides that employers must reinstate workers fired for union activities, and employers generally did so in practice.

b. The Right to Organize and Bargain Collectively.—Unions have legally defined rights to organize workers and to bargain with employers. Workers exercised this right, particularly in the nonagricultural sectors of the economy, including in government service. Government mediation and arbitration were also available.

There are no export processing zones.

The law provides for the right to strike, and workers exercised this right in practice. However, emergency, port, electricity, telecommunications, and prison services, as well as banana, coconut, and citrus fruit cultivation industries, were deemed essential, which effectively prohibited workers in these sectors from going on strike.

In 2006 the Public Service Union appealed a 2004 case involving the legality of government cost-cutting measures to the Privy Council, which had not reached a decision at year's end.

c. Prohibition of Forced or Compulsory Labor.—The law prohibits forced or compulsory labor, including by children, and there were no reports that such practices occurred.

d. Prohibition of Child Labor and Minimum Age for Employment.—Although two laws prohibit employment of children, one law defines a "child" as under age 12 and the other as under age 14. The Government defined 15 years as the minimum age for employment and enforced this standard in practice. Children between the ages of 12 and 14 were allowed to work only in certain family enterprises such as farming. Safety standards limit the type of work, conditions, and hours of work for children over the age of 14. The Government effectively enforced these standards.

e. Acceptable Conditions of Work.—The law sets minimum wages for various categories of workers; these were last revised in 1989. The minimum wage rate for some categories of workers, such as household employees, was as low as $0.37 (EC$1.00) per hour if meals were included. However, minimum wages for most workers ranged from $0.74 (EC$2.00) per hour for tourist industry workers to $1.11 (EC$3.00) per hour for occupations such as shop clerk. Minimum wages did not provide a decent standard of living for a worker and family. However, most workers, including domestic employees, earned more than the legislated minimum wage for their category, and there was no need to enforce the outdated legal minimum wages.

Labor laws provide that the labor commissioner may authorize the employment of a person with disabilities at a wage lower than the minimum rate in order to enable that person to be employed gainfully.

The standard legal workweek is 40 hours in 5 days. The law provides overtime pay for work above the standard workweek; however, excessive overtime is not prohibited. The Government effectively enforced these standards.

The Employment Safety Act provides occupational health and safety regulations that are consistent with international standards. Inspectors from the Environmental Health Department of the Ministry of Health conducted health and safety surveys. The Department of Labor conducted inspections that prescribe specific compliance measures, impose fines, and can result in prosecution of offenders. Workers have the right to remove themselves from unsafe work environments without jeopardy to continued employment, and the authorities effectively enforced this right.

DOMINICAN REPUBLIC

The Dominican Republic is a representative constitutional democracy with a population of approximately 9.4 million, including hundreds of thousands of undocumented Haitians. In 2004 President Leonel Fernandez of the Dominican Liberation Party (PLD) was elected for a second (nonconsecutive) term, and in 2006 elections the PLD won majorities in both chambers of Congress. Impartial outside observers assessed both elections as generally free and fair. While civilian authorities generally maintained effective control of the security forces, there were instances in which elements of the security forces acted independently.

Although the Government's human rights record improved somewhat, serious problems remained: Unlawful killings; beatings and other abuse of suspects, detainees, and prisoners; poor to harsh prison conditions; arbitrary arrest and detention of suspects; a large number of functionally stateless persons; widespread corruption; harassment of human rights groups; violence and discrimination against women; child prostitution and other abuse of children; trafficking in persons; severe discrimination against Haitian migrants and their descendants; and disregard of fundamental labor rights.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life.—The Government or its agents did not commit any politically motivated killings; however, security forces were involved in many killings that were unlawful, unwarranted, or involved excessive use of force.

According to the Attorney General's Office, approximately 16 of every 100 violent deaths since January 2005 involved the security forces. The office redefined the cause of these violent deaths involving security forces from "exchanges of gunfire in the course of an arrest" to "death at the hands of the police in the course of their duty." From January to August, the report stated that police killed 173 persons in the course of duty, approximately 13 percent of all violent deaths. These killings were attributed mostly to lack of training and accountability and minimal supervision.

In July the media reported one death as due to confrontation with security forces during a national strike; however, details were sketchy, and there was no confirmation that security forces were responsible for this death.

In August police shot and killed Rafael Concepcion, owner of a betting kiosk, who minutes before allegedly shot a burglar. Eyewitnesses reported that the police shot Concepcion at point-blank range while in custody, even though he seemed cooperative.

The inspector general named a commission to investigate the case and detained the police officers involved in the shooting.

Unlike the previous year, the prison director reported no deaths by negligence in the prison system.

Human rights nongovernmental organizations (NGOs), while conceding that the situation improved somewhat during the year, asserted that, as in previous years, the police continued to employ unwarranted deadly force against criminal suspects.

In January courts sentenced to prison terms of 10 to 20 years four of eight military officials accused in the deaths of 25 Haitians who were being transported in the back of a truck across the border in 2006.

There was no information available about the disposition of the 2006 cases of two police sergeants charged with homicide in the Luis Manuel Ventura killing, of two police officers charged with the murder of Elvin Amable Rodriguez, or the two former policemen accused of murdering a 12-year-old girl, her aunt, and a suspected criminal in 2005.

On a number of occasions, citizens attacked alleged criminals in vigilante-style reprisals for theft, robbery, or burglary. In February in Yaguate, San Cristobal, a crowd tortured and killed two alleged robbers. These incidents were attributed to an increase in crime and the inability of security forces to stem or combat these crimes.

b. Disappearance.—There were no reports of politically motivated disappearances.

In May the Public Ministry announced it would reopen an investigation regarding the case of murdered journalist Narciso Gonzalez, who disappeared in 1994 after allegedly criticizing the Government. There were credible allegations that he was detained by intelligence agents.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—Although the law prohibits torture, beating, and physical abuse of detainees and prisoners, members of the security forces, primarily police, continued such practices. The Attorney General's Office reported that the police were involved in incidents that resulted in maiming or severely injuring unarmed civilians. However, improvements in oversight and awareness led to a perception that the police were indeed making efforts to reduce incidents of physical abuse of detainees. Nonetheless, human rights organizations stated that uniformed vigilantism persisted on a less-than-deadly level.

The law provides penalties for torture and physical abuse, including sentences from 10 to 15 years in prison. Civilian prosecutors sometimes filed charges against police and military officials alleging torture, physical abuse, and related crimes. Au-

thorities sent new abuse and torture cases to civilian criminal courts rather than police tribunals.

Senior police officials treated the prohibition on torture and physical abuse seriously, but lack of supervision, training, and accountability throughout the law enforcement and corrections systems undercut efforts to contain the problem. Although observers agreed that conditions improved somewhat due to an increase in professionally trained corrections officers, human rights groups and prisoners reported physical abuse of detainees, most commonly beatings. Some observers believed that the civilian corrections officers lacked the discipline and cohesion of the military personnel they replaced and were more prone to insubordination and abuse of inmates.

In July the National Commission on Human Rights, an NGO, filed a complaint against the police with regard to the case of Javier Vicente Reyes Segura, who according to press reports was driving in Santiago when a police patrol started firing at his vehicle. When Reyes realized it was the police firing, he stopped, exited his vehicle, got on his knees, and begged the police not to kill him. Instead they shot him at point-blank range in his right leg, leaving him unable to walk.

There was no information available about a trial of two police officials on charges of torturing Dionisio Contreras in 2006.

There were reports of use of excessive force against demonstrators and protesters by members of the security forces.

Lawyers from the National District prosecutor's office monitored the investigative process to ensure that detainees' rights were respected in high-volume police stations and in several National Drug Control Directorate (DNCD) offices. Evidence indicated that assistant prosecutors at times acquiesced in improper police practices rather than insisting they be changed to conform to constitutional standards.

Prison and Detention Center Conditions.—Prison conditions ranged from poor to extremely harsh in many prisons, although prisoners in newer "model prisons" experienced better conditions. Reports of mistreatment and inmate violence in prisons were common. The prisons were seriously overcrowded, health and sanitary conditions were poor, and some prisons were out of the control of authorities and effectively run by criminal gangs of armed inmates. A common sentiment among prison wardens was that while they may control the perimeter, inside the prison the inmates often made their own rules and had their own system of justice.

Budget allocations for necessities such as food, medicine, and transportation were insufficient. Most inmates begged for or purchased food from persons in the vicinity of the prison or obtained it from family members. Prisoners were often not taken to their trials unless they paid bribes to the guards, and visitors often had to bribe prison guards in order to visit prisoners. Similarly, detainees had to pay bribes to be allowed to attend vocational training offered at some facilities. Prison officials accepted money in exchange for a recommendation that a prisoner be furloughed or released for health reasons. Prisons often did not provide adequate medical care to inmates. Prisoners immobilized with HIV/AIDS or who had terminal illnesses were not transferred to hospitals.

According to the Directorate of Prisons, approximately 15,400 prisoners and detainees were held in 35 prisons with an intended capacity of approximately 9,000. Virtually all prisons experienced extreme overcrowding. La Victoria prison, the largest in the country, held more than 3,700 prisoners in a facility designed for 1,600, with beds for fewer than 1,800 inmates. Officials estimated that the prison system had 6,300 beds, leaving more than 9,100 inmates sleeping on the floor.

Although a warden who reports to the attorney general was technically responsible for running each prison, in practice police or military officers (generally appointed for a period of only 3 to 6 months and responsible for providing security) were usually in charge of most prisons. Approximately 80 percent of prison guards were military or police officers rather than civilian correctional officers.

There were continued allegations of drug and arms trafficking, prostitution, and sexual abuse within the prisons.

There continued to be special sections within prisons where police officers convicted of criminal activity, including a few known human rights abusers, were interned.

Prosecutorial authorities misplaced key files associated with the 2005 riot and fire that killed at least 136 inmates in Higuey Prison, and no convictions were obtained.

Female inmates generally were separated from male inmates. Half of the total female population was held in a prison only for women. Conditions in the prison wings for women generally were better than those in prison wings for men. Female inmates, unlike their male counterparts, were prohibited from receiving conjugal visits. Those who gave birth while incarcerated were permitted to keep their babies with them for 1 year.

Authorities often detained juveniles with the general prison population and sometimes treated minors as adults and incarcerated them in prison rather than juvenile detention centers.

Because of serious overcrowding, authorities at many smaller facilities did not attempt to segregate prisoners according to the severity of criminal offense.

Pretrial detainees were held together with convicted prisoners. The Directorate of Prisons estimated in an April report that only 27 percent of the detainees in prison had been convicted; the remaining 73 percent were in preventive custody awaiting trial. Later in the year, the prison director's estimated that this figure had dropped to approximately 60 percent.

There were also insufficient efforts to segregate and provide services to the mentally ill, especially at traditional prisons.

Prison authorities continued to revamp certain prisons to create "model" facilities; they improved the aging physical plant of existing facilities, replaced the police and military administration with professionally trained corrections officers under the authority of the Public Ministry, and focused on rehabilitation of and vocational training for inmates. In September authorities started the conversion and remodeling of Salcedo Prison to a model facility. The attorney general reported that the incidence of corruption within these prisons remained minimal. However, this improvement for some prisoners came at the expense of others in the system, because when a facility was converted to a model prison, excess inmates were transferred to other locations, principally La Victoria, increasing the strain on that already overcrowded facility.

The Government permitted prison visits by independent human rights observers and by the press, and such visits took place during the year.

d. Arbitrary Arrest or Detention.—Although the Criminal Procedures Code (CPC) prohibits detention without a warrant unless a suspect is apprehended in the act or in other limited circumstances, arbitrary arrest and detention continued to be problems. By law authorities may detain a person without charges for up to 48 hours. There were numerous reports of individuals held and later released with little or no explanation for the detention.

Role of the Police and Security Apparatus.—The national police, the National Department of Investigations (DNI), the DNCD, the Airport Security Authority (CESA), Port Security Authority (CESEP), Border Authority (CESFRONT), and the armed forces (army, air force, and navy) form the security forces. The Ministry of the Interior and Police is responsible for making policy decisions affecting the police force. The military's domestic responsibilities include maintaining public order and protecting persons and property. The military, CESA, CESEP, and CESFRONT are under the secretary of the armed forces; the DNI and the DNCD, which have personnel both from the police and military, report directly to the president.

The armed forces continued to provide troops to support the national police in its nightly patrols of Santo Domingo, Santiago, and other areas of the country.

A new police chief appointed in August announced a zero tolerance policy for abuses and human rights violations and said he had three priorities: Improving training, increasing transparency, and modernizing equipment and infrastructure. However, since the new chief's appointment, reports of instances of questionable use of force continued.

The Internal Affairs Unit conducted investigations into charges of gross misconduct against members of the national police. These cases involved physical aggression, death threats, improper use of a firearm, verbal aggression, muggings, and theft. By June authorities expelled 767 police from the force, in addition to 2,233 previously expelled, for gross misconduct and charged more than 208 officers for crimes committed while on duty, compared with 628 findings of criminal misconduct in the first 10 months of the previous year.

On many occasions police officials attempted to solicit bribes from individuals facing arrest or imposition of fines. Local human rights observers reported a few occasions in which immigration authorities rounded up Haitian and Dominican-Haitian construction workers and other manual laborers, but labor ministry officials reported this happened less frequently than in 2006. Officials allegedly took groups of darker-skinned or "Haitian-looking" individuals to empty buildings soon after they were paid to extort money from them. NGOs alleged corruption among the military and migration officials stationed at border posts and noted that these officials sometimes were complicit in the illegal transit of Haitian workers into the country.

The Institute of Human Dignity, a branch of the national police, conducted training courses for police officers. In the revised police curriculum, both new and existing officers received human and civil rights training as well as increased technical

training. In addition the Police Academy curriculum included a policy regarding use of force, wherein some police officers were trained in engaging suspects with less lethal force.

Training for military and DNCD enlisted personnel and officers included instruction on human rights. The Military Institute of Human Rights offered diploma courses in human rights and regularly sent representatives to border units to conduct mandatory human rights training.

Arrest and Detention.—The Constitution provides that an accused person may be detained for up to 48 hours before being presented to judicial authorities. It also provides for recourse to habeas corpus proceedings to request the release of those unlawfully held. Any prisoner detained for more than 48 hours without being formally charged is entitled to file a motion of habeas corpus. The presiding judge at the habeas corpus hearing is empowered to order the prisoner's release when the prisoner has been detained for more than 48 hours without being formally charged or when there is insufficient proof of a crime to warrant further detention. The judge's decision to release a prisoner is subject to appeal by the district attorney.

Despite the foregoing provisions, at times the police detained suspects for investigation or interrogation beyond the prescribed 48-hour. Police often detained all suspects and witnesses in a crime and used the investigative process to determine the individuals who were innocent and merited release, and those whom they should continue to hold. Even so, successful habeas corpus hearings reduced these abuses significantly.

Given the inefficiency of and corruption within the judicial system, a significant number of defendants granted bail failed to appear in court for a trial. Although previously granted only to a few defendants, bail became more common under the new CPC, which requires judicial review of detentions at an earlier point in a criminal case, but the system proved inadequate to prevent defendants from disappearing.

The law requires provision of counsel to indigent defendants, but most detainees and prisoners unable to afford defense services did not have prompt access to a lawyer. The National Office of Public Defense, with foreign donor support, provided legal advice and representation to indigent persons, but resource constraints resulted in inadequate levels of staffing. The Government continued its program to train public defenders on relevant changes caused by implementation of the CPC and expanded training for prosecutors. As mandated by law, the Attorney General's Office placed greater emphasis on providing assistance to crime victims by conducting civil cases for victims who did not have the means to hire a private lawyer.

Police continued the practice, albeit less frequently, of making sporadic sweeps or roundups in low-income, high-crime communities, during which they arrested and detained individuals without warrants, allegedly to fight delinquency. During these sweeps, police arrested large numbers of residents and seized personal property of those arrested.

Many suspects endured long pretrial detention. Under the CPC the judge has authority to order a detainee to remain in police custody between 3 months and 1 year. According to the Directorate of Prisons, average pretrial detention decreased but typically was between 3 and 6 months. Time served in pretrial detention counted toward completing a sentence. The Public Ministry implemented a new case-tracking system that permitted prosecutors to adhere more effectively to pretrial detention regulations and thereby reduce the number of occasions when the CPC time limits were exceeded.

Juveniles at the Department for Minors at the Villa Juana police station commonly were held well beyond the 12-hour limit for sending the case to the district attorney's office. The law prohibits interrogation of juveniles by the police or in the presence of police; prosecutors and judges handle interrogation.

The failure of prison authorities to produce the accused for court hearings caused a significant percentage of trial postponements. Inmates often had their court dates postponed because they were not taken from prison to court or because their lawyer, codefendants, or witnesses did not appear. The Government lacked the funding to transport all defendants between prison and court. Despite additional protections for defendants in the CPC, in some cases the authorities continued to hold inmates beyond the mandated deadlines even though there were no formal charges against them.

The judiciary successfully implemented a number of measures to reduce the large backlog of criminal cases under the former CPC, and the Supreme Court assigned special judges (courts of liquidation) dedicated solely to resolving them. In addition the judiciary established judicial service offices in La Vega, Moca, and Puerta Plata that allowed urgent matters in need of a judge (such as obtaining an arrest or search warrant and conducting arraignments) to be attended to 24 hours a day.

e. Denial of Fair Public Trial.—The law provides for an independent judiciary; however, judicial independence remained imperiled by corrupt practices. Interference by public entities, when it occurred, tended toward public pronouncements regarding active cases and selective prosecution, as opposed to direct intervention in existing cases. On occasion, however, judges in superior courts attempted to improperly influence lower court decisions.

The judiciary includes a 16-member Supreme Court, various appeals courts, courts of first instance, and justices of the peace. There are specialized courts that handle tax, labor, land, and juvenile matters. A Magistrate's Council selects supreme court justices based on factors such as general reputation and time in service, although the political composition of the council leaves open the possibility for patronage appointments. Lower court judges are appointed following passage of rigorous entrance examinations, completion of a training program, and successful completion of an examination.

The professionalism of the judiciary continued to improve, largely as the result of an intensive training program for judges upon entry, as well as continuing legal education. However, most judges were unable to manage complex cases, especially in the areas of money laundering and fraud.

The professionalism of attorneys remained very spotty, with no formal minimum standards for general attorneys and thousands of persons practicing law without the benefit of even minimal academic preparation. The Dominican Bar Association consistently argued against a bar examination. Public defenders and public prosecutors, however, were typically well qualified; their particular organizations required passage of objective examinations for employment.

Trial Procedures.—The law provides for a presumption of innocence, the right of appeal, and the right to confront or question witnesses. The law establishes a citizen's right not to be deprived of liberty without trial or legal formalities or for reasons other than those provided by law, the right against self-incrimination, and the right to a defense in an impartial and public trial. Defendants have the right to remain silent. There were credible allegations that authorities violated these rights in some cases, but there was improved adherence to due process as authorities became increasingly familiar with the modifications to the CPC.

Although military and police tribunals previously exercised exclusive jurisdiction over cases involving members of the security forces, civilian criminal courts handled cases of killings allegedly committed by members of the security forces during the year.

Political Prisoners and Detainees.—There were no reports of political prisoners or detainees.

Civil Judicial Procedures and Remedies.—There are separate court systems for claims under criminal law, commercial and civil law, and labor law. Commercial, civil, and labor courts reportedly suffered lengthy delays in adjudicating cases, although their decisions were generally enforced. As in criminal courts, undue political or economic influence in civil court decisions remained a problem.

Citizens had recourse to the remedy of amparo, an action to seek redress of any violation of a constitutional right, including violations by judicial officials. However, this remedy was rarely used, except by those with sophisticated legal counsel.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The law prohibits arbitrary entrance into a private residence, except when police are in hot pursuit of a suspect or when a suspect is caught in the act of committing a crime. The law provides that all other entrances into a private residence require an arrest warrant or search warrant issued by a judge. In practice, however, the police conducted illegal searches and seizures, including raids without warrants on private residences in many poor Santo Domingo neighborhoods.

Although the Government denied using unauthorized wiretapping or other surreptitious methods to interfere with the private lives of individuals and families, human rights groups alleged such interference continued.

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. Individuals or groups generally were able to criticize the Government publicly and privately without reprisal.

Newspapers and magazines presented a variety of opinions and criticisms. There were eight daily newspapers, a number of weekly newspapers, and numerous online news outlets. Editors at times practiced self-censorship, particularly when coverage could adversely affect the economic or political interests of media owners, such as

the trials ensuing after the major 2003 bank frauds, since banks and banking families owned prominent newspapers.

In August the newspaper Listin Diario published editorials making assertions strongly denied by Participacion Ciudadana, a local civil society group, which had called for accountability in the 2003 Banco Intercontinental (Baninter) fraud case. The principal defendant, the owner of Baninter, also owns Listin Diario.

There were many privately owned radio and television stations, broadcasting a wide spectrum of political views. The Government controlled one television station. International media were allowed to operate freely.

Unlike in the previous year, the National Journalists' Union did not record any killings of journalists in the country; however, it reported that civil, police, and military authorities, criminals, and other persons assaulted or threatened more than 40 journalists during the year. Between January and June, the NGO Reporters Without Borders reported more than 25 threats of violence against journalists or physical attacks on news organization in which those responsible were often security forces. The Government did little to investigate the threats of violence or physical attacks on journalists, but a court denied an appeal by Vladimir Pujols and reaffirmed his 30-year sentence for the 2004 murder of journalist Juan Andujar. A court also convicted persons involved in the 1975 killing of journalist Orlando Martinez.

Internet Freedom.—There were no government restrictions on access to the Internet or reports that the Government monitored e-mail or Internet chat rooms. Individuals and groups could engage in the peaceful expression of views via the Internet, including by e-mail.

Academic Freedom and Cultural Events.—There were no government restrictions on academic freedom or cultural events.

b. Freedom of Peaceful Assembly and Association.

Freedom of Assembly.—The law provides for freedom of assembly, but outdoor public marches and meetings require permits, which the Government usually granted. On some occasions, police officers used force to break up spontaneous demonstrations and injured demonstrators or bystanders.

Freedom of Association.—The law provides for freedom of association, and the Government generally respected this right in practice.

c. Freedom of Religion.—The Constitution provides for freedom of religion, and the Government generally respected this right in practice. The law prohibits discrimination on religious grounds, and many religious denominations were active.

The Catholic Church enjoyed special privileges not extended to other religions, under the terms of a concordat. For example, the cardinal has the rank of a military general officer, and there is a Catholic chapel at the presidential palace. The Catholic Church also received public funding to cover some church expenses such as rehabilitation of church facilities.

Societal Abuses and Discrimination.—There were no reports of societal abuses or discrimination against members of religious groups. The Jewish community was very small, and there were no reports of anti-Semitic acts.

For a more detailed discussion, see the 2007 International Religious Freedom Report.

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons.—The law provides for freedom of movement within the country, foreign travel, emigration, and repatriation, and the Government generally respected these rights in practice; however, there were some exceptions. Local and international human rights groups reported that hundreds of thousands of persons without proper documentation, including Haitian migrants, faced obstacles in traveling both within and outside of the country.

The law prohibits forced exile, and there were no reports of its use.

Although the Government claimed it no longer practiced mass deportation, there were still reported incidents of mass repatriation. The new border control authority reported that it repatriated 11,000 Haitians between September and November. There were credible reports that in the majority of these cases the Government did not follow due process, despite the terms of a bilateral agreement with Haiti regarding repatriation of undocumented Haitians.

Protection of Refugees.—The law provides for the granting of asylum or refugee status in accordance with the 1951 U.N. Convention relating to the Status of Refugees and its 1967 protocol, but the Government has not established a system for providing protection to refugees. In practice the Government provided some protection against refoulement, the return of persons to a country where there is reason to believe they feared persecution. This protection generally applied to individuals who gained access to the refugee process and had been issued proof that they were

refugees or had applications pending. However, the Government did not apply standards agreed upon with the Office of the U.N. High Commissioner for Refugees to improve receipt and adjudication of refugee claims.

An applicant for refugee status must be referred by the National Office of Refugees in the Migration Directorate to the Technical Subcommittee of the National Commission for Refugees, which is chaired by the Foreign Ministry. The subcommittee has the responsibility of making a recommendation to the commission, consisting of members from the Foreign Ministry, the DNI, and the Migration Directorate. The full commission has responsibility for the final decision on the application but met only once during the past 13 years. The commission includes the three members of the subcommittee, the legal advisor to the president, and members from the national police, the Ministry of Labor, and the Attorney General's Office.

As of October the Migration Directorate reported more than 300 applications, nearly all made by Haitians. Some of these cases had been awaiting decision since 2000. According to the Jesuit Refugee Service, an NGO, thousands of other asylum seekers submitted claims that had not been processed, leaving those individuals in a state of legal limbo. Most of these individuals lacked documentation sufficient to obtain permission to work legally and to exercise other rights, such as obtaining documentation for their children.

The Committee of Political Refugees Unified for Their Rights continued to report that Haitian refugees applying to renew valid residence documents were sometimes deported when immigration officials were unable to locate their records in the Government's inaccurate database.

The 1951 U.N. Convention relating to the Status of Refugees provides that children born to refugees also be entitled to refugee status. There were reports that children born to Haitian refugees—even those born to holders of migration documents—were routinely denied birth certificates as well as education, health, and security documentation. In this respect they received the same treatment as any undocumented Haitian migrant.

Stateless Persons.—The Constitution provides that anyone born in the country is a citizen, except children born to diplomats or to those "in transit." However, children born of parents of Haitian descent in the country were regularly denied registration as citizens under the transit exception, even when their parents and grandparents had resided in the country for long periods of time. In 2005 the Supreme Court ruled that transit status applied to children of undocumented migrants.

Haitian consulates reported that they were legally authorized to register only those births that were declared within a year. Parents declaring a birth were required to submit valid forms of identification in order to file a claim. These requirements could not be met by a significant number of Haitian descendents in the country, and thus their children remained undocumented. Consequently, thousands of Dominican-born persons of Haitian descent were functionally stateless; one estimate placed the number at between 600,000 and 1 million persons.

The Dominicans and Dominican-born persons of Haitian descent who lacked citizenship or identity documents faced obstacles in traveling both within and outside of the country. In addition persons who are undocumented cannot obtain the national identification card (cedula) or a voting card. Persons without a cedula have limited access to formal sector jobs, public higher education, marriage and birth registration, formal economy services such as banks and loans, access to courts and judicial procedures, and owning land or property.

Government officials often took strong measures related to citizenship for persons of Haitian descent. In March the Central Elections Board (JCE) ordered officials to refrain from issuing, signing, and copying birth documents for individuals whose parents were foreigners and had not legally proven their residency. This resulted in cases of retroactive cancellation of birth and identity documents, many pertaining to persons of Haitian descent. The Government stated that such cancellations were based on evidence the certificates had been obtained fraudulently and that 300 involved parents of Haitian descent. However, critics alleged that the revocations targeted persons whose parents were Haitian or whose names sounded Haitian. NGOs reported some cases of minors turning 18 who, when they solicited a cedula, had their birth certificates cancelled in the registry book and their application for the cedula and voting card denied; however, JCE officials stated that they did not know of any such cases. The NGOs also reported that government officials stepped up this practice during the year.

In March the JCE created a registration system that allowed children born in the country of parents who were not legal residents to receive a special birth certificate. This involved a registration book for foreigners. Regulations stipulated that children born of parents who were not legal residents of the country and have documentation

from their home country may register their child in the book, after which the parents would be given an official report of birth, which does not confer citizenship. Only children born in hospitals are eligible for registration in the book. Children of undocumented mothers are given provisional birth certificates until the mother obtains her documents. An undocumented mother may make a late declaration in the civil registry by presenting her parents' birth certificates. However, most undocumented mothers could not comply with this requirement as their parents also did not have documents.

In October the JCE denied Norberto Selvi a copy of his birth certificate. Selvi, born and raised in San Luis, had a passport but needed a new birth certificate. The press reported that a JCE judge ordered that Selvi not be issued a birth certificate as his parents were Haitians.

Local NGOs reported that since implementation of the foreigner's book, hospitals and civil registries did not register numerous children of Haitian parents.

In 2005 the Inter-American Court of Human Rights found that the Government had violated the right to nationality of two young Dominican girls of Haitian descent by denying them birth certificates. In March the foreign ministry told the court that the Government had made the court-instructed payment to the two girls, but there were no new developments regarding granting of nationality.

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 nearly universal suffrage. Active-duty police and military personnel may not vote or participate in partisan political activity.

Elections and Political Participation.—In 2004 PLD candidate Leonel Fernandez won the presidency in an election described as generally free and fair by the Organization of American States, independent observers, and the Government electoral board. Observers also described the 2006 congressional and municipal elections as generally free and fair.

By law parties must reserve for women 33 percent of positions on their lists of candidates for the House of Representatives and city councils; in practice the parties often placed women low on the lists. There were two women in the 32-member Senate, 33 women in the 178-member House of Representatives, three women in the Cabinet, and five women on the 16-seat Supreme Court.

Government Corruption and Transparency.—The law provides criminal penalties for official corruption; however, the Government did not implement the law effectively, and officials engaged in corrupt practices with impunity. According to the World Bank's worldwide governance indicators, government corruption was a serious problem.

Government officials brought a number of private and public sector corruption cases to trial, although there appeared to be a reluctance to investigate seriously and prepare for trial cases involving senior government officials of either the current or former government. In those cases that went to trial, the prosecution had little success in obtaining either convictions or prison sentences. The use of nonjudicial sanctions, such as dismissal or transfer, against armed service members, police officers, and other minor government officials engaged in bribe taking and other corrupt behavior accelerated but ultimately provided insufficient incentive to check pervasive petty corruption. Society's widespread attitude of tolerance toward at least some forms of corruption complicated the problem.

A presidential commission for ethics and against corruption continued to operate, although with little or no impact as it lacked well-defined authorities and decision-making structures. The office of the inspector general of the judiciary, headed by the president of the Supreme Court, removed several lower-ranking judges for improprieties.

Judicial proceedings related to the fraud-based 2003 collapse of Baninter concluded in October with the conviction of three defendants. Civil society commentators considered the trial, which began in May 2006, to be a major challenge to impunity; two of the principal defendants, Baninter former president Ramon Baez Figueroa and economist Luis Alvarez Renta, reportedly had strong ties within local political circles. The court sentenced those two defendants to 10 years in prison and a third one to 8 years.

The law requires that the president and vice president, members of congress, some agency heads, and other officials such as mayors and council members, as well as income tax and customs duty collectors, make declarations of their inventory of personal and real property within a month of being hired and when they "end their responsibilities." However, compliance was spotty, verification inadequate, and the

information required was not particularly useful. The Department of Prosecution of Corruption, an office within the Public Ministry, is in charge of reviewing these declarations. In a test verification, 60 percent of the declarations were found to have significant errors in reporting, and a number were incomplete.

The law provides for public access to government information, with limits on the availability of public information only under specified circumstances (such as to protect national security), and penalties of up to 6 months to 2 years in prison and a 5-year ban from positions of public trust for government officials who obstruct access to public information. A court may review the decision of an agency to deny access to information. The first significant use of this law occurred in May, when journalist Luis Eduardo "Huchi" Lora sued authorities for documents associated with a controversial and costly underground public works project. Although judicial authorities initially ordered release of the documents, the executive branch appealed this decision to the Supreme Court on "national security" grounds, but that court ordered the Government to provide the requested documents, and the Ministry of Transportation complied with the ruling. A second application for information regarding diplomatic staffing overseas was handled without incident.

Section 4. Governmental Attitudes Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A number of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. While government officials generally were cooperative and responsive to their views, human rights groups who advocated for the rights of Haitians and persons of Haitian descent were an important exception and faced occasional government harassment.

In March the JCE prepared an internal memo recommending that Dominican-Haitian activist Sonia Pierre be stripped of her citizenship, an action seen by many as retaliation for her advocacy. The JCE's president subsequently disavowed the leaked, internal investigation report, stating that the inquiry had been carried out at the request of single congressman.

Government officials protested overseas showings of documentary films such as Sugar Babies and The Price of Sugar, produced by activist groups that advocate improved labor and human rights conditions in the sugar industry. In June in an effort to silence human rights critics, a Dominican consul general led a group of persons to disrupt a public event where Sugar Babies was being shown, causing the hosts to cancel a planned discussion afterwards. In July the Senate passed a resolution alleging that civil society critics of worker conditions in the sugar industry were motivated by a "profound hate of the Dominican nation."

During their October visit, the U.N. Special Rapporteurs for Racism and the Rights of Minorities said that they were very concerned about the safety of NGO advocates for the rights of persons of Haitian descent.

Principal local groups included the Dominican Human Rights Committee, the National Human Rights Commission, and the Santo Domingo Institute of Human Rights. There were also several smaller secular and religious organizations that addressed women's rights, labor issues, and the rights of Haitians.

The Government never implemented a 2001 law mandating the creation of a human rights ombudsman's office.

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

Although the law prohibits discrimination based on race and gender, such discrimination existed, and the Government seldom acknowledged its existence or made efforts to combat it.

Women.—Rape was a serious and widely underreported problem. The penalties for committing rape are 10 to 15 years in prison (or 10 to 20 years in case of rape of a vulnerable person or under other egregious circumstances) and a fine of approximately $3,300 to $6,600 (100,000 to 200,000 pesos). The state may prosecute a suspect for rape even if the victim does not file charges, and rape victims may press charges against a spouse. Victims often did not report cases of rape because of fear of social stigma, as well as the perception that the police and the judiciary would fail to provide redress. Police were reluctant to handle rape cases and often encouraged victims to seek assistance from NGOs.

Domestic violence continued to be a serious problem. Under the Law against Domestic Violence, the state can prosecute rape, incest, sexual aggression, and other forms of domestic violence. Penalties for these crimes range from 1 to 30 years in prison and fines from approximately $20 to $7,000 (600 to 210,000 pesos). A local NGO estimated that 24 percent of women between the ages of 15 and 49 had been victims of physical abuse.

In the National District, which includes a large section of Santo Domingo with approximately 10 percent of the country's population, the public prosecutor's office had a specialized Violence Prevention and Attention Unit. With 13 satellite offices around the city, victims of violence could file criminal complaints, obtain free legal counsel, and receive psychological and medical attention. Police were instructed to forward all domestic violence and sexual assault cases to these offices. Each office had professional psychologists on staff to counsel victims of violence and to assess the threat of impending danger associated with a complaint. These offices had the authority to issue temporary restraining orders immediately after receiving complaints.

Although the number of complaints received by the Violence Prevention and Attention Unit increased, which may have reflected the growing awareness of the resources available to victims, few cases went to trial. As of October, the unit received 9,950 cases of gender violence, of which 8,596 were against women. Of the total cases, it dismissed 227, sent 3,831 into mediation, prosecuted 710, had 4,127 under investigation, and dropped charges in 1,055.

The National Directorate for Assistance to Victims coordinates efforts of official and nongovernmental institutions that offer services to victims of violence. It has three offices in Santo Domingo and another three around the country. These offices not only accepted criminal complaints from victims of violence throughout the country but also provided counseling and protection services and, when necessary, referrals to medical or psychological specialists. The Attorney General's Office and the Secretariat of Women, as well as various NGOs, conducted outreach and training programs on domestic violence and legal rights.

The NGO Piedra Blanca operated a shelter for battered women, and the Secretariat of Women supported operation of a center for victims of domestic violence in Bani, where abuse victims could make a report to the police and receive counseling.

Prostitution is legal, although there are some prohibitions against sex with minors, and it is illegal for a third party to derive financial gain from prostitution. However, the Government usually did not enforce prostitution laws. Sex tourism remained a serious problem, particularly in Las Terrenas, Sosua, and Boca Chica. Human rights groups reported continuing prostitution in sugarcane work camps and areas outside the capital. NGOs conducted programs about prostitution and child sexual exploitation for hotel and industrial zone workers, male and female prostitutes, and other high-risk groups.

Sexual harassment in the workplace is a misdemeanor and carries a possible penalty of 1 year in prison and a fine of up to $333 (10,000 pesos); however, union leaders reported that the law was not enforced, and sexual harassment was a problem.

Although the law provides that women have the same legal status as men, in practice women experienced discrimination. Women did not enjoy social and economic status or opportunity equal to those of men, and men held most leadership positions in all sectors. In many instances women received less pay than men in jobs of equal content and requiring equal skills. Some employers reportedly gave pregnancy tests to women before hiring them, as part of a required medical examination. Although it is illegal to discriminate based on such tests, union leaders reported that pregnant women often were not hired and that female employees who became pregnant sometimes were fired. There were no effective government programs to combat economic discrimination against women.

Children.—The Government declared its commitment to children's rights and welfare and tried to increase protection for children, with emphasis on eliminating child labor. The National Council for Children and Adolescents (CONANI), a noncabinet public agency, coordinates public policy to protect children's human rights and administers the minors' code. The Government did not meet the law's stipulation that CONANI receive at least 2 percent of the national budget and that a minimum of 5 percent of municipal government budgets be devoted to projects to benefit children.

Many children born in the country were not registered at birth. A child not registered at birth is undocumented until a late declaration is made, and there were limitations on late declarations. Undocumented children, particularly those of Haitian descent, faced challenges in accessing primary public education (see Section 2.d.).

Education is free, universal, and compulsory for all minors through the eighth grade, but legal mechanisms provide only for primary schooling, which was interpreted as extending through the fourth grade. Although the Ministry of Education reported a 92 percent enrollment rate in grades one through eight, a government study estimated that the average grade level achieved by children in public schools was the fifth grade in rural areas and the sixth grade in urban areas.

Several government programs provided medical care for children in public hospitals.

Abuse of children, including physical, sexual, and psychological abuse, was a serious problem. CONANI reported 215 cases of sexual abuse, 224 cases of physical abuse, and 251 cases of commercial sexual exploitation of children under the age of 18. Few such cases reached the courts, due to fear of family embarrassment, lack of economic resources, or lack of knowledge regarding available legal assistance. The Santo Domingo district attorney's office reported that in most of abuse cases, the accused was a person close to the child, such as a family member or close family friend. The law provides for removal of a mistreated child to a protective environment.

Local monitors believed that instances of child abuse were underreported because of the social norm that such problems should be dealt with inside the family. The law contains provisions concerning child abuse, including physical and emotional mistreatment, sexual exploitation, and child labor. The law provides penalties of between 2 and 5 years' incarceration and a fine of three to five times the monthly minimum wage for persons found guilty of abuse of a minor. The penalty is doubled if the abuse is related to trafficking.

The government's National Directorate for Assistance to Victims coordinated efforts of official and nongovernmental organizations to assist children who were victims of violence and abuse.

Trafficking and sexual exploitation of children within the country were problems, particularly in major urban areas and popular tourist destinations. Government officials stated that child prostitution often was based on economic need. Between February and November, police detained 30 suspected child prostitutes between the ages of 10 and 16 in Boca Chica, Las Terrenas, Playa Dorado, and Santo Domingo.

Child labor was a serious problem in the informal sector of the economy.

Trafficking in Persons.—Although the law prohibits trafficking in persons, there were reports that men, women, and children were trafficked to, from, and within the country.

International groups estimated that between 30,000 and 50,000 Dominican women worked in prostitution around the world, one-third of whom were victims of trafficking. Principal destination countries were in Europe, the Caribbean, and Latin America. Traffickers in the Caribbean maintained and in some cases strengthened their networks. Women 18 to 25 years of age were at the greatest risk of being trafficked. Many victims were uneducated single mothers seeking to improve the living conditions of their children.

There were unconfirmed reports that sugarcane plantations had ceased transporting new undocumented workers from Haiti because of government crackdowns on Haitian immigration, investment by private sugar producers in mechanization, and the cessation of large-scale cane harvesting on government-owned plantations. However, at year's end NGOs reported eyewitness testimony that new workers were brought in for the harvest, some from other agricultural sectors, while others were presumably recruited from Haiti.

NGOs estimated that there were hundreds of alien smuggling and trafficking rings operating within the country. According to the NGO Center for Integral Orientation and Investigation (COIN) and the International Organization for Migration (IOM), trafficking organizations were typically small groups. Individuals in the country recruited the persons to be trafficked and obtained identification and travel documents. Traffickers frequently met women through friends and family; they promised some form of employment, obtained false or legitimate documents for the women, and often retained their passports after arrival in the destination country. Trafficking organizations reportedly received $5,000 to $8,000 (150,000 to 240,000 pesos) for trafficking a woman for purposes of prostitution.

The law includes penalties for traffickers of 15 to 20 years' imprisonment and a fine of up to 175 times the monthly minimum wage. The Code for Minors provides penalties for sexual abuse of children of 20 to 30 years' imprisonment and fines from 100 to 150 times the minimum wage.

The attorney general's antitrafficking unit coordinated the investigation and prosecution of trafficking cases. Units at the national police, the Migration Directorate, and the Attorney General's Office targeted trafficking in persons, as did the interagency Committee for the Protection of Migrant Women. The Migration Directorate's antitrafficking department coordinated with the Attorney General's Office and the national police to find and prosecute persons dedicated to trafficking women for prostitution and commercial sexual exploitation.

Within the Attorney General's Office, statistics from the Department of Alien Smuggling and Trafficking in Persons showed 16 active investigations, three prosecutions, and no convictions, as no case had yet reached final disposition. Investiga-

tions also took place under other laws, including a new law criminalizing the electronic distribution of child pornography, but no arrests were made. In the national police's Office of Trafficking and Smuggling, there were 70 human smuggling cases with the accused charged with fraud, rather than trafficking or smuggling.

Press reports alleged that high-level consular and immigration officials were directly involved with smuggling Chinese nationals, some of them trafficking victims. The Government made efforts to investigate public officials who facilitated, condoned, or were complicit in trafficking activities or migrant smuggling, but lack of resources and access to closed ethnic communities prevented them from bringing cases to trial. In June the National District prosecuting attorney filed charges against Doris Altagracia Vasquez, a high-level official in the Ministry of Labor, for involvement in a trafficking scheme that lured citizens with false offers of employment in Spain and Canada. In the past 3 years the Migration Directorate fired 400 inspectors for possible involvement in smuggling and trafficking of persons.

In August police rescued 14 Haitian women in Santo Domingo who were forced to perform sex acts for an Internet pornography site. One of the women filed a complaint against a foreign national, stating she and other women were forced to perform in front of a video camera lewd and sexual acts that were later uploaded and sold via the Internet. The National District prosecutor charged the foreign national with trafficking in persons and deported but did not charge two additional foreigners. The trafficked victims were detained for several days and also deported.

The Government provided some assistance to trafficking victims both overseas and in the country, but it relied on NGOs and international organizations to provide the bulk of protection services. The Ministry of Foreign Affairs developed a worldwide network of consular officers trained to recognize and assist victims of trafficking. The Government continued working with NGOs to develop job-training programs for returned women. When trafficked individuals were repatriated from abroad, they were given a control record that went into their official police record and were interviewed by a migration inspector. According to COIN, most victims were too embarrassed or frightened to seek legal action against traffickers, and victims received limited or no psychological counseling.

There were several church-run shelters that provided refuge to children who escaped prostitution. Public shelters for victims of domestic violence were generally not accessible to trafficking victims. However, for the first time ever, the Government released some foreign trafficking victims into IOM custody after a brief detention for processing, instead of keeping them in jail or immigration detention centers prior to deportation. IOM provided some psycho-social counseling to the victims. In July the Government and some partners launched a publicity campaign for the attorney general's antitrafficking hot line. The hot line, in existence since 2005, was a resource for information on prevention of trafficking, as well as a mechanism for gathering tips and formal accusations.

In October the president established a National Commission against Trafficking in Persons to combat trafficking via interagency cooperation acting on a national plan. The commission agencies include the Ministries of Foreign Affairs, Interior and Police, Education, Tourism, Public Health, Women, and the National Council for Children.

The Prevention Unit of the Department of Alien Smuggling and Trafficking in Persons, in coordination with the Ministries of Labor and Education, continued outreach training at schools around the country. The courses warned children of the dangers of alien smuggling, commercial sexual exploitation, and trafficking.

COIN and the IOM counseled women planning to accept job offers in Europe and the eastern Caribbean about immigration, health, and other problems, including the dangers of trafficking, forced prostitution, and forced domestic servitude. COIN administered the Center for Health and Migration Information for Migrant Women, which carried out community education campaigns in high-risk areas on these issues, as well as citizenship documentation and legal work requirements. With IOM support, COIN also provided a minimal level of clinical services and adult education classes for returned women.

Persons with Disabilities.—Although the law prohibits discrimination against persons with disabilities, these individuals encountered discrimination in employment and in obtaining other services. The law provides for physical access for persons with disabilities to all new public and private buildings, but the authorities did not enforce this provision. The Dominican Association for Rehabilitation, which had 17 branches around the country, received a subsidy from the Ministry of Public Health to provide rehabilitation assistance to persons with disabilities.

Discrimination against persons with mental illness was common, and there were few resources dedicated to the mentally ill.

National/Racial/Ethnic Minorities.—There was significant racial prejudice against persons of dark complexion, and the Government did little to address the problem. Acts of discrimination were common, ranging from the petty to the more serious. In particular there were strong prejudices against Haitians, which disadvantaged many Haitians and Dominicans of Haitian ancestry, as well as other foreigners of dark complexion. Few government officials acknowledged the existence of this discrimination; others regularly and publicly denied that it existed.

Darker-skinned persons reported being denied entry into stores, nightclubs, and restaurants. In July several foreigners were denied entry to a popular Santo Domingo nightclub, the Loft. The club had a history of selectively denying entry to persons with darker complexion and afro hair styles. In response to a protest from a foreign diplomatic mission, the foreign ministry issued a statement agreeing with the protest.

Local NGOs reported incidents where darker-skinned persons were denied access or services in banks, denied enrollment in private schools, and denied birth registrations in hospitals.

In their October visit, the U.N. Special Rapporteurs for Racism and the Rights of Minorities urged authorities to recognize the existence of racism and discriminations against minorities, adopt a national action plan to address the problem, revise a JCE rule that resulted in revocation of identity documents for Haitians, and cease mass repatriations of Haitians.

Haitians continued to immigrate to the country in search of economic opportunity, and the Government repatriated many of them. Migration authorities and security forces conducted periodic sweeps throughout the year to locate and repatriate undocumented persons of Haitian descent. Some of those removed from the country reported that they were denied the opportunity to demonstrate that they were legal residents, to make arrangements for their families or property, or to express a credible fear of persecution or torture if returned to Haiti. Migration officials and security forces sometimes confiscated and destroyed expellees' residency documents. In some cases expellees with appropriate legal documents received permission to return.

Many Haitian immigrants lived in shantytowns or sugarcane work camps known as bateyes. As in many poor areas in other parts of the country, these were harsh environments with limited or no electricity, usually no running water, and no adequate schooling. In many bateyes, medical assistance either was rudimentary or not readily available and clean water was rarely available. Many batey residents, lacking documentation, felt they had little choice but to remain in their communities, where they felt relatively safe from the risks of deportation and harassment that existed elsewhere in the country.

Although human rights NGOs, the Catholic Church, and activists described living conditions in the bateyes as modern-day slavery, private sector enterprises in the sugar sector made improvements at some facilities during the year.

Other Societal Abuses and Discrimination.—Persons with HIV/AIDS, particularly women, faced discrimination in the workplace and elsewhere. An estimated 80,000 to 222,000 persons in the country were infected with the disease. According to Human Rights Watch and Amnesty International, workers in many industries faced obligatory HIV testing in the workplace or when seeking medical care or medical insurance. Workers or patients found to have the disease could be fired from their jobs or denied adequate health care. Although the law prohibits the use of HIV testing to screen employees or for medical services unrelated to the disease, there were no known instances where this law was enforced, despite reports that official complaints had been filed.

Section 6. Worker Rights

a. The Right of Association.—The law provides for the freedom to organize labor unions, and all workers, except the military and the police, were free to form and join unions of their choice. Organized labor represented an estimated 8 percent of the work force. The law calls for automatic recognition of a union if the Government has not acted on its application within 30 days.

The law forbidding companies from firing union organizers or members was enforced inconsistently, and penalties were insufficient to deter employers from violating worker rights. There were reports of harassment and intimidation by employers in an effort to prevent union activity, especially in the free trade zones (FTZs), even though FTZ firms must comply with national labor legislation. The Dominican Federation of Free Trade Zone Workers (FEDOTRAZONAS) reported incidents of antiunion activity at the TOS Dominicana plant in Bonao. There were allegations that company management conducted a public campaign against union members and leaders, which included cash incentives or promotions in exchange for renounc-

ing union membership and activity in an effort to forestall attainment of union membership sufficient to establish collective bargaining rights. In October a special commission of the Ministry of Labor determined that FEDOTRAZONAS had a majority of workers and that collective bargaining must occur. Although in December the owners initiated legal action against the ministry's determination and refused to participate in government-sponsored negotiations, they later withdrew the legal action and met informally with the union.

The International Trade Union Congress reported that workers at an agricultural export company in the north of the country had repeated requests to register their unions turned down, despite meeting the minimum requirement of 20 members. The company allegedly went on to make mass dismissals of 80 to 100 people at a time. The workers managed to obtain legal registration of the union; however, the company allegedly continued its antiunion campaign and discriminated openly against union members, who were forced to work overtime and were refused water and transport in and outside the fields.

b. The Right to Organize and Bargain Collectively.—Collective bargaining is legal and must be used in firms in which a union has gained the support of an absolute majority of the workers. Few companies have collective bargaining pacts, and the International Labor Organization (ILO) considered the requirements for such pacts to be excessive and an impediment to collective bargaining.

The law establishes a system of labor courts for dealing with disputes. While cases made their way through the labor courts, the process was often long and cases remained pending for several years. A study by the Foundation for Institutionalism and Justice, a local NGO, showed that the average case resolution time was 15.3 months in courts of first instance and 16.4 months in appeals court.

Many participants reported that mediation facilitated by the Ministry of Labor was the most effective method for resolving worker-company disputes.

The law provides for the right of most workers to strike (and for private sector employers to lock out workers), but formal strikes were not common. Formal requirements for a strike include the support of an absolute majority of all company workers whether unionized or not, a prior attempt to resolve the conflict through mediation, written notification to the Ministry of Labor, and a 10-day waiting period following notification before proceeding with the strike.

Government workers and essential public service personnel are not allowed to strike.

A few labor unions represented a small number of Haitian workers, who are covered by the Labor Code regardless of legal status. Various NGOs reported that the majority of Haitian laborers in the agricultural and construction industries did not exercise their rights, fearing firing or deportation.

The Labor Code applies in the 57 established FTZs, which employed approximately 155,000 workers. According to the National Council of Labor Unions, unions were active in only eight companies in the FTZs, and only four unions had established collective bargaining rights. Workplace regulations and their enforcement in the FTZs did not differ from those in the country at large, although working conditions were sometimes better and the pay was occasionally higher. Mandatory overtime was a common practice.

There were reports of widespread covert intimidation by employers in the FTZs to prevent union activity. Unions in the FTZs reported that their members hesitated to discuss union activity at work, even during break time, for fear of losing their jobs. Some FTZ companies were accused of discharging workers who attempted to organize unions. The majority of the unions in the FTZs were affiliated with the National Federation of Free Trade Zone Workers or with FEDOTRAZONAS. FEDOTRAZONAS estimated that fewer than 10 percent of the workers in the FTZs were unionized. Many of the major manufacturers in the FTZs had voluntary codes of conduct that included worker rights protection clauses generally consistent with the ILO Declaration on Fundamental Principles and Rights at Work. However, workers were not always aware of such codes or of the principles they contained.

c. Prohibition of Forced or Compulsory Labor.—The law prohibits forced or compulsory labor, including by children, but there were reports of trafficking in children within the country. Mandatory overtime, a common practice, was sometimes enforced through locked doors or loss of pay or employment for those who refused.

d. Prohibition of Child Labor and Minimum Age for Employment.—While the law prohibits employment of children younger than 14 years of age and places restrictions on the employment of children under the age of 16, child labor remained a serious problem, although there was evidence it lessened during the year. One NGO program reported that it successfully removed 8,449 children from exploitive labor conditions and prevented 16,990 children from entering the labor force. Regulations

limited working hours of those between the ages of 14 and 16 to 6 hours per day, prohibited employment of those under the age of 18 in hazardous occupations or in establishments serving alcohol, and limited night work. Fines and legal sanctions may be applied to firms employing underage children. While the Government effectively enforced these regulations in the formal sector, child labor was largely a problem in the informal sector beyond regulatory reach.

Child labor took place primarily in the informal economy, small businesses, private households, and agriculture. Children often accompanied their parents to work in agricultural fields, in part because parents had nowhere else to leave their children, since schools in the countryside were usually in session only for a few hours a day. The commercial sexual exploitation of children remained a problem, especially in popular tourist destinations.

There continued to be inconclusive evidence that poor Haitian families arranged for Dominican families to "adopt" and employ their children, in hopes of assuring a more promising future for them. The adoptive parents commonly considered the child as their own and sometimes provided the birth parents a monetary payment or a supply of clothes and food. In some cases adoptive parents reportedly did not treat the adopted children as full family members, expecting them to work in the households or family businesses rather than to attend school, which resulted in a kind of indentured servitude for children and adolescents.

The Ministry of Labor and other government institutions, as well as organizations from civil society, collaborated with the ILO's Program for the Elimination of Child Labor and other international labor rights organizations to continue programs combating child labor. These included programs to eliminate the employment of children in hazardous agriculture in rice-growing regions. The effort also included a program to combat the commercial sexual exploitation of minors in popular tourist destinations such as Boca Chica, Sosua, and Las Terrenas. These programs provided psychological support and medical assistance, returned children to classrooms, and reunited children with their families and communities whenever possible. The programs also provided legal assistance to child victims to arrest and convict exploiters.

The Ministry of Labor confirmed through site inspections that the sugar consortium's bateyes no longer used child labor on their property. A credible source, however, stated that child labor could still be found in these facilities.

The National Steering Committee against Child Labor's plan to eliminate the worst forms of child labor set objectives, identified priorities, and assigned responsibilities so that exploitive labor could be efficiently tackled and the number of child laborers significantly reduced by 2016. In 2006 the plan withdrew 2,079 children from the labor pool and prevented 1,330 children from engaging in exploitive labor, and phase two of the plan began in December.

The Ministries of Labor and Education continued to support the Combating Child Labor through Education program, which established several camps that hosted large numbers of children and adolescents.

There were no confirmed reports of forced child labor in the formal sector.

e. Acceptable Conditions of Work.—The executive branch sets minimum wage levels for public workers, and the National Salary Committee sets levels for the private sector, with the exception of workers in the FTZs and the sugar, construction, hotel, and shoe manufacturing industries. The minimum monthly salary was approximately $139 (4,450 pesos) in the FTZs and $200 (6,400 pesos) outside the FTZs. The minimum wage for the public sector was approximately $81 (2,600 pesos) per month. The daily minimum wage for farm workers covered by minimum wage regulations was approximately $4.70 (150 pesos), based on a 10-hour day. Cane workers were subject to a special, lower minimum wage for the sugar industry, $2.50 (80 pesos) per day. The national minimum wage did not provide a decent standard of living for a worker and family.

The law establishes a standard work period of 44 hours per week and stipulates that all workers are entitled to 36 hours of uninterrupted rest each week. The law provides for premium pay for overtime, which was mandatory at some firms in the FTZs.

On sugar plantations, cane cutters usually were paid by the weight of cane cut rather than the hours worked. Cane cutters suspected fraud by weighing station operators and noted that employers sometimes did not provide trucks or carts to transport the newly cut cane at the end of the workday, causing workers to receive lower compensation because the cane dried out overnight and weighed less. Company officials denied that there were delays in transporting cane, noting that any delay would be detrimental to their business operation. The amount of cane a worker could cut varied, but most young able-bodied workers were able to cut 2 to 3 tons of cane in a workday, yielding a daily wage of $5.00 to $7.50 (160 to 240 pesos). However, older, less able-bodied workers were only paid for the amount of the cane

they actually cut, even if the amount was less than the minimum wage. In addition during the 6-month off-season, workers in some sugar plantations who opted to remain in their communities were offered small jobs such as clearing land, which were generally insufficient to earn the legally mandated minimum wage.

Conditions for agricultural workers were poor. Workers in the sugarcane industry who lived in bateyes had inadequate schools, medical facilities, running water, and sewage systems. Employers in the sugar cane industry allegedly withheld a portion of wages to ensure that workers returned for the next harvest. Sugarcane workers often did not receive medical services or pensions due them even though deductions were taken from their pay.

The Dominican Social Security Institute (IDSS) sets workplace safety and health conditions. Both the IDSS and the Ministry of Labor had a small corps of inspectors charged with enforcing standards. The Secretariat of Labor had 191 active inspectors. Workers complained that inspectors were not trained and did not respond to health and safety complaints. While the law requires that employers provide a safe working environment, in practice workers could not remove themselves from hazardous working situations without losing their jobs.

ECUADOR

Ecuador is a constitutional republic with a population of approximately 13.8 million. In November 2006 Rafael Correa won the presidency in runoff elections that were considered generally free and fair. Correa took office on January 15. Civilian authorities generally maintained effective control of the security forces.

While the Government generally respected the human rights of its citizens, there continued to be problems in the following areas: Isolated unlawful killings and use of excessive force by security forces; occasional killing and abuse of suspects and prisoners by security forces, sometimes with impunity; poor prison conditions; arbitrary arrest and detention; a high number of pretrial detainees; and corruption and denial of due process within the judicial system. Members of the national police were accused of murder, attempted murder, rape, extortion, kidnappings, and alien smuggling. Societal problems continued, including violence against women; discrimination against women, indigenous people, Afro-Ecuadorians, and homosexuals; trafficking in persons and sexual exploitation of minors; and child labor.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life.—Although the Government or its agents did not commit any politically motivated killings, there continued to be credible reports that security forces used excessive force and committed numerous unlawful killings.

On January 6, police arrested a group of teenage boys for drawing graffiti on a wall in North Quito's El Inca sector. Police beat and later released one of the boys but kept in custody Paul Guanuna, who was last seen alive in a police car headed towards a downtown police station. On January 7, Guanuna's body was found not far from where he was originally arrested. An autopsy concluded that he died from blunt trauma to the head and a laceration of the right lung, consistent with a fall. Criminal proceedings commenced against three police officers, Geovanny Alvarez Zambrano, Eduardo Cruz Live, and Claudio Chicaiza Caiza, who were with Guanuna when he was arrested; a judge remanded them into custody, and in June the district attorney announced that they would be charged with manslaughter. After a preliminary hearing, the officers were formally charged with homicide. At year's end an appeal of the charge was pending before the Supreme Court of Quito.

On April 12, police in Manta shot and killed 19-year-old Juan Carlos Vera Faguizon after an altercation. An internal police investigation resulted in charges against police officers Reynaldo Enrique Mendoza Roldan and Carlos Rene Guanotaxi Suntaxi. At year's end the officers were in prison awaiting trial.

From January 8 to June 18, eight children and two adults in the provinces of Guayas and Los Rios were hit by stray bullets, in circumstances believed to be associated with gang violence; eight of the 10 victims died from their injuries.

An investigation into the April 2006 Cuenca killing of a student protester by a stray bullet from a police officer's gun continued at year's end. The investigation of the June 2006 killing of a taxi driver by off-duty police officer Miguel Angel Chiran also continued at year's end.

In November a military court issued judgments in the case of two military officers charged with the August 2006 killing of an indigenous medicine man in Puyo, Pastaza Province. The court sentenced Bernardo Cevantes Santamaria Cuji to 16 years' imprisonment and acquitted Santio Mucushigua.

Police officer Freddy Abel Rizzo Barzola, who was detained in connection with the 2005 killing of two detainees, was killed in jail during the year.

At year's end the Sucumbios attorney general continued investigating charges against army officers Angel Chuya, Carlos Badillo, Benito Tangamashi, and Jorge Zamora in the 2005 killings of two occupants of a vehicle in Sucumbios Province. The four officers remained in military detention.

The Ecumenical Human Rights Commission (CEDHU) reported that mob violence against suspected criminals continued at the level of the preceding year. Such violence occurred particularly in indigenous communities and poor neighborhoods of major cities, where there was little police presence.

b. Disappearance.—There were no reports of politically motivated disappearances.

Criminal kidnapping for profit continued to be a problem in selected regions of the country. There were also reports of extortion and threats of kidnapping of ranchers, farmers, and businessmen along the Colombian border. As of December, police registered 357 kidnapping cases and 155 "express kidnappings" (in which a person is driven around and forced to make automatic withdrawals of personal funds) and made seven related arrests.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—While the Constitution and laws prohibit torture and similar forms of intimidation and punishment, some police reportedly continued to torture and abuse suspects and prisoners, often with impunity.

The Government had not acted on a 2005 finding by the U.N. Committee Against Torture that the country's laws on torture do not meet standards set by the U.N. Convention Against Torture, notably because the definition of torture in the criminal code, which criminalizes "corporal torment" but not psychological torture, does not correspond to the definition outlined in the convention. Torturers often were penalized with a fine rather than imprisonment.

Through December CEDHU registered 420 cases of alleged "torture" or "unwarranted physical aggression" by police forces.

In January Vicente Santana accused Quininde, Esmeraldas Province, police officers Luis Luglia and Galo Rivas of beating him without cause. He was hospitalized for his injuries. Santana claimed that police forced him to sign an affidavit stating that he was not beaten. In view of official indifference, Santana decided not to pursue charges.

On May 4, police in South Quito chased a group of teenage boys who were walking home from a party. Victor Javier Tipan Caiza, age 16, who had recently undergone surgery, was not able to run away and claimed the police beat him into unconsciousness. The internal police investigation determined that two officers were guilty of committing the crime, but at year's end no action was taken, and a criminal investigation continued.

On November 26, protesting mestizo and indigenous communities in Dayuma, Orellana Province, reportedly took over and damaged facilities of Petroecuador, the state oil company. After a determination that the protest jeopardized public safety and state petroleum revenues, on November 29, President Correa declared a state of emergency in Orellana Province, sent in the army to restore order, and invoked the law of national security, which authorizes military courts to try detainees. CEDHU reported that the armed forces illegally detained and tortured individuals, which the Government denied. Violations of a military curfew resulted in more than 100 detentions; although the Government stated on December 7 that all minors had been released, CEDHU reported four minors (Freddy Zambrano, Mario Zambrano, Jefferson Marcillo, and Antonio Cabal) were missing. Investigations continued at year's end.

Prison and Detention Center Conditions.—Conditions in prisons and detention centers generally were poor and tended to be worse in the tropical coastal areas than in the temperate highlands.

On July 6, the Government declared a 60-day state of emergency (later extended to 120 days) covering the country's 34 jails and detention centers to address infrastructure, staffing, and funding problems; during the emergency, it allocated an additional $15 million (the U.S. dollar is the national currency) to the National Agency for Social Rehabilitation (DNRS).

Overcrowding was a chronic problem in most prison facilities. As of October, DNRS reported that 18,218 prisoners were being held in facilities designed to hold less than half that number.

A number of prisons experienced serious outbreaks of disease, and medical care often was inadequate. The daily allocation for prison rations was $1 per inmate; prisoners often supplemented these rations by buying their own food.

The DNRS reported through November the death of 42 prisoners, including 30 from illness or unknown causes, seven from serious injury, and two suicides.

Investigations into two deaths at the Machala Prison in El Oro Province did not result in any criminal charges. CEDHU reported that Machala prison only had 30 guards, while the prison population warranted having at least 70 guards. As of September, there were 450 inmates at Machala Prison, which had a design capacity for 150.

On April 20, prisoners Juan Carlos Alava Chavez and Israel Mariscal Vasquez were found dead at Coastal Penitentiary Center in Guayaquil. A police report suggested that the prisoners died suspiciously, but the cause was not determined by year's end.

On May 1, the body of Vicente Francisco Cantos Brito was found hanging in the detention facility at the Judicial Police Headquarters in Guayas. Cantos Brito had been arrested on charges of tomb robbing, and authorities suggested fellow inmates may have killed him in retribution for those acts but did not issue an investigation report.

On May 13, marines responding to a domestic violence call arrested Juan Lorenzo Delgado Zambrano and transferred him to the local precinct of the national police. The following afternoon, at the suggestion of authorities, family members went to a hospital in Porto Viejo where they were informed that Delgado had fallen while fighting with another detainee. Delgado died later that day. An investigation of two police officers who were responsible for Delgado continued at year's end.

Conditions were notably better in the Quito women's prison than in men's facilities. As of November, 685 children and adolescents whose mothers were incarcerated were transferred from prisons to more suitable facilities; approximately 200 other such children remained at Centers for Social Rehabilitation. Pretrial detainees were held with convicted prisoners. According to CEDHU, male guards were responsible for guarding female inmates, and female inmates reported being beaten by male guards who accused them of trying to escape. The law stipulates that pregnant women cannot be jailed in prison facilities, yet many were jailed rather than being confined to their homes.

Although in most instances the Government permitted prison visits by independent human rights observers, authorities occasionally did not permit human rights observers to visit prisoners who had been placed in isolation cells after they allegedly had been beaten.

d. Arbitrary Arrest or Detention.—While the Constitution prohibits arbitrary arrest and detention, in February 2006 the U.N. Working Group on Arbitrary Detention noted that provisions in the Criminal Procedure Code, the Penal Code, and some regulations adopted by central or provincial authorities "undermine the guarantees and protection offered." The working group cited two laws of particular concern: One imposes an obligation on judges to order detention for persons awaiting trial, i.e., "preventive detention," which in practice created a situation in which thousands of persons were detained for longer periods than the Constitution allows, often years longer, thus violating their right to be tried within a reasonable time. The second measure abolishes sentence reductions, which led to a large number of persons serving lengthy sentences for minor offenses. In September 2006 the Constitutional Court ruled the preventive detention provision unconstitutional, holding that no person can remain in prison unsentenced for more than 1 year for penal crimes and 6 months for lesser crimes. The clock for inmates already incarcerated and all future incarcerated individuals started on October 23.

Role of the Police and Security Apparatus.—The national police are under the authority of the Ministry of Government. National police effectiveness was impaired by corruption, poor hiring procedures, and insufficient training, supervision, and resources.

On May 6, a group of civilians and police officers, allegedly organized by Judicial Police officer Edwin Marcelo Revelo, assaulted Cabrera Letty Alcivar, who alleged that Revelo organized the attack over a family vendetta. In addition to assaulting Alvicar, the group ransacked her house and stole property. A police investigation determined that while Alcivar was harassed, her home was not entered.

The national police reported that in 2006, 34 police recruits at the San Jose Chimbo police academy in Bolivar Province failed to meet normal entry qualifications and may have paid up to $3,000 for admittance into the school. An investigation was pending at year's end.

The investigation of police officers who in November 2006 accompanied inmates on unauthorized excursions to an entertainment club in Quito led to the November 14 sentencing of three officers to 8 years in prison and of two officers, who were found to be accomplices, to 4 years' imprisonment.

Some municipalities, such as Quito and Guayaquil, have their own metropolitan police forces in addition to the national police. A police internal affairs office investigates complaints against police officers and can refer cases to the police courts. Nongovernmental organizations (NGOs) claimed that members of the Quito and Guayaquil metropolitan police occasionally used excessive force. Police corruption was sometimes a problem.

The national police contracted with NGOs to provide human rights training. A 2006 Amnesty International report criticized the use of the police court system, citing the U.N. Committee against Torture's concern that complaints of human rights violations by the security forces continued to be tried in police and military courts, which were neither independent nor impartial. NGOs reported no substantial change in this situation during the year.

Arrest and Detention.—The law requires authorities to issue specific written arrest orders within 24 hours of detention, and authorities must charge the suspect with a specific criminal offense within 24 hours of arrest. Within 24 hours of arrest, detained persons may challenge the legality of their detention by habeas corpus petition to the senior elected official in the locality where detention takes place, usually the mayor; however, in practice few such petitions were presented.

Manuel Xavier Cornejo Delgado claimed that, on July 6, he was detained without a warrant or probable cause while walking home with his wife and son. On July 7, police searched Cornejo Delgado's mother's home, with his mother, siblings, nieces and nephews present. The family contended that the police officers beat and handcuffed the men. One policeman allegedly asked the men to choose who would be the first to die. The family had no further contact with Manuel until July 19, when an attorney was given permission to visit him in prison. Two days before Cornejo Delgado's arrest, he had filed a lawsuit against two police officers. No official investigation had been authorized by year's end.

In the case of an illegal detention, mayors have the right to release the detainee, based solely on procedural issues under the habeas corpus mechanism. Otherwise, a prisoner may be released only by court order. In some cases, detainees who are unaware of this provision, or who do not have the funds to hire a lawyer, may remain in prison for an extended period without being tried. Bail is allowed only in the case of less serious crimes, those punishable with "correctional imprisonment," and is prohibited for more serious crimes involving narcotics and other major offenses requiring long-term incarceration (offenses that "affect or put at risk" the public, punishable by 3 to 35 years' imprisonment).

Although the law entitles detainees to prompt access to lawyers and family members, there were delays depending on the circumstances and officials' willingness to enforce the law; alleged narcotics traffickers commonly waited 24 to 48 hours for these visits. Detainees with sufficient resources often bribed prison officials to facilitate access. CEDHU reported that during the July–November period of the emergency decree, an unknown number of prisoners were held in facilities that did not accommodate visits by family or counsel.

Although the law prohibits incommunicado detention, human rights organizations continued to report occasional violations. Even when police obtained a written arrest order, authorities charged with determining the validity of detention often allowed frivolous charges to be brought, either because they were overworked or because the accuser bribed them. The system frequently was used as a means of harassment in civil cases in which one party sought to have the other arrested on criminal charges.

Investigative detention up to and including trial is legal if a judge determines that it is necessary and if evidence that a crime has been committed is presented. The law limits immediate detention to 24 hours for in flagrante crimes or to allow for investigative detention to begin. In most jurisdictions, the immediate detention is often considerably longer. If the investigation report is detrimental, the judge may order preventive detention, which is limited to 6 months for minor offenses and 12 months for major offenses.

The law permits prisoners to be held for an indefinite period after indictments have been issued but before they have been convicted or sentenced. The majority of the accused remained in prison during the investigation phase. According to government data, as of July approximately 63 percent of detainees had not been sentenced.

e. Denial of Fair Public Trial.—While the Constitution provides for an independent judiciary, in practice the judiciary was at times susceptible to outside pres-

sure and corruption. The media reported extensively on the susceptibility of the judiciary to bribes for favorable decisions and resolution of legal cases and on judges parceling out cases to outside lawyers who wrote judicial sentences on cases before the court and sent them back to the presiding judge for signature. CEDHU further asserted that judges occasionally reached decisions based on media influence or political and economic pressures.

The judiciary consists of the Supreme Court, superior circuit courts, other courts, and tribunals that hear cases in accordance with the Constitution and other laws, and the Judicial Council, which is charged with administering the court system and disciplining judges. There also are military and police tribunals that have the same status as circuit courts, as well as criminal, provincial, and cantonal (county) courts. The Supreme Court supervises the open and competitive selection of all appellate judges.

In March the Inter-American Commission on Human Rights ruled on the 2005 appeal by 27 justices of the Supreme Court, who had been replaced by Congress in 2004. The commission held that the rights of the justices and the rights of citizens who were denied a functioning supreme court may have been violated and referred the case to the Inter-American Court of Human Rights. The case remained pending at year's end.

Trial Procedures.—Despite efforts to modernize the court system, the judiciary continued to operate slowly and inconsistently. There were lengthy delays before most cases came to trial. Judges reportedly rendered decisions more quickly or more slowly as a result of political pressure or, in some cases, the payment of bribes. The failures of the justice system contributed to cases in which communities took the law into their own hands, such as mob violence against suspected criminals.

There are no juries in the justice system. Defendants are presumed innocent until proven guilty and have the right to a public trial, defense attorneys, and appeal. They may present evidence, refuse to testify against themselves, and confront and cross-examine witnesses. Although a public defender system exists, in practice only 32 attorneys were available to defend the large number of impoverished defendants throughout the country. As of October 31, 11,187 prisoners were incarcerated without sentence.

Civil society groups, lawyers' associations, universities, and foreign donors sought to support vulnerable groups that did not have access to legal defense. From January to September, foreign donor assistance funded legal counseling and defense services for approximately 3,000 persons from vulnerable groups of the population (especially poor prisoners and women) in seven cities.

The regular court system tries most nonmilitary defendants, although some indigenous groups try members independently for violations of tribal rules. The law permits police or military courts to try police officers and military defendants in closed sessions in accordance with the respective military and police court martial manuals. Only the Supreme Court may try cases involving flag-rank officers. Despite a constitutional provision that civilian courts have jurisdiction over police or military officers charged with criminal offenses, these officers were often tried in police or military courts. On January 7, Congress amended the National Security Law to require that all police officers be tried in regular civilian courts; however, CEDHU contended that the revised law was not enforced.

Although the law recognizes indigenous communities' right to exercise their own systems of justice based on their traditions and customs, it does not specify how they will be implemented. This parallel system raised questions of both jurisdiction and conformity to the right to a fair trial.

Political Prisoners and Detainees.—There were no reports of political prisoners or detainees.

Civil Judicial Procedures and Remedies.—Civilian courts and the Administrative Conflicts Tribunal, generally considered independent and impartial, handle lawsuits seeking damages for, or cessation of, human rights violations. However, civilian lawsuits seeking damages for alleged wrongs by the state were rarely filed since such suits were time consuming and difficult to prosecute, with judges taking up to a decade to rule on the merits.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The Constitution and the law prohibit such actions, and the Government generally respected these prohibitions in practice.

Although wiretapping by the national police to investigate crimes is legal with a court order, there is no specific procedural guidance for obtaining such approval.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech and of the press, and the government, while critical of the media, generally respected these rights in practice. An independent press and a largely democratic political system combined to promote freedom of speech and of the press. The independent media were active and expressed a wide variety of views without obvious restriction, although the National Union of Journalists asserted that President Correa's criticism of the media caused a degree of self-censorship.

President Correa often used his weekly radio address to criticize the media and accuse it of bias, frequently naming specific reporters and outlets. These comments drew criticism from the international NGO Reporters Without Borders. In May President Correa invoked the country's "insult laws" in filing a lawsuit against the president of the board of directors of La Hora newspaper over an editorial it published. President Correa and other administration representatives also threatened to revoke broadcast media licenses. On September 10, for instance, El Comercio newspaper quoted the president as saying that "promoting a coup d'etat" would constitute sufficient grounds to suspend a television channel's frequency.

A former government advisor, Quinto Pazmino, filed a $10 million lawsuit against President Correa for libel. Authorities subsequently detained Pazmino on the grounds that he had insulted the president. On September 23, the Supreme Court ruled that Pazmino, as an assembly candidate, enjoyed special privileges, and he was freed after the payment of a fine. An investigation by the prosecutor general continued at year's end.

There were no known developments in the investigation into the February 2006 killings of two journalists.

Business and private interest pressures, both from media owners and businesses outside the media groups, sometimes influenced the content of news reporting.

Internet Freedom.—There were no government restrictions on access to the Internet or reports that the Government monitored e-mail or Internet chat rooms. Individuals and groups could engage in the peaceful expression of views via the Internet, including by e-mail. Internet access was widely available in larger cities, but access in remote locations was poor.

Academic Freedom and Cultural Events.—There were no government restrictions on academic freedom or cultural events.

b. Freedom of Peaceful Assembly and Association.

Freedom of Assembly.—The Constitution provides for freedom of peaceful assembly, and the Government generally respected this right in practice; however, security forces used force and tear gas to quell some violent demonstrations, resulting in several injuries. Public rallies require prior government permits, which generally were granted, although exceptions occurred.

There were no developments, and none were expected, in the investigation of police suppression of a 2005 protest at the Jorge Mantilla Ortega School in Quito, which resulted in serious injuries to a student.

On March 7, the armed forces forcibly removed protesting members of the Union Alamorena Community and 25th of December Community who were protesting at a Petrobras petroleum site in Orellana Province. The army used tear gas and rubber bullets, and seven protesters were injured.

On March 13, hundreds of protesters gathered to demand resolution of the crisis caused when the Supreme Electoral Tribunal (TSE) removed from office 57 Members of Congress. One Member of Congress and one journalist were injured, when some of the protesters broke through police barricades and entered the legislative chamber.

On June 5, indigenous communities demonstrated nationally to protest the presence of transnational companies in the mining sector. There were major demonstrations, including the blocking of key roads, in the provinces of Carchi, Imbabura, Azuay, Bolivar, Morona Santiago, Zamora Chinchipe, and Cotopaxi. In some instances, the police responded with tear gas.

Freedom of Association.—The law provides for freedom of association, and the Government generally respected this right in practice.

c. Freedom of Religion.—The Constitution provides for freedom of religion, and the Government generally respected this right in practice.

The Government requires religious groups to be licensed or registered if they engage in proselytizing activity. Religious organizations that do not engage in such activity may still choose to register to obtain a legal identity, which is useful when entering into contracts. Any religious organization wishing to register with the Government must possess a charter and be in nonprofit status, include all names used

by the group (to ensure that names previously registered are not used without their permission), and provide signatures of at least 15 members. In addition, groups must file a registration petition with the Ministry of Government, using a licensed attorney, and pay a $100 registration fee.

Societal Abuses and Discrimination.—The country has a small Jewish population. There were no reports of societal abuses or religious discrimination, including anti-Semitic acts.

For a more detailed discussion, see the 2007 International Religious Freedom Report.

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons.—The law provides for freedom of movement within the country, foreign travel, emigration, and repatriation, and the Government generally respected these rights in practice. Protesters blocked roads, but less frequently than in previous years.

Citizens are no longer required to have exit permits to depart the country, and the Government stopped issuing such documents on December 29. Additionally, men no longer must show proof of having completed military service before departing the country.

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

Protection of Refugees.—The laws provide for the granting of asylum or refugee status in accordance with the 1951 U.N. Convention relating to the Status of Refugees and its 1967 protocol, and the Government has established a system for providing protection to refugees. The Government granted refugee status or asylum. In practice, the Government provided protection against refoulement, the return of persons to a country where there is reason to believe they feared persecution. The Government also provided temporary protection to individuals who might not qualify as refugees under the 1951 convention or the 1967 protocol. The Government cooperated with the UNHCR and other humanitarian organizations, such as the International Organization for Migration (IOM), in assisting refugees and asylum seekers. This included attending to major flows of Colombians crossing at the northern border in January, March, and August.

The Government reported that through the first 6 months of the year, it had received 5,792 applications for refugee status. Several thousand additional cases from this and preceding years were still pending. Rejected applicants have a legal right to appeal; after appeals are exhausted, they have 30 days to put their affairs in order and leave the country. While UNHCR and the Government reported difficulty dealing with the number of applicants and appeals, both UNHCR and IOM supported the government's refugee office's efforts to streamline its decision-making and appeals processes and reduce its case backlog.

UNHCR estimated that 97 percent of the 50,000 recognized refugees and asylum seekers were of Colombian origin. A small percentage of applicants were Peruvian, who were reported by UNHCR and the Government to be primarily economic migrants. Most Colombian refugees were poor farmers or small businessmen fleeing fighting in Colombia. The law allows persons granted refugee status to work. The identification card issued to asylum seekers explicitly states that bearers have the right to work, health care, and an education. UNHCR reported that while more than 50,000 asylum seekers have registered with the Government (more than 14,800 of whom have been recognized as refugees) and received this aid, there were thousands of others without legal protection and limited or no access to public services.

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.—Following a first-round presidential election in October 2006, Rafael Correa won the runoff in November 2006 and was inaugurated on January 15. Independent observers, including the Organization of American States (OAS) electoral mission, described the elections as generally free and fair.

There were 31 women in the 100-seat Congress. There were two women, but no members of ethnic minorities, among the 31 Supreme Court members. There were seven women in the 23-member cabinet and three female secretaries of state with the rank of minister. There was one Afro-Ecuadorian and one Asian-Ecuadorian but no indigenous persons in the cabinet.

A referendum on establishing a Constituent Assembly took place on April 15; 82 percent of the voters favored establishing a Constituent Assembly that would have

"unlimited powers in drafting a new Constitution." Following a 6-week campaign period, voters went to the polls on September 30 and gave President Correa's PAIS movement 80 out of 130 seats. OAS, European Union, and Carter Center observers concluded that the elections were free and fair, with only minor discrepancies.

The Constituent Assembly, which convened on November 28, suspended Congress and assumed the legislative function for the country until the conclusion of the Assembly process. The statute creating the Assembly gives it a 6-month period to complete its work, with a possible extension of 2 months. By year's end, the Assembly had adopted a new law on tax equity but had not adopted or finalized any portions of the new Constitution.

Government Corruption and Transparency.—The law provides criminal penalties for official corruption; however, the Government did not implement the law effectively. The World Bank's worldwide governance indicators reflected that government corruption was a serious problem.

On July 9, the executive branch instituted a lawsuit against 18 Members of Congress suspected of attempting to exchange their votes on a pending law governing the banking sector for key posts for their allies in public institutions. The investigation continued at year's end.

On August 14, Congress issued a resolution demanding that the National Oversight Agency verify the tax returns of all 100 Members of Congress. President Correa made his tax return available. This process continued at year's end. Congress was suspended on November 29 prior to the submission of all members' tax returns. The Constituent Assembly required all its members to present their 2006 tax returns, authorization to revise bank accounts in Ecuador and abroad, and an assets affidavit by January 11, 2008. Members were still submitting documentation at year's end.

President Correa, who announced that one of the highest priorities of his government would be fighting corruption, on March 3 decreed the establishment of the Office of the National Anticorruption Secretary, with responsibility for executing anticorruption policy and investigating acts of public corruption. The office claimed to have saved the Government more than $1 million by discovering waste, fraud, and abuse.

Section 4. Governmental Attitudes Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A number of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials cooperated with the groups but often did not act on their views.

An ombudsman's office focused on human rights problems; however, some observers criticized its lack of independence in practice. The office had adequate resources but was not considered effective on human rights issues.

Congress has a seven-member human rights committee. Despite turbulence in Congress, the committee remained comparatively active; it held hearings on the implementation of the National Human Rights plan, conducted seminars in cities throughout the country, and produced a short video on torture.

On May 3, a presidential decree created the Commission for Truth, a four-member body to investigate alleged human rights violations (particularly during the 1984–88 period) and to produce a public report.

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

The Constitution prohibits discrimination based on race, gender, disability, language, or social status; however, women, persons with disabilities, indigenous people, Afro-Ecuadorians, homosexuals, and transgendered persons continued to face discrimination.

Women.—Although the law prohibits violence against women, including within marriage, abuses were widespread.

The law criminalizes rape, including spousal rape, and provides a penalty of up to 25 years in prison. In cases of statutory rape involving "amorous" sex with a minor, the rapist may marry the victim, which cancels the charges unless the marriage subsequently is annulled. The penalty for rape where death occurred is 35 years' imprisonment. As of July there were 3,053 reported rapes, resulting in charges against 459 persons. No information was available on the number of cases prosecuted successfully. Many rapes were not reported due to the victim's reluctance to confront the perpetrator.

The law provides penalties for domestic violence of up to $28 or 7 days in prison and gives family courts the power to remove an abusive spouse from the home if continued cohabitation creates a risk to the victim of abuse. The courts may also

issue restraining orders prohibiting the abusive spouse from approaching the victim or her place of employment or study; prohibiting the abusive spouse from persecuting or intimidating the victim or any member of her family; reinserting the victim into the family home, if shared, while simultaneously removing the abusive spouse from the premises; and ordering any treatment deemed beneficial to the affected family.

The Ministry of Government's Office of Gender reported, as of October 31, 23,365 cases of sexual, psychological, or physical mistreatment of women and 3,281 cases involving male victims. Thirty-one special Police Stations for Women and Families handled such issues as domestic violence. The government's National Commission on Women (CONAMU) may accept complaints about abuse of women but must refer cases to the prosecutor's office for action. CONAMU had projects in all provinces, focusing primarily on equal opportunities, public policy programs toward women, and lines of credit for women's businesses. CONAMU also offered legal and psychological services to victims of violence in most provinces. In some police stations, social workers employed by city governments or NGOs assisted victims. A variety of NGOs offer legal and psychological assistance to victims of domestic violence.

Prostitution is legal for persons over the age of 18 so long as the businesses are registered with the Government and follow health regulations. Trafficking in persons for prostitution was a problem.

Despite the legal prohibition of sexual harassment, women's rights organizations described harassment in the workplace as common. CONAMU is charged with designing public policies to promote women's human rights and equality in cases of sexual harassment.

Despite legal protections of women's rights in politics, the home, and employment, societal discrimination against women was pervasive, particularly with respect to educational and economic opportunities for older women and for those in the lower economic strata. Although women enjoy the same legal status as men, the Office of Gender reported that women often did not receive equal rights in practice. According to the government, women received approximately 65 percent of the pay received by men for equal work. Women's advocates alleged that culture and tradition inhibited achievement of full equality for women. There were fewer women than men employed in professional work and skilled trades.

The Ecuadorian Women's Permanent National Forum included more than 320 women's organizations and promoted social, economic, and cultural change, including increased political participation by women. The National Women's Council provided support for approximately 500 women's organizations, many of which promoted social consciousness and greater participation by women in the political process. The NGO Women's Political Coordinator, which operated in all 22 provinces, also promoted women's rights, with emphasis on political participation and human rights.

Children.—The Government was committed to children's rights and welfare and has increased funding for child health and education; however, those steps were not fully effective.

The law requires that children receive a minimum of 10 years of education; however, due to shortages of schools, inadequate school funding, and the comparatively high cost of books and uniforms, the Government rarely enforced this requirement. The Ministry of Education reported that most children achieved a sixth-grade education, with no notable difference in the attendance rates of boys and girls. The citizen movement Social Contract for Education estimated that 660,000 children ages 6 to 17 (approximately 22 percent of school-age children) did not attend school. Education was free through high school. Although the Government eliminated all fees for elementary students, fees prevented many children and adolescents from attending secondary schools. government programs provided families with educational subsidies, which assisted approximately 50,000 children to remain in school. In rural areas many children attended school only sporadically after 10 years of age because they needed to contribute to household income, primarily as farm laborers.

The Government provided free medical care to children under age 6. Boys and girls received equal access to such care. The Ministry of Health reported that 95 per cent of children received basic immunizations, but the U.N. Children's Fund (UNICEF) reported that 26 percent of children under 5 suffered from the effects of chronic malnutrition.

There was no societal pattern of abuse against children.

Commercial sexual exploitation of minors remained a problem.

More than 20 NGOs promoted child welfare. UNICEF and several private organizations were active in programs to assist street children.

Trafficking in Persons.—While the criminal laws prohibit trafficking in persons, there were reports that persons were trafficked within, to, from, and through the country.

The country was a source, transit, and destination country for persons trafficked for the purpose of sexual and labor exploitation. The most recent statistics, from a 2003 International Labor Organization (ILO) report, estimated that 5,200 minors were engaged in prostitution. A 2006 ILO report indicated that victims were trafficked to Colombia and Venezuela and from Colombia into the country; however, most victims were trafficked within the country. Accounts indicated that traffickers lured young victims romantically or with promises of legitimate employment and then forced them into prostitution. According to press reports, some poverty-stricken parents also sold their children into trafficking situations, including prostitution, forced labor in agriculture, or street begging.

Traffickers were organized criminal gangs specializing in movement of persons, proprietors of small businesses such as bars or brothels, or illicit employment brokers. Some persons willing to pay up to $10,000 to be smuggled out of the country were also victims of trafficking, and women were susceptible to sexual abuse by smugglers. NGOs and the press reported several instances of judges releasing trafficking detainees prematurely.

Victims were generally enticed to move to the location where they were enslaved. Victims from Colombia reportedly crossed the border in trucks. Falsified civil registry documents facilitated trafficking by disguising the nationalities of trafficking victims and the ages of juveniles.

The law criminalizes trafficking in persons and provides prison terms of 6 to 35 years. The law also provides penalties of 6 to 12 years in prison for promoting sexual tourism and child sex tourism. Numerous provinces and municipalities had antitrafficking action plans, prevention campaigns, and in some cases ordinances.

As of September, there were approximately 160 trafficking cases in the judicial process awaiting adjudication.

Authorities in Quito detained six traffickers and rescued 11 victims in the "Dunky" case. As part of this case, in May a court sentenced a 19-year-old man to 12 years' imprisonment and his 18-year-old accomplice to 6 years' imprisonment. The victims, both girls, 13 and 15 years old, had been lured from their homes in a small town and taken to Quito for the purpose of sexual exploitation.

In August a court in Quito sentenced a man and a woman to 12 years' imprisonment for trafficking in persons for the purpose of sexual exploitation.

The trafficking prosecutor for El Oro Province continued successful prosecutions. A trial that began in Machala in March resulted in a conviction and a 12-year prison sentence for the owner of a brothel for forced prostitution of a 15-year-old minor.

The country increased the number of law enforcement officials and prosecutors devoted to combating trafficking in persons. In May 2006 the child welfare police (DINAPEN) created an eight-person trafficking intelligence unit to work with police, Interpol, and prosecutors. This unit operated in Pichincha Province. In August the Government created and trained a 36-member specialized police unit, spread over seven major cities, dedicated to victim and witness protection. In November the Ministry of Interior and the National Child and Family Welfare Institute began training workshops on human trafficking for criminal court judges, public prosecutors, DINAPEN, and the Judicial Police.

DINAPEN made arrests during raids on nightclubs, bars, and brothels in Guayaquil, Machala, Quito, and Santo Domingo de los Colorados.

In August the Ministry for Social and Economic Inclusion (former Ministry of Social Welfare) launched a National Program for Special Protection, which includes antitrafficking activity in the provinces of Chimborazo, Tungurahua, and Canar. Additionally, the Ministry of Tourism drafted a Social Responsibility Manual for Sustainable Tourism aimed at highlighting for tour operators the importance of protecting the rights of children and adolescents and the role of local communities.

Minors engaged in prostitution were returned to their families or to NGOs without being detained. Shelters and victims' services have been identified and shelter staffs trained. The Public Ministry's victim and witness protection program assisted trafficking victims by providing shelter, psychological and medical attention, police protection, and economic and employment assistance to victims willing to assist in investigations. Five shelters in the provinces of Azuay, Pichincha, and El Oro provided specialized assistance to more than 120 victims of sexual commercial exploitation.

In May the minister of foreign affairs sponsored a presentation of the K–11 Film Project on human trafficking. In September civil society organizations sponsored a 2-day workshop for journalists on socially responsible investigative reporting, which incorporated trafficking as one of its thematic areas.

Persons with Disabilities.—The Constitution prohibits discrimination against persons with physical and mental disabilities in employment, education, access to health care, and the provision of other state services. The interagency National Council on Disabilities oversees government policies regarding persons with disabilities. Although the law mandates access to buildings for persons with disabilities, the Government did not enforce it.

For the Constituent Assembly elections, the TSE did not print ballots in Braille but allowed blind individuals to have assistance from a relative while voting. The TSE provided sign language translators and made efforts to ensure that voting precincts were fully accessible to persons with disabilities. While accessibility to some voting precincts was difficult, numerous persons with disabilities were assisted by the military and others to ensure they were able to access their voting tables.

The law requires the hiring of persons with disabilities in all public and private enterprises with more than 25 employees; however, there was no information on its implementation. An initiative, "Ecuador without Barriers," led by Vice President Lenin Moreno helped create 1,184 jobs for persons with disabilities by year's end.

National/Racial/Ethnic Minorities.—The estimated 600,000 Afro-Ecuadorian citizens suffered pervasive discrimination, particularly with regard to educational and economic opportunity.

The Afro-Ecuadorian Cultural Center estimated that 70 percent of Afro-Ecuadorians lived in poverty. Afro-Ecuadorian organizations noted that, despite the absence of official discrimination, societal discrimination, including stereotyping, continued to affect them. For example, they continued to assert that the police stopped Afro-Ecuadorians for document checks more frequently than they stopped other citizens and that employers often would not interview persons whose job applications carried Afro-Ecuadorian photos. There were no special government efforts to address these problems.

Indigenous People.—Estimates of those who maintained their indigenous cultural identity and lived in indigenous communities varied between 7 and 20 percent of the population. The vast majority of indigenous citizens resided in rural areas, including the highlands and the Amazonian provinces. Despite their growing political influence and the efforts of grassroots community groups, which were increasingly successful in pressuring the Government to assist them, indigenous people continued to suffer discrimination at many levels of society. With few exceptions, indigenous people were at the lowest end of the socioeconomic scale.

Arable land was scarce in the more heavily populated highland areas, where high infant mortality, malnutrition, and epidemic disease were common among the indigenous population. Electricity and potable water often were unavailable. Although the rural education system was seriously deficient, many indigenous groups participated with the Ministry of Education in the development of the bilingual education program used in rural public schools.

The law recognizes the rights of indigenous communities to hold property communally, to administer traditional community justice in certain cases, and to be consulted before natural resources are exploited in community territories. Indigenous people also have the same civil and political rights as other citizens. In the Amazon region, indigenous groups lobbied the government, enlisted the help of foreign and domestic NGOs, and mounted protests in attempts to win a share of oil revenues and a voice in natural resource and development decisions.

The Government generally consulted indigenous communities on natural resource matters. Although oil companies increased efforts to minimize the environmental and social impact of their oil projects in the Amazonian region, environmental damage, particularly deforestation, continued. Corrupt local officials, a lack of political will, and divisions among and within indigenous communities undermined indigenous efforts to manage the flow of illegally harvested timber.

The ombudsman's office had representatives in indigenous communities throughout the country. These had responsibility for promoting human and indigenous rights among indigenous communities and providing specific advisory services to these groups.

Other Societal Abuses and Discrimination.—Although the law prohibits discrimination based on sexual orientation, homosexuals, transsexuals, and transvestites continued to suffer discrimination from both public and private bodies.

According to Kirmirina, a credible NGO, police subjected homosexuals, transsexuals, and transvestites to cruel, inhuman, and degrading treatment. The NGO accused the police of specifically targeting them and inflicting physical and psychological abuse, threats, extortion, and robbery. Police routinely arrested homosexuals and transvestites in public areas.

On December 20, the Municipality of Quito passed an ordinance supporting the fundamental human rights of all citizens, regardless of sexual orientation.

Section 6. Worker Rights

a. The Right of Association.—While the law provides most workers with the right to form and join trade unions of their choice, legal protections of these rights were inadequate, sometimes failing to deter employers from retaliating against workers for organizing. Members of the police, the military, and most public sector employees were not free to form trade unions. Approximately 2 percent of the workforce was organized.

The law provides subcontracted workers with the right to freedom of association, the right to bargain collectively, and the right to legal protection against antiunion discrimination. The law sets the number of workers required for an establishment to be unionized at 30. Some companies took advantage of this law by subcontracting with shell companies, each of which had fewer than 30 workers.

While employees of state-owned organizations enjoyed rights similar to those in the private sector, the law prohibits the majority of public sector employees from joining unions or exercising collective bargaining rights. Most public employees maintained membership in a labor sector association; such associations are not allowed to strike or bargain collectively.

The labor code requires workers in state enterprises to be represented by a single labor union. The law does not require reinstatement of workers fired for antiunion activity but does require compensation and fines. The law does not protect workers against antiunion discrimination in hiring. The compensation case filed by 48 employees at the Transnavo shipping company, who were fired in September 2006 after seeking to unionize, remained pending at year's end.

b. The Right to Organize and Bargain Collectively.—The law requires all private employers with 30 or more workers belonging to a union to negotiate collectively when the union so requests. Collective bargaining agreements covered 25 percent of the organized workforce. Most of the economically active population was employed in the agricultural sector or the urban informal sector; the vast majority of these workers were not organized. The law allows businesses to hire workers on individual contracts.

Many newly hired employees, particularly in the agricultural sector, worked on temporary contracts. In practice it was difficult to organize temporary employees on short-term contracts. Since the labor code does not recognize temporary workers, they did not enjoy the same level of protection offered to other workers.

There are few restrictions on the right of private-sector workers to strike, although a 10-day period is required before a strike can be declared. The law allows solidarity strikes or boycotts of 3 days if the Ministry of Labor approves them. In some industries, during a legal strike, workers may take possession of the factory or workplace (thus ending production at the site) and receive police protection during the takeover. However, in other industries, such as agriculture, the law requires a 20-day waiting period from the day the strike is called. During this time, workers and employers must agree on how many workers are needed to ensure a minimum level of service, and at least 20 percent of the workforce must continue to work in order to provide essential services. The law provides that "the employer may contract substitute personnel" only when striking workers refuse to send the number of workers to provide the minimum necessary services, although in practice this law was not enforced. The law protects strikers and their leaders from retaliation.

The law does not provide the majority of public workers (those who fall under the civil service law) with the right to strike. It includes a provision that striking public sector workers are liable to between 2 and 5 years in prison; however, there were occasional "illegal" strikes, including by public school teachers and health workers. Public workers are prohibited from bargaining collectively.

The law permits the hiring of temporary workers for the maquila (in-bond processing for export) industries. The maquila system allows a company and its property to become an export-processing zone wherever it is located. There were no unions or labor associations in the maquilas. Most workers were hired on temporary contracts by the employer to complete a specific order.

c. Prohibition of Forced or Compulsory Labor.—The law prohibits forced or compulsory labor, including by children; however, there were reports that children were trafficked for labor.

d. Prohibition of Child Labor and Minimum Age for Employment.—The law prohibits exploitation of children in the workplace and forced or compulsory labor; however, the Government did not effectively enforce the law, and child labor remained a problem.

The labor code and the child and adolescent code set the minimum working age for minors at 15 for all types of labor and the maximum hours a minor may work at 6 hours per day and 5 days per week. The law lists 15 jobs that are not suitable for children and prohibits minors from working in hazardous conditions, including in mines or in jobs requiring exposure to toxic or dangerous substances. The law requires employers to pay minors at least 80 percent of the wages received by adults for the same type of employment. Penalties for violations of the child labor laws include fines of $50 to $300 for parents or guardians, fines of $200 to $1,000 for employers hiring adolescents between ages 15 and 17, and a $1,000 fine for any employer found to have hired children under the age of 15. In cases of repeated infractions, the employer's business can be closed.

The Ministries of Labor and Social Welfare and the Minors' Tribunal were charged with enforcing child labor laws, and enforcement continued to improve but was not fully effective. A 2006 study by the National Institute of Statistics and Census found that 367,000 children between ages 5 and 14 were engaged in labor not permitted by law, primarily working in rural areas in the informal sector, compared with 550,000 in 2006.

The government's 28 child labor inspectors inspected locations that employed child labor; these inspectors had the authority to cite violations and sanction companies and employers found to have illegally hired child labor. From January to July, the Ministry of Labor issued 100 citations to employers for child labor law violations. Through December the inspectors conducted approximately 2,242 workplace inspections and found approximately 198 minors under age 17 working in violation of labor laws. All cases were referred to the proper legal authorities, although none had been resolved by year's end.

The Ministry of Labor's three-officer Division for Child Labor meets monthly with other divisions in the ministry and the National Committee for the Progressive Eradication of Child Labor, which includes government agencies, businesses, and labor organizations.

While the Ministry of Labor's Social Service Directorate monitored child labor in businesses such as factories, enforcement in most sectors of the economy remained limited. In urban areas, many children under age 15 worked in family-owned businesses in the informal sector, shining shoes, collecting and recycling garbage, or as street peddlers. Other children were employed in commerce, messenger services, domestic services, and begging. Children as young as 5 or 6 often sold newspapers or candy on the street to support themselves or to augment family income.

The Government supported the Program for the Schooling and Protection of Child Workers, which implemented a workshop program in six cities to work with families and schools on the problem of child labor.

e. Acceptable Conditions of Work.—The Ministry of Labor periodically sets the minimum wage in consultation with the Commission on Salaries, but Congress also may adjust the minimum wage. The minimum wage plus mandated bonuses provided a gross monthly compensation of approximately $186, or $1 per hour, in the case of contract workers. The statutory minimum wage did not provide a decent standard of living for a worker and family. Most organized workers in state industries and formal-sector private enterprises earned substantially more than the minimum wage and also received other significant benefits through collective bargaining agreements. However, most workers worked in the large informal and rural sector without obtaining the minimum wage or legally mandated benefits.

The law provides for a 40-hour workweek and 2 consecutive days of rest per week. If required to work beyond the standard workweek, workers must be paid overtime. A higher overtime rate is set for working at night. The maximum number of hours of overtime was 12 hours per week, which generally was respected, except in subcontracting companies where workers sometimes were required to work up to 28 hours of overtime per week. The Ministry of Labor did not deploy sufficient resources to enforce labor laws.

The law also provides general protection for workers' health and safety on the job. The Social Security Institute is responsible for enforcing health and safety standards and regulations. In the formal sector, occupational health and safety was not a significant problem. However, there were no specific regulations governing health and safety standards in the agricultural sector, and in practice there was no enforcement of safety rules in the small mines that make up the vast majority of enterprises in the mining sector.

A worker may not leave the workplace for health reasons, even if there is a hazardous situation. A worker is allowed to request that an inspector from the Ministry of Labor confirm a workplace hazard; that inspector then may close down the work-

place. Response time for inspectors ranged from 3 days in major cities to much longer in the countryside.

EL SALVADOR

El Salvador is a constitutional, multiparty democracy with a population of approximately 5.8 million. In 2004 voters elected Elias Antonio Saca of the Nationalist Republican Alliance (ARENA) as president for a 5-year term in generally free and fair elections. Civilian authorities generally maintained effective control of the security forces.

Although the Government generally respected the rights of its citizens, protection of human rights was undermined by widespread violent crime, including gang-related violence, impunity, and corruption. The most significant human rights problems included harsh, violent, and overcrowded prison conditions; lengthy pretrial detention; inefficiency and corruption in the judicial system; violence and discrimination against women; abuses against children, child labor, and forced child prostitution; trafficking in persons; discrimination against persons with disabilities, indigenous persons, and persons based on sexual orientation; and lack of enforcement of labor rights.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life.—There were no reports that the Government or its agents committed any politically motivated killings; however, there were reports that security forces were involved in unlawful killings.

During the 12-month period ending in June, the Office of the Ombudsman for Human Rights (PDDH) found the National Civilian Police (PNC) responsible for 295 cases of violations of human integrity, which included unlawful killings, attempted unlawful killings, assaults, and other offenses causing bodily harm. During the year the PDDH received 12 complaints of alleged extrajudicial killings.

The Office of the PNC Inspector General reported that security forces killed 26 persons, compared with 22 in 2006.

In July the Government charged Nelson Antonio Arriaza Delgado, a PNC sergeant and former chief of its criminal investigation unit, with homicide in the July 28 murder-for-hire killing of Amado Garcia Amaya, an alleged gang member from Nueva Esparta. In August authorities arrested and charged PNC officers Andy Shefick Cruz Vasquez, Edilberto Paiz Morales, and Roberto Carlos Chavez with conspiracy, negligence, and obstruction of the investigation into the killing. Arriaza was dismissed from the PNC in November, and a criminal investigation continued at year's end.

In August the attorney general charged PNC officers Jose Vidal Reyes Escobar and Luis Alfonso Rubi Canales with the August 15 beating and killing of Jose Napoleon Aviles, an alleged thief, while in custody in Mejicanos.

In August the Criminal Chamber of the Supreme Court upheld its 2004 verdict of first-degree murder in the 2001 beating and killing of Air Force Cadet Erick Mauricio Pena Carmona. The court sentenced Carlos Mauricio Melara and Cesar Humberto Dorat to 10 years' imprisonment and assessed $5,714 in punitive damages. (The U.S. dollar is the country's official currency.)

In August a judge sentenced former Faribundo Marti National Liberation Front (FMLN) city councilman Jose Mario Belloso Castillo to 35 years' imprisonment for the July 2006 killings of two police officers during a demonstration outside the University of El Salvador. Belloso's accomplice, Luis Herrador, was sentenced to 23 years' imprisonment.

In January the Second Appellate Court reversed a lower court decision that released on bail three PNC officers charged with killing Cesar Anaya Vanegas after they took him into custody in December 2006 in Tenancingo.

In October the Inter-American Commission on Human Rights (IACHR) again asked the Government to take action regarding its recommendations made in 2000 regarding the 1980 killing of Monsignor Oscar Romero. However, the Government stated that the recommendation was inconsistent both with the established terms of the country's participation with the IACHR and with the basis of the Peace Accords that ended the civil war.

In November the Inter-American Court of Human Rights ruled against the Government for violations of judicial guarantees and rights in the case of Mauricio Garcia Prieto, who was killed in 1994 by three armed men with suspected ties to the

armed forces. The court asked the Government to continue the investigation and pay compensation and legal costs to the Prieto family.

b. Disappearance.—There were no reports of politically motivated disappearances. Most disappearances were criminal kidnappings for ransom. The PNC and the Attorney General's Office reported that 15 persons were kidnapped during the year. The attorney general also received 26 reports of missing persons, but none alleged the involvement of law enforcement officials.

In January the PNC arrested Juan Antonio Lopez, the western regional chief of the Solicitor's and Public Defender's Office, for his alleged participation in the January 12 kidnapping of a 12-year-old child. According to the initial investigation, Lopez hired two gang members to kidnap the child to force the child's parents to cede him a portion of their property.

Since 1994 the Association for the Search for Missing Children (Pro-Busqueda) has investigated 790 cases of children who disappeared during the 1980–92 civil war, resolved 336 cases, and determined the location of 192 children. Pro-Busqueda opened files for 18 new cases during the year.

The Government has complied with a number of measures set out in the September 2006 IACHR ruling in the case of the Serrano Cruz sisters kidnapped by the military during the civil war, but it has not addressed other requirements of the IACHR resolution. These included providing free medical and psychological treatment for relatives of the victims, forming a national search commission to search for children who disappeared during the war, and developing a system to enable the conservation of genetic data to help determine family relationships.

There were no developments regarding the November 2006 IACHR case of Jose Adrian Hernandez Rochac, who disappeared in 1980 at age 5, during an air force operation in San Jose Segundo. At year's end the IAHRC had not published any new findings.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Constitution prohibits such practices; however, during the year the PDDH received 736 complaints, most against PNC officers, alleging the use of excessive force or mistreatment of detainees, compared with 355 such complaints in 2006. The PDDH issued 84 decisions against PNC officers for excessive use of force. During the year the PDDH received 14 petitions to investigate cases of alleged torture, 12 petitions to investigate cases of alleged extrajudicial killings, 252 petitions to investigate cases of alleged arbitrary detention, and 378 petitions to investigate cases of alleged restrictions to freedom of movement. During the fourth quarter of the year, the PDDH issued a final decision against the PNC in Zacatecoluca regarding two complaints of mistreatment of detainees.

In January an appellate court upheld PNC officer Wilfredo Antonio Romero Garcia's sentence of 6 years' imprisonment for sexual abuse and extortion. Charges against five other PNC agents in the 2005 case were dropped.

Prison and Detention Center Conditions.—Prison conditions remained dangerous and harsh. Overcrowding constituted a serious threat to prisoners' health and lives, and the prison population continued to increase during the year.

At year's end there were 16,786 prisoners held in 21 correctional facilities and two secure hospital wards, with a combined designed capacity for 8,110; of these inmates, 11,257 had been convicted, and 5,787 were in pretrial detention, and 5,765 were current or former gang members. There were 575 inmates in four prisons for juvenile offenders with a capacity of 750 inmates.

Correctional facilities authorities reported six riots in the prisons in Apanteos, Zacatecoluca, San Vicente, Ciudad Barrios, and La Esperanza, which resulted in the death of 24 inmates.

In February a riot at the Juvenile Offenders Prison in Ilobasco resulted in the death of a 15-year-old inmate and injuries to two others. The investigation by the Attorney General's Office was pending at year's end.

Prison authorities reported that 46 prisoners died during the year, 28 from violence and 18 from natural causes. A total of 19 inmates, mostly gang members, were charged and awaited trial in connection with the January riot at Apanteos Prison in which 21 inmates were killed. Smuggling of weapons, drugs, and contraband, such as cell phones and cell phone chips, was a major problem in the prisons.

Gang activities in prisons and juvenile-holding facilities remained a serious problem. Gang members, who constituted approximately 34 percent of the prison population, were routinely separated from the regular prison population when possible. Gangs continued to exercise influence within the prisons and the judicial system. Prisoners reportedly conducted criminal activities from their cells, at times with complicity of prison guards. During the year prison authorities dismissed three prison guards, and four others were under criminal investigation.

Due to a lack of holding cells, pretrial detainees were often held in regular prisons together with violent criminals.

The Government permitted prison monitoring visits by independent human rights observers, nongovernmental organizations (NGOs), and the media, and such visits occurred during the year.

d. Arbitrary Arrest or Detention.—Although the Constitution prohibits arbitrary arrest and detention, there were complaints that the PNC arbitrarily arrested and detained persons. The PDDH reported receiving 252 complaints of arbitrary arrest or detention during the year; it also received complaints of six illegal detentions and six other incidents in which police officers allegedly acted beyond the scope of their authority.

In July police in the town of Suchitoto arrested 14 persons, 13 of whom were charged under counterterrorism statutes for demonstrating against the president and several cabinet members during the inauguration of a new municipal water system. The protesters were accused of having blocked entry by the officials into the town, and the protest turned violent when some demonstrators threw sticks and stones and allegedly fired shots at police officers. The Appellate Court for Organized Crime released four defendants on bail but upheld charges against the rest, who were later released on bail by a lower court. The case remained pending at year's end. The PDDH urged authorities to reconsider the use of the counterterrorism law in this case and criticized the presence of the military during Suchitoto events.

Role of the Police and Security Apparatus.—The PNC maintains public security, and the Ministry of Defense is responsible for national security. The military provided support for some PNC patrols in rural areas and gave support to law enforcement agencies for specific activities, including antinarcotics efforts. The Ministry of Public Security headed the antigang task force. Approximately 785 military personnel were deployed to protect police in high-crime areas. Military personnel, however, do not have arrest authority.

As of November the PNC Inspector General had received 1,704 complaints of police misconduct, had referred 317 cases of these to special investigation units, and had sanctioned 1,790 officers in response to complaints filed during the year and prior years. These sanctions included 282 officers dismissed for misconduct, 408 suspended without pay for serious violations, and 1,243 suspended without pay for minor infractions. As of September the Attorney General's Office had prosecuted 159 police officers as a result of investigations begun in 2006 and 2007.

Inadequate training, insufficient government funding, lack of a uniform code of evidence, and isolated instances of corruption and outright criminality undermined the PNC's effectiveness.

The PNC inspector general reported that most PNC officers and police academy cadets received human rights awareness training during the year, including training by the Salvadoran Institute for the Development of Women concerning rape prevention, child abuse, and related offenses. As of October the International Law Enforcement Academy had trained 83 police officers, 31 prosecutors, 15 judges, and 29 technical advisors, including workers in the immigration, customs, and airport authorities.

Arrest and Detention.—The Constitution requires a written warrant for arrest, except in cases where an individual is arrested in the commission of a crime. In practice authorities apprehended persons openly and with warrants based on sufficient evidence and issued by a duly authorized official and brought them before appropriate judicial officials. The Constitution provides that a detainee has the right to a prompt judicial determination of the legality of the detention, and authorities generally respected this right in practice. In general detainees were promptly informed of charges against them.

The law permits release on bail for detainees who are unlikely to flee or whose release would not impede the investigation of the case. Because it may take several years for a case to come to trial, some prisoners were incarcerated longer than the maximum legal sentences for their crimes. In such circumstances, detainees could request a Supreme Court review of their continued detention.

The courts generally enforced a ruling that interrogation without the presence of counsel is considered coercion and that any evidence obtained in such a manner is inadmissible. As a result, PNC authorities generally delayed questioning until a public defender or an attorney arrived. Family members were allowed prompt access to detainees. Detainees generally had prompt access to counsel of their choosing or to an attorney provided by the state.

The Constitution permits the PNC to hold a person for 72 hours before delivering the suspect to court, after which the judge may order detention for an additional 72 hours to determine if an investigation is warranted. The law allows up to 6

months for investigation of serious crimes before requiring either a trial or dismissal of the case. In exceptionally complicated cases, the prosecutor may ask an appeals court to extend the deadline for 3 or 6 months, depending on the seriousness of the crime. Many cases were not completed within the legally prescribed time frame. As of December there were 5,787 inmates in pretrial detention.

e. Denial of Fair Public Trial.—Although the Constitution provides for an independent judiciary, the judiciary suffered from inefficiency and corruption. Corruption in the judicial system contributed to impunity, undermining respect for the judiciary and the rule of law. Inadequate government funding of the PNC, combined with intimidation and killing of victims and witnesses, made it difficult to identify, arrest, and prosecute perpetrators of human rights abuses and other crimes, thus diminishing public confidence in the justice system.

As of September there were 1,369 persons in some type of police witness or victim protection program. In October a protected witness who was to testify in a murder case in the town of Huizucar was killed.

The government's Center for Victims and Witnesses provided shelter and protection to 50 victims, 40 witnesses, and 19 confessed criminals. In July unidentified assailants killed a government-protected witness before he was able to testify in the murder trial of a gang member, which resulted in the defendant's release.

The PDDH stated that in the year ending in June, the Attorney General's Office had prevented access to justice in 32 cases, did not effectively enforce the law in 22 cases, did not fulfill its duties in 12 cases, violated due process in 11 cases, did not protect constitutional rights in eight cases, did not protect life in seven cases, and violated due administrative process in seven cases.

In April the Administrative Chamber of the Supreme Court imposed a fine on the attorney general for not complying with a judicial order to prosecute former San Martin municipality city council members, who were accused of illegally dismissing Jose Dolores Chacon. The court had ordered council members to reinstate Chacon, but they failed to do so.

During the year the Attorney General's Office investigated seven judges for corruption. As of October the Supreme Court had received 136 complaints from private citizens against judges for alleged irregularities and sanctioned seven judges for improper conduct. In July the Supreme Court dismissed a justice of the peace in San Francisco Menendez, Ahuachapan, for corruption.

NGOs such as the Foundation for Studies in Legal Application (FESPAD), the Salvadoran Foundation for Economic and Social Development (FUSADES), and the Human Rights Institute of the University of Central America (IDHUCA) continued to allege that the Supreme Court did not adequately address judicial delays, inefficiency, and the problems of unqualified and corrupt judges.

Judges continued to force children to testify publicly in court. In April the Second Sentencing Tribunal compelled a 9-year-old girl to testify in front of her kidnappers, in apparent violation of the law. Thereafter a Supreme Court justice asked judges to protect children's rights in judicial proceedings.

During the year the attorney general received 222 complaints against prosecutors for misconduct, compared with 301 complaints during 2006. The complaints included workplace harassment, sexual harassment, corruption, fraud, and lack of due diligence in presentation of charges before a court.

The court system has four levels: Justices of the peace, trial courts, appellate courts, and the Supreme Court. The Supreme Court oversees the budget and administration of the court system and selects justices of the peace, trial judges, and appellate judges from a list of nominees proposed by the National Judiciary Council, an independent body that nominates, trains, and evaluates justices. There are separate court systems for family matters and juvenile offenders. The law requires that minors from 12 to 17 years of age be tried in juvenile courts.

Trial Procedures.—Although juries were used for specific charges, including environmental pollution and certain misdemeanors, judges decided most cases. By law juries hear only cases that the law does not assign to sentencing courts. After the jury's determination of innocence or guilt, a tribunal decides the sentence.

Defendants have the right to be present in court and to question witnesses and present witnesses and evidence. Although the Constitution further provides for the presumption of innocence, protection from self-incrimination, the right to legal counsel, freedom from coercion, and government-provided legal counsel for the indigent, these legal rights and protections were not always respected in practice. Although a jury's verdict is final, a judge's verdict can be appealed. Trials are public.

Political Prisoners and Detainees.—There were no reports of political prisoners or detainees.

Civil Judicial Procedures and Remedies.—Although the law provides for access to the courts, enabling litigants to bring civil-matter lawsuits, including seeking damages for, or cessation of, human rights violations, the judiciary was not independent or impartial. Judges were subject to outside influence. Some persons sought to bring their cases before international bodies, such as the IACHR and the Inter-American Court, because they believed that these organizations would adjudicate their claims with greater fairness and impartiality. The law provides administrative remedies for alleged wrongs through the PDDH, the Solicitor's Office, the Government Ethics Tribunal, and the Center for Consumer Protection, as well as administrative offices within the various ministries. There were problems in enforcing domestic court orders.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The Constitution prohibits such actions, and the Government generally respected these prohibitions in practice.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech and of the press, and the Government generally respected these rights in practice. Independent media were active and expressed a variety of views without restriction. International media operated freely.

In March the Legislative Assembly resolved to use a polygraph test to identify staffers who leaked information to media regarding an increase of salaries for legislators. After public outcry and opposition by the Private Enterprise Association, the Legislative Assembly withdrew its request.

In September Ignacio Alvarez, the IACHR's special rapporteur for freedom of speech, criticized the country's failure to investigate the death of journalist Lorena Saravia, who was killed in 1997 while investigating narcotics trafficking that allegedly involved members of the armed forces.

Although international NGOs generally commented positively on the status of press freedom in the country, newspaper editors and radio directors occasionally discouraged journalists from reporting on topics that the owners or publishers might not view favorably.

Internet Freedom.—There were no government restrictions on access to the Internet or reports that the Government monitored e-mail or Internet chat rooms. Individuals and groups could engage in the peaceful expression of views via the Internet, including by e-mail.

Academic and Cultural Freedom.—There were no government restrictions on academic freedom or cultural events.

b. Freedom of Peaceful Assembly and Association.

Freedom of Assembly.—The Constitution provides for freedom of assembly, and the Government generally respected this right in practice.

Several persons were arrested and charged under the counterterrorism law when a July protest against President Saca in Suchitoto turned violent. The case remained pending at year's end.

Freedom of Association.—Although the Constitution provides for freedom of association, there were concerns regarding registration delays of certain types of civil society groups. NGOs asserted that the Ministry of Governance delayed approval of or denied legal status for NGOs with particular human rights or political agendas, including the case of a gay, lesbian, and transgender advocacy NGO denied such status in 2005.

c. Freedom of Religion.—The Constitution provides for freedom of religion, and the Government generally respected this right in practice. The Ministry of Governance has responsibility for registering, regulating, and overseeing the finances of nonprofit organizations, non-Catholic churches, and other religious groups. The law exempts the Roman Catholic Church from this registration requirement. Noncitizens in the country primarily for the purpose of proselytizing must obtain a special residence visa for religious activities. In practice this prohibition was not enforced.

Societal Abuses and Discrimination.—There were no reports of societal abuses or discrimination, including anti-Semitic acts. The Jewish community totaled approximately 150 persons.

In April the Legislative Assembly enacted a law imposing sentences of up to 8 years' imprisonment for publicly offending or insulting the religious beliefs of others or for damaging or destroying religious objects.

For a more detailed discussion, see the 2007 International Religious Freedom Report.

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons.—The Constitution provides for freedom of movement within the country, foreign travel, emigration, and repatriation, and the Government generally respected these rights in practice.

The Constitution prohibits forced exile, and the Government observed this prohibition in practice.

Protection of Refugees.—The law provides for the granting refugee status or asylum in accordance with the 1951 U.N. Convention relating to the Status of Refugees and its 1967 protocol, and the Government has established a system for providing protection to refugees. The Government cooperated with the Office of the U.N. High Commissioner for Refugees and other humanitarian organizations in providing protection and assistance to internally displaced persons, refugees, asylum seekers, stateless persons, and other persons of concern. During the year the Government received 12 refugee petitions and granted five persons refugee protection; the remaining seven petitions were pending at year's end.

In practice the Government provided protection against refoulement, the return of persons to a country where there is reason to believe they feared persecution.

The Government received no requests for temporary protection for individuals who may not qualify as refugees under the 1951 U.N. Convention and its 1967 protocol.

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

The Constitution provides citizens 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.

In 2004 ARENA party candidate Elias Antonio Saca won the presidential election, which the Organization of American States and other international observers reported was generally free and fair with few irregularities.

Political parties could operate without restrictions or outside interference. In March 2006 elections, described as free and fair by international observers, the ARENA party won a plurality of 34 deputy seats in the 84-seat unicameral Legislative Assembly and later negotiated with the 10 deputies of the National Conciliation Party (PCN) and the five deputies of the Christian Democratic Party to maintain a simple working majority. The opposition FMLN Party won 32 seats.

The country's vice president was a woman, and there were 13 women in the Legislative Assembly and five women on the 15-member Supreme Court.

While minorities were not self-identified, persons of indigenous descent were represented in government and elected office, including the Legislative Assembly and the presidential cabinet.

Government Corruption and Transparency.—The law provides criminal penalties for official corruption; however, the Government did not implement the law effectively, and officials, particularly in the judicial system, reportedly engaged in corrupt practices with impunity. According to the World Bank's worldwide governance indicators, government corruption was a problem.

In March Guillermo Mata Bennett, former president of the Medical Doctors Association, filed a complaint with the Government Ethics Tribunal accusing Minister of Health Guillermo Maza of keeping government-owned equipment in a warehouse and compelling public hospitals to refer patients requiring ultrasound tests, tomography, and similar tests to Minister Maza's clinic. In July the Government Ethics Tribunal sanctioned Maza for negligence.

The Legislative Assembly has not audited the Court of Accounts, the Government agency charged with auditing the National Treasury and the Federal Budget, since 1995, despite a law mandating an annual audit. The attorney general criticized the administration of the Court of Accounts on various occasions, alleging corruption and mismanagement.

In November 2006 the Legislative Assembly revoked the immunity of PCN Alternate Deputy Roberto Carlos Silva Pereira, who was accused of money laundering and fraud. In January Silva fled the country and was later apprehended in a foreign country, where he awaited a deportation hearing at year's end.

As of October, the Government Ethics Tribunal had opened investigations against 44 public officers.

Although the law provides for public access to government information, in practice inconsistent legislation impeded public access to information. Nonetheless, citizens could access information via the Internet regarding the national budget and some cases before the Supreme Court.

Section 4. Governmental Attitudes Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A wide variety of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Although government officials generally were cooperative and responsive to these groups, officials at times were reluctant to discuss workers' rights issues with NGOs and the PDDH. Domestic and international NGOs were required to register with the government, and some reported difficulties.

The principal human rights investigative and monitoring body is the autonomous PDDH, whose head is elected by the Legislative Assembly for a 3-year term. The PDDH regularly issued reports and press releases and maintained a constructive dialogue with the president's office. The Government publicly acknowledged receipt of the PDDH's reports, although in some cases it did not take action on PDDH recommendations, which are not legally binding. The public generally trusted both the ombudsman and the PDDH. A December survey by a leading newspaper, La Prensa Grafica, reflected a 43 percent approval and 25 percent disapproval rating for the PDDH.

By September the PDDH had accepted 2,145 complaints of human rights violations and had issued 506 preliminary decisions and 463 final decisions for cases filed during 2007 and previous years. The most frequently alleged violations related to personal integrity, freedom of movement, access to justice, labor laws, and due process.

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

Although the Constitution and the legal code establish that all persons are equal before the law and prohibit discrimination regardless of race, gender, disability, language, or social status, in practice the Government did not effectively enforce these prohibitions. There was discrimination against women, persons with disabilities, and indigenous people.

Women.—The law criminalizes rape. While not specifically addressed in the law, spousal rape may be considered a crime if the actions meet the criminal code definition of rape. The attorney general may prosecute rape cases with or without a complaint from the victim, and the law does not permit the victim's pardon to nullify the criminal charge. The penalty for rape is 6 to 10 years' imprisonment, but the law provides for a maximum sentence of 20 years for rape of certain classes of victims, including children and persons with disabilities. Incidents of rape continued to be underreported for a number of reasons, including societal and cultural pressures against victims, fears of reprisal, ineffective and unsupportive responses by the authorities toward victims, fear of publicity, and a perception among victims that cases were unlikely to be prosecuted. Laws against rape were not effectively enforced.

During the year the attorney general investigated 56 rape cases, which resulted in 33 convictions, 21 acquittals, one mistrial, and one case in which charges were dropped.

During the year the Salvadoran Institute for Women's Development (ISDEMU) provided health and psychological assistance to 920 women and 103 men who suffered sexual abuse. It also provided assistance to 2,468 girls and 1,516 boys who suffered physical abuse during the year.

Rape and other sexual crimes against women were widespread. During the year the PNC received reports of 655 cases of rape against women and 1,121 cases of rape against children and persons with disabilities.

The law prohibits domestic violence and provides for sentences ranging from 1 to 3 years in prison. The law also permits obtaining restraining orders against offenders. Domestic violence was considered socially acceptable by a large portion of the population, and, as with rape, its incidence was underreported.

Violence against women, including domestic violence, was a widespread and serious problem. Laws against domestic violence were not well enforced, and cases were not effectively prosecuted. During the year ISDEMU received 5,906 reports of domestic violence, compared with 4,792 complaints in 2006. The PNC received 297 domestic violence complaints. The Attorney General's Office would not provide statistics on domestic violence prosecution.

In September the Supreme Court published a domestic violence report based on 2006 and 2007 PNC statistics. The report pointed out that the PNC investigated 789 cases of rape in the first 8 months of 2007, compared with 696 cases in all of 2006. The report also drew attention to the fact that the highest instances of violence against women occur among the economically disadvantaged. The Supreme Court also reported that justices of the peace received 8,420 cases and family courts 3,039 cases of domestic violence during 2006.

ISDEMU conducted public awareness campaigns against domestic violence and sexual abuse in coordination with the judicial and executive branches and with civil society groups. The PDDH, the Attorney General's Office, the Supreme Court, the Public Defender's Office, and the PNC coordinated efforts with NGOs and other organizations to combat violence against women through education, increased enforcement of the law, and NGO support programs for victims. The National Secretariat for the Family, through ISDEMU, defined policies, programs, and projects on domestic violence and continued to maintain a telephone hot line and a shelter for victims of domestic abuse and child victims of commercial sexual exploitation.

Although prostitution is legal, the law prohibits inducing, facilitating, promoting, or giving incentives to a person to work as a prostitute. Prostitution remained common, and there were credible reports that some women and girls were forced into prostitution.

There were no reports of sex tourism. Trafficking in women and girls for purposes of sexual exploitation was a problem. The Ministry of Public Security and Justice reported that there were 151 female victims of sexual commercial exploitation during the year.

The law prohibits discrimination based on sex; however, it does not specifically prohibit sexual harassment in the workplace. The law broadly defines sexual harassment as any unwanted verbal or physical sexual conduct and stipulates penalties of 3 to 5 years in prison (or 4 to 8 years in cases where the victim is under the age of 15 at the time of the offense). Fines are added to the prison term in cases where the perpetrator is in a position of authority or trust over the victim.

The Government did not enforce sexual harassment laws effectively. Since underreporting by victims of sexual harassment appeared to be widespread, it was difficult to estimate the extent of the problem; however, ISDEMU estimated that 40 percent of incidents of sexual abuse and rape were preceded by sexual harassment. In February the prisons director, Roberto Vilanova, resigned while under investigation for sexual harassment. In March a court ruled there was sufficient evidence to prosecute him, but in August the same court released Vilanova without charging him. The attorney general's appeal of the release was denied.

The Constitution grants women and men the same legal rights under family and property law, but women did not receive equal treatment in practice. The law establishes sentences of 1 to 3 years in prison for public officials who deny a person's civil rights based on gender and 6 months to 2 years for employers who discriminate against women in the workplace; however, it was difficult for employees to report such violations because they feared reprisals.

Although pregnancy testing as a condition for employment is illegal, some employers, including maquila factories, required female job applicants to present pregnancy test results and allegedly fired workers found to be pregnant.

Women suffered from cultural and societal discrimination and had reduced economic opportunities. Men often received priority in job placement and promotions, and women were not accorded equal respect or stature in traditional male-dominated sectors, such as agriculture and business. Training for women generally was confined to low-wage occupational areas where women already held most positions, in fields such as teaching, nursing, home industries, and small businesses.

Gender-based wage disparity remained a problem. The most recent available data indicated that, on average, women's wages were approximately half those of men. In the maquila sector, where women made up approximately 85 percent of the labor force, men held the majority of positions in management and in departments where employees received higher wages.

ISDEMU provided awareness training on public policies relating to gender and, along with the Foundation for Small and Medium-Sized Enterprises and the Salvadoran Institute for Professional Training, also provided technical and financial assistance to female heads of household throughout the country.

Children.—The Government was committed to improving children's rights and welfare but allocated insufficient resources and suffered from poor interagency coordination in its child welfare activities. The Salvadoran Institute for Children and Adolescents (ISNA), an autonomous entity, has primary responsibility for child welfare issues. ISNA facilities sheltered 914 children during the year.

The Ministry of Education, with foreign assistance and in association with the Ministry of Labor, coordinated the "Aprendo" program to raise awareness among students, teachers, and parents regarding the importance of remaining in school and avoiding harmful forms of child labor. The Government also continued to cooperate in a program sponsored by the U.N. Children's Fund that provided information to children regarding sexual and commercial exploitation.

Education is free, universal, and compulsory through the ninth grade and nominally free through high school. In reality, children on average attended school for

approximately 5.5 years. The law prohibits persons from impeding children's access to school due to inability to pay fees or buy uniforms. Some public schools, however, continued to charge student fees, preventing poor children from attending school. According to a U.N. Development Program report, the gross enrollment rate for primary education increased from 78 percent in 1991 to 88 percent in 2005. Rural areas fell short of providing required education to all eligible students, due to a lack of resources and because rural parents often withdrew their children from school by the sixth grade to work. Girls and boys had equal educational access.

Boys and girls enjoyed equal access to state-provided medical care.

Child abuse was a serious and widespread problem. ISNA reported 2,312 cases of child abuse, including 801 cases of negligence, 483 cases of mistreatment, 304 cases of children living on the streets, 353 cases of sexual abuse, 235 cases of abandonment, 60 cases of children employed as beggars, and 76 cases of commercial sexual exploitation.

In March, after a routine search at the Tonacatepeque juvenile prison, a minor inmate alleged that police officers beat him because he refused to give them $19. The Supreme Court Legal Medicine Institute confirmed that the minor was injured, and an investigation by the Office of the Attorney General continued at year's end.

In June the PNC's Human Rights Unit trained 6,032 police officers on rights of children during arrest procedures. In October, 1,905 police officers received training in special procedures for abused children.

The law prohibits participating in, facilitating or purchasing materials containing child pornography and provides for prison sentences of up to 16 years' imprisonment; however, this law was not effectively enforced.

Child labor remained a widespread and serious problem. In September the Ministry of Education reported that its 2004–5 school attendance census, the most recent available, reported that approximately 15 percent of students between 5 and 17 years old worked, with children in rural areas most likely to be involved in work activities.

Trafficking in Persons.—Although the law prohibits trafficking in persons, there were reports that persons were trafficked to, from, and within the country.

The country was a source, transit, and destination country for women and children trafficked primarily for the purpose of sexual exploitation and was also a source of forced labor. There was evidence that the country was a transit point for girls trafficked to Mexico, the United States, neighboring Central American countries, and elsewhere. Most international trafficking victims came from Nicaragua, Honduras, and South America. Some children were trafficked internally to cities, particularly to Acajutla and San Miguel, and to border regions. Sex trafficking of minors occurred within the country's borders, as did sex trafficking induced by force, fraud, or coercion. According to the International Labor Organization's (ILO) International Program to Eliminate the Worst Forms of Child Labor, girls were sexually exploited commercially in San Salvador and San Miguel.

There were no firm estimates on the extent of trafficking. Particular groups at special risk for trafficking were girls and young women from 12 to 19 years of age, persons from rural and poor areas, single mothers in poor areas, adolescents without formal schooling, adolescent mothers, unemployed young men, and foreign girls.

According to immigration authorities, the principal traffickers in the country were the owners of topless bars and brothels and employment agencies that offered inducements for work in beauty salons, as models, in gyms, as maids, or in factories.

The PNC reported that the most common methods of obtaining victims were kidnapping, lucrative job offers, and inducement into prostitution by family, friends, and smugglers. While some traffickers transported victims, most victims entered the country on their own from Nicaragua, Honduras, and other neighboring countries in response to job offers to work as domestic servants but were forced into prostitution on arrival.

The Government reported that during the year, it trained 32,286 public officials from agencies involved with trafficking issues. A pilot plan school training program trained 701 teachers and 28,040 students in 66 schools.

Trafficking in persons and forced prostitution are felonies, penalized by 4 to 8 years' imprisonment. If the trafficking victim is under 18, has physical or mental disabilities, suffers violations of freedom of transit in a foreign country, dies as a consequence of negligence or imprudence, or if the perpetrator is a law enforcement agent or public officer, the maximum sentence increases by one-third.

During the year the PNC arrested 27 persons on trafficking charges. The Attorney General's Office prosecuted 46 new cases of trafficking; courts did not maintain statistics on convictions.

In May the PNC arrested a Guatemalan citizen, Mario Roberto Cardona Duran, for trafficking a 17-year-old girl to Guatemala. Cardona had promised to get a job

for the girl in a bar. The justice of the peace in Candelaria de la Frontera dismissed the case.

During the year the Government coordinated one investigation of trafficking in cooperation with Interpol and foreign authorities, resulting in seven arrests. There were no extraditions based on trafficking charges.

The Government detained illegal migrants, including those who might have been trafficking victims. Persons under age 18 were repatriated through ISNA cooperation with its counterpart organizations. The PNC encouraged trafficking victims to press charges against traffickers. Victims could apply for temporary residence or refugee status if they were likely to face persecution in their country of origin. Adult illegal immigrant victims of trafficking who did not request assistance or express fear for their lives were deported under immigration law.

The Government provided legal, medical, and psychological services upon request. Victims of trafficking were not treated as criminals unless they were undocumented workers of legal age. Although the Government provided assistance to its repatriated citizens who were victims of trafficking, victims faced societal discrimination due to having engaged in prostitution or other commercial sexual activities.

The Salvadoran Network Against Trafficking, comprising the ILO, Catholic Relief Services, and the NGOs Las Dignas, the Salvadoran National Women's Commission (CONAMUS), Flor de Piedra, FESPAD, and Caritas, provided legal counseling and human rights awareness to victims of trafficking. The government's shelter for victims of trafficking provided protection to 106 persons during the year.

By October the ILO and ISDEMU victim's attention program had assisted 130 youth victims of commercial sexual exploitation. The ILO also worked with the Attorney General's Office on victim's awareness programs in five schools in La Libertad.

The National Committee to Combat Trafficking in Persons, a task force comprising the Government agencies responsible for addressing trafficking in persons, collected data on trafficking, and its member agencies conducted extensive anti-trafficking training, information programs, and assistance to victims.

The Ministry of Labor and National Academy of Public Security collaborated with the ILO in training several hundred law enforcement officers and NGO personnel in trafficking awareness.

The Center for Women's Studies, IDHUCA, CONAMUS, the International Office on Migration, and the ILO had programs to prevent trafficking.

Persons with Disabilities.—Although the law prohibits discrimination against persons with physical and mental disabilities in employment, education, access to health care, or the provision of other state services, the Government did not effectively enforce these prohibitions, particularly in education and employment, nor did it effectively enforce legal requirements for access to buildings for persons with disabilities.

The law requires that one of every 25 employees hired by private businesses be a person with disabilities. Although no reliable data existed on the number of persons with disabilities who were employed, the unemployment rate among this group remained significantly higher than that of the general population. On October 4, the Legislative Assembly ratified the Convention on the Rights of Persons with Disabilities.

Access by persons with disabilities to basic education was limited due to lack of facilities and appropriate transportation. Few of the government's community-based health promoters were trained to treat persons with disabilities, and they rarely provided such services. The Government provided insufficient funding to the several organizations dedicated to protecting and promoting the rights of persons with disabilities. La Prensa Grafica reported that disability pensions paid to former civil war combatants were insufficient.

The National Council for Disabled Persons (CONAIPD) is the Government agency responsible for protecting the rights of persons with disabilities. CONAIPD conducted awareness campaigns to promote rights of the disabled and developed strategies to assist teachers. It also promoted the hiring of persons with disabilities. During the year, CONAIPD provided legal assistance in obtaining a driver's license to 1,568 persons with disabilities.

The Rehabilitation Foundation in cooperation with the Salvadoran Institute for the Rehabilitation of the Disabled continued to operate a treatment center for persons with disabilities, including a touch garden for the blind, art workshops, a special educational assistance program, and an education program for parents of children with disabilities.

Indigenous People.—While the Constitution states that native languages are part of the national heritage and should be preserved and respected, the law does not

recognize indigenous communities and accords no special rights to indigenous people. Indigenous persons comprise approximately 1 percent of the national population and form three principal groups: Nahua-Pipiles in western and central areas of the country and Lencas and Cacaoperas in the eastern region.

Due to the persistence of discriminatory cultural attitudes against indigenous people, few individuals publicly identified themselves as indigenous. There were a few small indigenous communities whose members continued to wear traditional dress and maintain traditional customs without repression or interference by the Government and nonindigenous groups. Government estimates in 2004, the most recent available, indicated that approximately 99 percent of indigenous persons lived below the poverty level.

The PDDH annual report released in June recommended that the Government constitutionally recognize indigenous persons and adopt public policies and programs to help them preserve their rights.

In June, 11 self-identified indigenous persons filed a complaint with the Supreme Court Constitutional Chamber against the minister of economy and the director general of census and statistics arguing that the housing and population censuses were discriminatory in their planning, design, and implementation. The case was pending at year's end.

Access to land was a problem for indigenous persons. Because few possessed title to land, opportunities for bank loans and other forms of credit were extremely limited. The U.N. Committee on Elimination of Racial Discrimination (CERD) noted with concern the vulnerability of the country's indigenous persons with regard to enjoyment of their economic, social, and cultural rights, particularly with regard to land ownership and access to potable water; the low level of indigenous participation in government and public affairs; and the lack of access by indigenous persons to their sites of worship.

The CERD expressed concerns about government assertions that there was no racial discrimination, noting discrepancies between government assessments that the country was ethnically homogenous and credible indications that specific indigenous populations lived in the country.

There were no government programs dedicated to combat discrimination against indigenous persons.

Other Societal Abuses and Discrimination.—The law prohibits discrimination on the basis of HIV status and sexual orientation, although in practice discrimination was widespread. There were reports of violence and discrimination by public and private actors against persons with HIV/AIDS, and against homosexual, lesbian, and transgender persons, including denial of legal registration for a homosexual rights advocacy group.

Lack of public information remained a problem in confronting discrimination against persons with HIV/AIDS or in assisting persons suffering from HIV/AIDS. According to a 2006 National Health Survey, only half of the population between the ages of 15 and 24 was sufficiently aware of methods for preventing HIV infection.

Section 6. Worker Rights

a. The Right of Association.—While the Constitution provides for the right of workers, except military personnel, national police, and government workers, to form unions without previous authorization, there were problems in the exercise of this right.

The ILO Committee on Freedom of Association supported worker complaints that the Government impeded the exercise of the right of association. Union leaders asserted that the Government and judges continued to use excessive formalities as a justification to deny applications for legal standing to unions and federations. Among the requirements to obtain legal standing, unions must have a minimum of 35 members in the workplace, hold a convention, and elect officers. According to Ministry of Labor statistics, 9.4 percent of the country's total workforce in the formal and informal sectors was unionized, compared with 10.2 percent in 2006. According to the 2004 Multiple Household Survey, the most recent available, 772,407 persons, representing approximately 50 percent of the economically active urban population, worked in the informal sector.

In September 2006 members of the communications union SITCOM appealed the Ministry of Labor's denial of legal status to the union. In July the Supreme Court asked the president to grant legal status to SITCOM, and the president's response was pending at year's end. The Ministry of Labor continued to assert that some members of SITCOM did not belong to the communications industry, thereby denying SITCOM legal status. In September workers asked the attorney general to prosecute the minister of labor for not complying with the court's order.

The law does not require employers to reinstate illegally dismissed workers. Employers have dismissed workers who tried to form unions, and in most cases the Government did not prevent their dismissal or seek their reinstatement.

The law specifies 18 reasons for which an employer can legally suspend workers, and employers can invoke 11 of these reasons without prior administrative or judicial authorization. Workers reported instances where employers used illegal means to undermine union organizing, including dismissal of labor activists and blacklisting workers who were union members. While the law prohibits antiunion discrimination, these provisions were rarely enforced by the government. As a result, significant discrimination against labor union organizers persisted.

In June three union groups filed a complaint with the ILO alleging violations of the right of association by Calvo Tuna Company. According to the unions, Calvo illegally dismissed three union members and attempted judicially to dismiss a fourth. In July the Ministry of Labor granted legal status to the union; however, the workers were not rehired.

b. The Right to Organize and Bargain Collectively.—The law provides for collective bargaining by employees in the private sector and by certain categories of workers in autonomous government agencies, such as utilities and the port authority. The Ministry of Labor reported 332 collective bargaining agreements in effect, covering 59,980 workers. Labor leaders asserted that the Government had an unfair advantage in arbitration of public sector labor disputes because the Government holds two of three seats on arbitration panels.

On October 29, the Supreme Court ruled that ILO Convention 87, ratified by the Legislative Assembly in August 2006, was unconstitutional. The Court held that Convention 87 extends the right to organize to public officers and that the right to organize may only be extended to private employees and employees that work for autonomous institutions.

With the exception of public workers who provide vital community services, the Constitution recognizes the right to strike, and workers exercised this right in practice. Despite the prohibition on strikes by public sector workers performing vital community services, the Government generally treated work stoppages called by such worker associations as legitimate.

A legal strike must be supported by 51 percent of workers in an enterprise, including workers not represented by the union. Unions may strike only after the expiration of a collective bargaining agreement or to protect professional rights. Unions must seek to resolve differences through direct negotiation, mediation, and arbitration before striking. A strike must aim to obtain or modify a collective bargaining agreement and to defend the professional interests of workers. Union members must approve a decision to strike through secret ballot, and the union must name a strike committee to serve as a negotiator and send the list of names to the Ministry of Labor, which notifies the employer. The union must wait 4 days from the time the Ministry of Labor notifies the employer before beginning the strike. The law prohibits workers from appealing a government decision declaring a strike illegal.

In April Maria Isabel Rodriguez, rector of El Salvador University, stated that 68 striking members of the university's union would be dismissed, but the number was later reduced to three.

There were 309 maquila plants and 10 free trade zones (FTZs). There are no special laws or exemptions from regular labor laws inside the FTZs. There were credible reports that some factories in the FTZs dismissed union organizers. There were no collective bargaining agreements among the 67,096 workers in the maquila sector. Maquila workers reported verbal and physical abuse, as well as sexual harassment by supervisors. The Ministry of Labor opened 16 investigations for allegations of verbal abuse during the year.

The Government did not allocate sufficient resources for adequate inspection and oversight to ensure respect for association and collective bargaining rights in FTZs. There continued to be allegations of corruption among labor inspectors in the maquilas. During the year the Government conducted 25,682 labor inspections and 10,492 reinspections and imposed fines in 1,021 cases.

The Ministries of Labor and the Economy concurred that during the year approximately 10,000 workers in the maquila sector were not receiving social security and other payment benefits to which they were legally entitled. The Attorney General's Office reported investigating 563 cases and prosecuting 83 cases of nonpayment.

In April a judge ordered house arrest for Roberto Jorge Bukele Siman for improperly withholding payments from ISSS and pension quotas; according to the Attorney General's Office, Bukele withheld payments of $130,528 between 1998 and 2005.

c. Prohibition of Forced or Compulsory Labor.—The Constitution prohibits forced or compulsory labor, including by children, except in the case of natural catastrophe and other instances specified by law. Although the Government generally enforced this prohibition, there were problems with trafficking of persons for forced commercial sexual purposes.

d. Prohibition of Child Labor and Minimum Age for Employment.—The law prohibits the employment of children under the age of 14, but child labor remained a serious and widespread problem.

Children from the age of 12 are allowed to engage in light work so long as it does not harm their health or interfere with their education. Children under 16 years of age are prohibited from working more than 7 hours per day and 34 hours per week; those under age 18 are prohibited from working at night or in occupations considered hazardous. The Ministry of Labor was responsible for enforcing child labor laws. In practice labor inspectors focused almost exclusively on the formal sector, where child labor was rare.

The Government did not devote adequate resources to effectively enforce child labor laws in agricultural activities, especially coffee and sugarcane production, or in the large informal sector. Orphans and children from poor families frequently worked for survival as street vendors and general laborers in small businesses. A recent survey by the Center for Public Opinion at Francisco Gavidia University found that 21 percent of the street vendors in the San Salvador central market were children. The Ministry of Labor received few complaints of violations of child labor laws because many citizens perceived child labor as an essential component of family income rather than a human rights violation.

There were credible reports of trafficking in children and child prostitution.

The Ministry of Labor had 158 labor inspectors distributed nationwide; however, none specifically worked on child labor issues. The Government conducted monitoring and inspections, including 1,216 programmed inspections and 62 follow-up inspections. Between January and March, the Government conducted 201 inspections of the sugarcane and coffee industries and 11 inspections for child labor, resulting in the removal of 81 children. However, the Government conducted no inspections of sugarcane or coffee plantations between April and October, and there were no inspections for child labor conducted during this period. The ministry did not impose any fines for child labor activity.

The ILO's International Program on the Elimination of Child Labor continued operating programs to combat commercial sexual exploitation of children. An international NGO collaborated with several local civil society groups to withdraw and prevent children from hazardous labor by providing educational services.

e. Acceptable Conditions of Work.—The minimum wage is set by executive decree, based on recommendations from a tripartite committee comprising representatives from labor, government, and business. The minimum monthly wage was $182.05 for service employees, $178.79 for industrial laborers, and $161.97 for maquila workers. The agricultural minimum wage was $85.59, except for seasonal coffee harvesters $93.56, sugarcane workers $79.35, and cotton pickers $71.38. The national minimum wage did not provide a sufficient standard of living for a worker and family.

Hermosa Manufacturing, a local garment manufacturer, ceased operations in 2005, leaving more than 250 unemployed workers and liabilities of $825,000 in outstanding wages, severance payments, and unpaid benefits. In September 2006, the Ministry of Labor imposed fines of $2,400 on Hermosa Manufacturing in response to a suit brought by the National Federation of Salvadoran Workers before the ILO. In November 2006, the Third Sentencing Court of San Salvador sentenced the company's owner, Joaquin Salvador Montalvo Machado, to 2 years in prison for illegally retaining workers' social security and pension payments and assessed a fine of $144,724. On October 29, a former client of the factory, Adidas Group published an open letter in the two leading daily newspapers asking the Government to take immediate measures to resolve the case. The claims and court judgment remained pending at year's end.

According to the 2004 Multiple Household Survey, more than half of informal sector workers were women, whose incomes were often below the minimum wage. In general the Ministry of Labor effectively enforced minimum wage laws only in the formal sector. It conducted 9,832 inspections and sanctioned seven employers in the industrial, commercial, and service sectors due to nonpayment of minimum wages.

The law sets a maximum normal workweek of 44 hours, limited to no more than 6 days, and requires bonus pay for overtime. The law mandates that full-time employees be paid for an 8-hour day of rest in addition to the 44-hour normal workweek. The law prohibits compulsory overtime. These standards were not enforced effectively, and many workers were not paid overtime.

Sources reported that some maquila plants underpaid workers and failed to compensate for mandatory overtime. Corruption among labor inspectors and in the labor courts remained barriers to enforcing the minimum wage laws.

As of September the Ministry of Labor had inspected 12,811 workplaces and issued 5,338 recommendations for improvements in working conditions covering 189,947 workers. The ministry, in conjunction with the private sector, organized 299 training sessions for prevention of occupational risks in the workplace.

The law requires all employers to take steps to ensure that employees are not placed at risk to their health and safety in the workplace. This includes prohibitions on the employment of persons under age 18 in occupations considered hazardous or morally dangerous. Health and safety regulations are outdated, and enforcement was inadequate. The law does not clearly recognize the right of workers to remove themselves from hazardous situations without jeopardy to their continued employment.

GRENADA

Grenada is a parliamentary democracy with a bicameral legislature. Grenada and two smaller islands, Carriacou and Petite Martinique, have a population of approximately 105,000. In 2003 Prime Minister Keith Mitchell's New National Party (NNP) won eight of 15 parliamentary seats in generally free and fair elections. The civilian authorities generally maintained effective control of the security forces.

The Government generally respected the human rights of its citizens; however, problems included allegations of corruption, violence against women, and instances of child abuse.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life.—There were no reports that the Government or its agents committed arbitrary or unlawful killings.

b. Disappearance.—There were no reports of politically motivated disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Constitution and law prohibit such practices, and there were no confirmed reports that government officials employed them. However, there were occasional allegations that police beat detainees. Flogging, a legal form of punishment, was occasionally used as punishment for sex crimes.

Prison and Detention Center Conditions.—Prison conditions generally met international standards, with the exception of overcrowding, and the Government permitted visits by independent human rights observers. Overcrowding was a significant problem, as 367 prisoners were housed in space designed for 98 persons.

Women were held in a separate section of the prison from men. There was no separate facility for juveniles, so they were held with the general prison population.

d. Arbitrary Arrest or Detention.—The Constitution and law prohibit arbitrary arrest and detention, and the Government generally observed these prohibitions.

Role of the Police and Security Apparatus.—The country does not have a military. The 867-person Royal Grenadian Police, together with 232 rural constables, has a hierarchical structure and generally was effective in responding to complaints. However, lack of resources remained a problem. The police commissioner continued a community policing program.

The police report to the minister of national security, who works in the Ministry of the Prime Minister. The police commissioner can discipline officers (up to the rank of sergeant) in cases of brutality with penalties that include dismissal. Only the Public Service Commission can discipline officers with the rank of inspector or above.

The police officer who stole drugs and ammunition from the evidence room in 2005 awaited trial, as did two other officers dismissed for fraud in 2006.

Arrest and Detention.—The Constitution and law permit police to detain persons on suspicion without a warrant, but they must bring formal charges within 48 hours, and this limit generally was respected. In practice detainees were provided access to a lawyer and family members within 24 hours. The law provides for a judicial determination of the legality of detention within 15 days after arrest on a criminal charge. The police must formally arraign or release a detained person within 60 days, and the authorities generally followed these procedures. There is a functioning system of bail, although persons charged with capital offenses are not eligi-

ble. Persons charged with treason may be accorded bail only upon the recommendation of the governor general. The court will appoint a lawyer for the indigent in cases of murder and other capital crimes.

e. Denial of Fair Public Trial.—The Constitution and law provide for an independent judiciary, and the Government generally respected this judicial independence in practice.

The judiciary is a part of the Eastern Caribbean legal system, which consists of three resident judges who hear cases in the High Court twice a year and a Court of Appeals staffed by a chief justice who travels between the Eastern Caribbean islands hearing appeals of local cases. Final appeal may be made to the Privy Council in the United Kingdom.

Trial Procedures.—The Constitution and law provide for the right to a fair trial, and an independent judiciary generally enforced this right. There is a presumption of innocence, and the law protects persons against self-incrimination and requires the police to explain a person's rights upon arrest. The accused has the right to remain silent and to seek the advice of legal counsel. The law allows for a defense lawyer to be present during interrogation and to advise the accused how to respond or not to respond to questions. The accused has the right to confront his accuser and has the right of appeal. There are jury trials in the high court only; trials are open to the public unless the charges are sexual in nature or a minor is involved.

The court appoints attorneys for indigents only in cases of murder or other capital crimes. In other criminal cases that reach the appellate stage, the court appoints a lawyer to represent the accused if the defendant was not represented previously or reappoints earlier counsel if the appellant no longer could afford that lawyer's services. With the exception of foreign-born drug suspects or persons charged with murder, the courts grant most defendants bail while awaiting trial.

The June court session was shortened as a result of a resentencing hearing, leading to serious delays for cases in a cascade effect throughout the legal system.

Political Prisoners and Detainees.—There were no reports of political prisoners or detainees.

On February 7, the Privy Council (in response to a 2004 request from defense lawyers) directed the High Court to resentence the 13 remaining prisoners of the "Grenada 17," convicted for the 1983 murder of Prime Minister Maurice Bishop and members of his cabinet. (In December 2006 three men identified as the triggermen in the assassination were released from prison, after serving the required two-thirds of their 30-year sentences; one person had been released earlier for medical treatment.) In June the court released three for time served and sentenced the remaining 10 to an additional 3 years in prison. Charges of bias were raised against the presiding judge during the hearing, based on his association with the prisoners before, during, and allegedly after the 1979–83 revolution, but the judge refused to recuse himself.

Civil Judicial Procedures and Remedies.—There is an independent and impartial judiciary for civil matters. The civil court system encompasses a number of seats around the country at which magistrates preside over cases.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The Constitution and law prohibit such actions, and the Government generally respected these prohibitions in practice.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution and law provide for freedom of speech and of the press, and the Government generally respected these rights in practice. An independent press, an effective judiciary, and a functioning democratic political system combined to ensure freedom of speech and of the press.

Internet Freedom.—There were no government restrictions on access to the Internet or reports that the Government monitored e-mail or Internet chat rooms. Individuals and groups could engage in the peaceful expression of views via the Internet, including by e-mail.

Academic Freedom and Cultural Events.—There were no government restrictions on academic freedom or cultural events.

b. Freedom of Peaceful Assembly and Association.—The Constitution and law provide for freedom of assembly and association, and the Government respected these rights in practice.

c. Freedom of Religion.—The Constitution and law provide for freedom of religion, and the Government generally respected this right in practice.

There is no state religion; however, all religious organizations must register with the government, which entitles them to some customs and import tax exemptions.

Societal Abuses and Discrimination.—There were no reports of societal abuses or discrimination, including anti-Semitic acts. The Jewish community was very small.

For a more detailed discussion, see the 2007 International Religious Freedom Report.

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons.—The Constitution and law provide for freedom of movement, foreign travel, emigration, and repatriation, and the Government generally respected these rights in practice.

The law does not address forced exile, but the Government did not use it.

Protection of Refugees.—The country is not party to the 1951 U.N. Convention relating to the Status of Refugees and its 1967 protocol. The Government has not established a system for providing protection to refugees or asylum seekers. In practice the Government provided protection against refoulement, the return of persons to a country where there is reason to believe they fear persecution.

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

The Constitution and law provide citizens the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections based on universal suffrage.

Elections and Political Participation.—In 2003 the incumbent NNP administration of Prime Minister Keith Mitchell retained power by winning eight of the 15 seats in parliamentary elections generally considered free and fair, but with some irregularities noted by the Organization of American States in several races.

There were four women in the 15-seat Parliament and four women among the 12 appointed senators. There were six female ministers of government.

Government Corruption and Transparency.—In March Parliament passed the country's first anticorruption bills, but there was not yet any record of successful prosecutions under these new laws. According to the World Bank's worldwide governance indicators, government corruption was a problem.

There are no laws mandating transparent reporting of political donations or limiting the amount of political donations from non-Grenadians. A foreign court received a sentencing memorandum stating that a witness admitted he had funneled money from the defunct First International Bank of Grenada to Prime Minister Mitchell and other Grenadian officials intended for political activity (which is legal) as well as bribes.

The new anticorruption laws require all public servants to report their income and assets and set up a commission to enforce the rules. Implementation was delayed by an internal government dispute over setting up the commission, but on November 30 the Government announced that all outstanding issues had been resolved. The commission had been expected to be in place by year's end, but implementation was delayed by technical problems.

At the urging of the political opposition, the governor general revived the one-person Commission of Inquiry established to investigate whether Prime Minister Mitchell accepted money from a foreign citizen, reportedly in exchange for a diplomatic title. The person who claimed to have videotaped the exchange of money on which the charges were based refused to travel to Grenada to testify. In his absence, and with no witnesses to the alleged act, the commissioner closed the hearing, reporting that no wrongdoing had been proved. The commissioner likewise denied the opposition's request to cross-examine witnesses, stating that there were none.

Although there is no law providing for public access to government information, citizens may request access to any information that is not deemed classified. There is no national archive system, but the public library attempted to archive those official documents to which it had access.

Section 4. Governmental Attitudes Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A number of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials generally were cooperative and responsive to their views. Most local NGOs were connected to the main political parties and were viewed with some suspicion by a wary public.

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

The Constitution and law prohibit discrimination based on race, place of origin, political opinion, color, creed, or gender, and the Government generally upheld these prohibitions.

Women.—The law criminalizes rape, including spousal rape, and stipulates a sentence of flogging or up to 15 years' imprisonment for a conviction of any nonconsensual form of sex. In the June court session, 13 out of 65 cases dealt with either rape or related charges: Six rape cases, three indecent exposure cases, and four unlawful carnal knowledge cases.

Women's rights monitors noted that violence against women remained a serious problem. The law prohibits domestic violence and provides for penalties at the discretion of the presiding judge based on the severity of the offense. Police and judicial authorities usually acted promptly in cases of domestic violence. Sentences for assault against a spouse vary according to the severity of the incident. A 2006 domestic abuse case, in which a teacher allegedly killed his wife, still awaited trial. A shelter accommodating approximately 20 battered and abused women and their children operated in the northern part of the country, staffed by medical and psychological counseling personnel. The Government established and publicized an anonymous hot line for victims to get help and for persons to report cases of abuse.

Prostitution is illegal but existed. There are no laws prohibiting sex tourism.

The law prohibits sexual harassment, but there are no criminal penalties for it. It is the responsibility of the complainant to bring a civil suit against an alleged harasser. A number of local organizations spoke out against sexual discrimination on radio and television programs to raise women's awareness of their rights. The programs also addressed issues of women's health, particularly the risks of HIV/AIDS.

Women generally enjoyed the same rights as men, and there was no evidence of official discrimination in health care, employment, or education; however, women frequently earned less than men performing the same work.

Children.—The Government was committed to children's rights and welfare. The Social Welfare Division within the Ministry of Housing, Social Services, and Cooperatives provided probationary and rehabilitative services to youths, day care services and social work programs to families, assistance to families wishing to adopt or provide foster care to children, and financial assistance to the six children's homes run by private organizations.

Education was compulsory, free, and universal until the age of 16. Most children attend school; absenteeism caused by parents keeping their children home either to care for younger children or because they could not afford to buy books and uniforms is a problem the Government was trying to quantify. A number of local NGOs and the Government provided scholarships to needy families to pay for books, uniforms, and transport. Boys and girls were treated equally in schooling.

There was a community college and one university. A few students continued their education at the college level by traveling abroad, but St. George's University created an undergraduate program and provided scholarships to needy local students, which enabled many students to continue their education at home.

Government social service agencies reported 25 physical abuse and 12 sexual abuse cases during the year, substantially higher than in 2006. Abused children were placed either in a government-run home or in private foster homes. The law stipulates penalties ranging from 5 to 15 years' imprisonment for those convicted of child abuse and disallows the victim's alleged "consent" as a defense in cases of incest. The Government worked to raise awareness within the population about child and spousal abuse, as well as incest, using television and radio spots and having government ministers raise the topic in schools, political rallies, and other venues.

Trafficking in Persons.—The Constitution and law do not prohibit trafficking in persons; however, there were no reports that persons were trafficked to, from, or within the country.

Persons with Disabilities.—The Constitution and law do not protect job seekers with disabilities from discrimination in employment. The law does not mandate access to public buildings or services. The Government provided for special education in its school system; however, most parents chose to send their children to three special education schools operating in the country. Persons with disabilities had full access to the health care system and other public services. The Government and NGOs continued to provide training and work opportunities for such persons. The Ministry of Social Services includes an office responsible for looking after persons with disabilities, as well as the Council for the Disabled, which reviews disability-related issues.

National/Racial/Ethnic Minorities.—The ancestors of many citizens came to Grenada from India as indentured servants, many of whom found themselves in slave-like conditions. Descendants of this population make up approximately 8 percent of the population, but their history is not taught in the schools. Some complained

about discrimination based on their origins, although most have intermarried with descendants of European background and of the African slave trade. The Government began to educate the larger population about this group's contributions to the country's development.

Other Social Abuses and Discrimination.—The law criminalizes consensual homosexual relations, providing penalties of up to 10 years' imprisonment. Society generally frowned upon homosexuality, and many churches condemned it. There was no perceptible discrimination against those with HIV/AIDS, partly because the disease was widespread in the general population, including women infected by partners engaging in sex with men and boys. The Government encouraged citizens to be tested and to get treatment. An NGO, GRENCHAP, provided counseling to those affected by HIV/AIDS.

Section 6. Worker Rights

a. The Right of Association.—The Constitution and law allow workers to form and join independent labor unions. Labor ministry officials estimated that 52 percent of the work force was unionized. All major unions belong to one umbrella labor federation, the Grenada Trades Union Council, which was subsidized by the government.

The law does not oblige employers to recognize a union formed by their employees if the majority of the work force does not belong to the union; however, they generally did so in practice.

The law prohibits antiunion discrimination, and employers can be forced to rehire employees if a court finds they were discharged illegally.

b. The Right to Organize and Bargain Collectively.—Workers exercised the legal right to organize and to participate in collective bargaining. The law requires employers to recognize a union that represents the majority of workers in a particular business. There are no export processing zones.

The law provides workers with the right to strike, and workers exercised this right in practice.

The Grenada Union of Teachers called for a day of rest and reflection on November 30, demanding that a 2003 labor agreement be honored. Most teachers heeded the call and did not go to work. The Government stated that the teachers had only negotiated an allowance for those who had reached the maximum allowed at their grade, which the Government was prepared to pay. The union sought a salary increase for all teachers, which the Government said had not been negotiated in 2003.

c. Prohibition of Forced or Compulsory Labor.—The Government prohibits forced or compulsory labor, including by children, and there were no reports that such practices occurred.

d. Prohibition of Child Labor and Minimum Age for Employment.—Although child labor is illegal, children sometimes worked in the agricultural sector on family farms. The statutory minimum age for employment of children is 18 years. Inspectors from the Ministry of Labor enforced this provision in the formal sector through periodic checks, but enforcement in the informal sector remained a problem.

e. Acceptable Conditions of Work.—The Ministry of Labor last updated minimum wages in 2002. Minimum wages were set for various categories of workers; for example, agricultural workers were classified into male and female workers. Rates for men were $1.85 (EC$5.00) per hour, and for women $1.75 (EC$4.75) per hour; however, if a female worker performed the same task as a man, her rate of pay was the same. The minimum wage for domestic workers was set at $148 (EC$400) monthly. The national minimum wage did not provide a decent standard of living for a worker and family. During the year 31 percent of the population earned less than the official poverty line, which was drawn at $222 (EC$599) per month. The Government effectively enforced minimum wages.

The law provides for a 40-hour maximum workweek. The law does not stipulate rest periods, although no one can be asked to work for longer than 5 hours consecutively without a 1-hour meal break. In addition, domestic employees may not, by law, be asked to work longer than a 10-hour period without at least 2 hours of breaks for meals and rest periods. Union-negotiated contracts often mandated rest breaks. The law requires a premium for work above the standard workweek and prohibits excessive or compulsory overtime.

The Government sets health and safety standards, but the authorities enforced them inconsistently. Workers have the right to remove themselves from dangerous workplace situations without jeopardy to continued employment.

GUATEMALA

Guatemala is a democratic, multiparty republic with a population of approximately 13 million. On November 4, in elections generally considered by international observers to be free and fair, Alvaro Colom of the National Unity of Hope (UNE) party won a 4-year presidential term, scheduled to begin in January 2008. While civilian authorities generally maintained control of the security forces, there were instances in which members of the security forces committed illegal acts, including human rights abuses.

Although the Government generally respected the human rights of its citizens, serious problems remained. Human rights and societal problems included the Government's failure to investigate and punish unlawful killings committed by members of the security forces; widespread societal violence, including numerous killings; corruption and substantial inadequacies in the police and judicial sectors; police involvement in kidnappings; impunity for criminal activity; harsh and dangerous prison conditions; arbitrary arrest and detention; failure of the judicial system to ensure full and timely investigations and fair trials; failure to protect judicial sector officials, witnesses, and civil society representatives from intimidation; threats and intimidation against journalists; discrimination and violence against women; trafficking in persons; discrimination against indigenous communities; discrimination and violence against gay, transvestite, and transgender persons; and ineffective enforcement of labor laws, including child labor provisions.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life.—Although there were no reports that the Government or its agents committed any politically motivated killings, members of the police force committed a number of unlawful killings. Corruption, intimidation, and ineffectiveness within the police and other institutions prevented adequate investigation of many such killings, as well as the arrest and successful prosecution of perpetrators.

As of August the National Civilian Police (PNC) and its Office of Professional Responsibility (ORP) reported that they had investigated 29 accusations of killings involving PNC personnel. The investigations determined that PNC personnel were responsible for the deaths in 16 cases. The ORP found that the PNC was not responsible in three cases, and 10 cases remained under investigation.

On February 19, three Salvadoran Central American Parliament (PARLACEN) members and their driver were kidnapped, and fatally shot, and burnt in a vehicle. Four members of the PNC Criminal Investigation Division (DINC) were arrested as suspects, and incarcerated in El Boqueron maximum security prison. On February 25, the four DINC suspects were found stabbed and fatally shot inside the prison.

On October 18, pursuant to a request by the Public Ministry, a judge in Santa Rosa dismissed for lack of evidence the case against 16 prison guards accused of facilitating the February 25 killings at El Boqueron Prison. At year's end the director and deputy director of El Boqueron, as well as 13 alleged gang member inmates, remained in custody in connection with these killings. Several police officers with alleged ties to narcotrafficking in Jutiapa were arrested in connection with the PARLACEN killings. Although the Public Ministry implicated Congressman Manuel Castillo in the killings, Castillo was elected mayor of Jutiapa in September. At year's end courts stripped him of his mayor-elect and parliamentary immunity. The Tenth Court issued an arrest warrant for Castillo, but he remained at large.

On March 14, the Public Ministry charged 10 PNC officers in the alleged extrajudicial killing of Antonio de Leon Lopez in Huehuetenango during a January 26 antinarcotics operation. The PNC arrested nine of the officers, who at year's end remained in custody. The 10th officer remained at large.

On September 25, PNC officers Wilson Tobar Valenzuela and Sabino Ramos Ramirez, who served as bodyguards to PNC Director General Julio Hernandez Chaves, were arrested and detained for the alleged September 21 unlawful killings of five men in Guatemala City. The police officers arrived at the scene in a police vehicle and reportedly arrested the five victims, who were alleged gang members, four of whom had criminal records. Their bodies, with gunshots to the head, were later found in an empty field. On September 26, Minister of Government Adela de Torrebiarte called for PNC Director General Julio Hernandez's resignation due to the alleged involvement of his staff in the killings. Hernandez resigned the same day.

In September the Public Ministry reported that no charges were filed and the case was closed against police inspector Marvin Wilfredo Mendez Mayorga for the alleged 2006 unlawful killings of two youths in the Villa Nueva suburb of Guatemala City.

There were no new developments regarding any investigation of the June 2006 shootings, one fatal, of five transvestites in Guatemala City. There also were no developments, and none were expected, regarding the 2005 killing of one transvestite and the wounding of another allegedly by persons dressed as police officers.

There were no new developments regarding the 2005 attempted mob lynching in Escuintla of four off-duty police officers who allegedly killed Cristian Oswaldo Rodriguez Alvarez.

There were no new developments regarding the search for fugitive Colonel Juan Valencia Osorio, whose 25-year prison sentence for orchestrating the 1990 killing of anthropologist Myrna Mack Chang was reinstated by the Supreme Court of Justice in 2004. By year's end Valencia had been at large for almost 4 years.

On December 12, the Constitutional Court ruled that Spain did not have jurisdiction over crimes committed in Guatemala and denied the extradition of former heads of state Efrain Rios Montt and Oscar Humberto Mejia Victores, as well as Angel Anibal Guevara Rodriguez, German Chupina Barahona, Pedro Garcia Arredondo, Benedicto Lucas Garcia, Donaldo Alvarez, and Fernando Lucas Garcia, for genocide, terrorism, and illegal detention during the 1960–96 internal armed conflict. Guevara and Chupina, the only named defendants detained by the authorities pursuant to a July 2006 arrest warrant issued by Spain, were released from prison on December 23.

There were no new developments, and none were expected, regarding the Public Ministry's investigation of the 2005 killing of Harold Gallardo, legal adviser to the nongovernmental organization (NGO) Casa Alianza.

Societal violence was rampant. Nonstate actors, with links to organized crime, narcotrafficking, gangs, private security companies, and alleged "clandestine" or "social cleansing" groups, committed hundreds of killings and other illegal acts. The NGO Human Rights Defenders Protection Unit (UPDDH) reported that from January to October, there were 178 threats and other acts of intimidation against human rights defenders, compared with 247 during the same period in 2006. Reports also suggested that former or current members of the police were involved in some of the attacks and other abuses.

There were credible reports that three clandestine "social cleansing" groups operated in the Kakchiquel Mayan town of Santiago Atitlan. Civil society leaders and press reported that the groups had killed at least 30 persons during the year and that local police had taken little action to stop the killings. There were allegations that former soldiers and guerillas and some local government officials were involved in these groups. Some members were reportedly arrested and detained on charges of extortion but released on bail.

In the period preceding the November national elections, there were more than 50 killings of municipal candidates and political activists, including some that allegedly were politically motivated.

Killings of all types, including those with evidence of sexual assault, torture, and mutilation of women, continued to occur. The NGO Grupo Guatemalteco de Mujeres reported that from January to October, 341 women were killed. The NGO Mutual Support Group (GAM) reported that the total number of all killings of men and women from January to June was 2,452, slightly lower than the 2,616 reported for the same period in 2006. At year's end the PNC reported a total of 5,781 killings, including 559 killings of women, compared to 5,885 total killings, including 603 women, in 2006.

GAM reported that from January to October, there were 64 killings of children nationwide.

GAM also reported that 39 attempted lynchings took place in the first half of the year. Many observers attributed the lynchings to continued public frustration with the failure of law enforcement and judicial authorities to guarantee security. Among the victims were civil servants or police officials who had taken unpopular actions in either enforcing or failing to enforce the law. There were also reports of community lynchings of individuals suspected of kidnapping or attempting to kidnap children to sell for adoption.

On June 14, 9-year-old Alba Mishel Espana Diaz disappeared from her village, Camotan, Chiquimula, and was found dead the next day. On June 15, mobs lynched a woman suspected of kidnapping the girl. Two days later, residents of neighboring Jocotan attempted to lynch two women suspected of kidnapping another child and burned patrol vehicles of police officers who intervened to prevent the lynchings. PNC agents were temporarily forced to withdraw from both towns. At year's end the Public Ministry was investigating these cases.

b. Disappearance.—Although there were no reports of politically motivated disappearances, there were reports of police involvement in kidnappings for ransom. The ORP reported that between January and August, there were three complaints of kidnapping by PNC personnel.

On January 20, Marcos de Jesus Garcia Sarmiento, a security guard at a building believed to be the hiding place of fugitive Gustavo Herrera, disappeared. The media reported that DINC officials allegedly tried to intimidate Garcia into giving them information about Herrera, who in 2003 embezzled $46.6 million (350 million quetzales).

On February 19, four armed men wearing black PNC-type uniforms reportedly kidnapped Marco Tulio Moreno Ramirez during an ambush of Moreno's car. The Public Ministry asserted that Moreno was not kidnapped and that immigration records indicated that he left the country for El Salvador on February 27. The Public Ministry continued investigating the case at year's end.

There were no new developments in the June 2006 First Appeals Court decision to overturn the 2005 kidnapping convictions of, and order a new trial for, former police commissioner Rudy Giron, former PNC official Marvin Utrilla Marin, and four other persons. Giron and Utrilla Marin remained in prison.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—Although the Constitution and the law prohibit such practices, there were credible reports of torture, abuse, and other mistreatment by PNC members. Complaints typically related to the use of excessive force during police operations and arbitrary detention of suspected gang members and others.

In June the District Court of Solola released and dropped charges against seven men arrested in January 2006 for extortion and kidnapping in relation to their alleged membership in the "People's Avengers" vigilante group in the municipality of San Lucas Toliman.

At year's end the Public Ministry continued investigating the case of the May 2006 alleged beatings of three homeless children by soldiers assigned to the Military Police Brigade.

There were credible reports that PNC officials or persons disguised as police officers stopped cars and buses to demand bribes or steal private property. In some cases the supposed police officers assaulted and raped victims.

Prison and Detention Center Conditions.—Prison conditions remained harsh and dangerous. The prison system continued to suffer from a severe lack of resources, particularly in the areas of prison security and medical facilities. Prisoners complained of inadequate food and medical care. Corruption, especially related to illegal drug sales and use, was widespread. Prison officials reported frequent escape attempts and other manifestations of prisoner unrest.

Prison overcrowding continued to be a problem. The prison system registry reported that as of September, 7,143 persons were held in 40 prisons and jails designed to hold 6,974 persons. Approximately 40 percent of the national penitentiary system population was held in pretrial detention. On May 10, a Ministry of Government evaluation, which found some prisons holding up to three times their capacity, reported a "total collapse" of the penitentiary system.

The media and NGOs reported that physical and sexual abuse of women and juvenile inmates was a serious problem. Many of the abused juvenile inmates were suspected gang members.

On March 8, fellow inmates killed prisoner Jose de la Cruz Lara Diaz and injured prisoner Carlos Arturo Escaray during a confrontation in Pavoncito Prison. By year's end there had been no follow-up investigation of the incident.

On August 20, the Ninth Penal Court sentenced five members of the Calle 18 gang to 158 years in prison for killing four juvenile inmates and injuring five other rival gang member inmates during a June 2006 riot at the San Jose Pinula Juvenile Detention Center. The Office of the Human Rights Ombudsman (PDH) alleged that prison guards were involved in the killings, but by year's end prison authorities had taken no action against any prison guards.

On February 14, the Public Ministry announced the results of forensic examinations of seven inmates allegedly killed by security forces during a law enforcement operation at Pavon Prison in September 2006. The Public Ministry concluded that the seven had not been victims of unlawful killings, as had been alleged by prisoners and the PDH.

On March 15, the Seventh Penal Court absolved of wrongdoing 21 inmates suspected in the killings of eight other inmates during a 2005 prison riot in Pavon Prison. The court found that the Public Ministry's investigation was "deficient," because it lacked "technical efficiency and professionalism."

On August 25, authorities filed charges against prison guard Irma Barrientos for prostituting female prisoners in the jail for women in Jalapa and also for fraudulently charging a 30 percent commission on money sent to prisoners by their relatives. Penitentiary System Director Margarita Castillo requested ORP collaboration in investigating Barrientos' alleged misconduct. Following the investigation Castillo dismissed Barrientos on October 19. At year's end the Public Ministry continued investigating the matter.

There were no new developments, and none were expected, regarding the killings of 36 inmates in four prisons in 2005.

There were no developments, and none were expected, regarding an investigation of the 2005 intragang dispute in a prison in Mazatenango that resulted in the death of one gang member inmate.

On rare occasions male and female detainees in immigration facilities were held together. Pretrial detainees sometimes were held in the same prison blocks with the general prison population.

The Government permitted prison monitoring visits by local and international human rights groups, the Organization of American States, public defenders, religious groups, and family members, and such visits took place throughout the year.

d. Arbitrary Arrest or Detention.—The Constitution and the law prohibit arbitrary arrest and detention, but there were credible reports of arrests without judicial warrants, illegal detentions, and failure to adhere to prescribed time limits in legal proceedings. In practice arresting officers often failed to satisfy legal requirements due to the failure of magistrates to review cases within the legally mandated 6-hour timeframe. However, the Public Ministry's establishment of 24-hour courts in three high-crime municipalities significantly expedited timely case processing.

Role of the Police and Security Apparatus.—The 19,143-member PNC, headed by a director appointed by the president, remained understaffed, inadequately trained, and insufficiently funding. As of September the PNC reported 84 deaths of PNC personnel, with 24 in the line of duty.

Police corruption was a serious problem, and there were credible allegations of involvement by individual police officers in criminal activity, including rapes, killings, and kidnappings. Police and immigration officials reportedly extorted and mistreated persons attempting to enter the country illegally.

Police impunity remained a serious problem. The PNC routinely transferred officers suspected of wrongdoing rather than investigating and punishing them. PNC efforts to curb impunity included placing 52 officers in employment dismissal proceedings.

While no active members of the military served in the police command structure, the Government continued to employ the military to support police units in response to rising crime. Joint police and military operations under operational control of the PNC continued in high-crime areas of Guatemala City, as well as in other regions of the country.

Police threatened persons engaged in prostitution and other commercial sexual activities with false drug charges to extort money or sexual favors and harassed homosexuals and transvestites with similar threats of false charges. Critics accused the police of indiscriminate and illegal detentions when conducting antigang operations in some high-crime neighborhoods. Security officials allegedly arrested and imprisoned without charges, or sometimes using false drug charges, suspected gang members; at times police arrested these persons without a warrant.

The ORP conducted internal investigations of misconduct by police officers. Although the ORP increased its professionalism, its independence and effectiveness were hampered by lack of material resources and lack of cooperation from other PNC units. From January to August the ORP reported receiving 962 complaints, which included: 29 complaints of killings, 12 forced disappearances, three kidnappings, 12 illegal detentions, 132 thefts, 10 rapes, 82 instances of bribery, 81 threats, 168 cases of abuse of authority, and 12 instances of illegal detention.

Although cases with sufficient evidence of criminal activity were forwarded to the Public Ministry for further investigation and prosecution, few cases went to trial. Between January and August, the ORP investigated 922 police officers, resulting in the removal from duty of 52 and the exoneration of 870. Based on an April 12 ruling by the Constitutional Court, on April 24, the Supreme Court ordered the dismissal of pending appeals for reinstatement brought by 561 PNC agents between 2005 and April 2007.

The PNC trained 2,635 cadets in human rights and professional ethics, compared to 954 in 2006. The army required civil affairs officers at each command to plan and document human rights training provided to soldiers.

Approximately two-thirds of police districts remained understaffed. Indigenous rights advocates asserted that security authorities' continuing lack of sensitivity to indigenous cultural norms and practices engendered misunderstandings, and that few indigenous police officers worked in their own ethnic or linguistic communities.

Arrest and Detention.—The Constitution and the law require that a court-issued arrest warrant be presented to a suspect prior to arrest unless the suspect is caught in the act of committing a crime. Police may not detain a suspect for more than 6 hours without bringing the case before a judge. Detainees often were not promptly informed of the charges filed against them. Once a suspect has been arraigned, the prosecutor generally has 3 months to complete the investigation and file the case in court or seek a formal extension of the detention period. The law provides for access to lawyers and bail for most crimes. The Government provided legal representation for indigent detainees, and detainees had access to family members.

Through August the ORP had received 12 accusations of illegal detention. There were no reliable data on the number of arbitrary detentions, although most accounts indicated that police forces routinely ignored writs of habeas corpus in cases of illegal detention, particularly during neighborhood antigang operations.

In high crime areas of Guatemala City, Mixco, and Villa Nueva, the Government operated three 24-hour court pilot projects that significantly reduced the number of cases dismissed for lack of merit or on technical grounds. These projects enhanced the Government's ability to comply with legal requirements to bring suspects before a judge within 6 hours of initial detention.

Although the law establishes a 3-month limit for pretrial detention, prisoners often were detained past their legal trial or release dates. Approximately 40 percent of persons incarcerated were in pretrial detention. Some prisoners were not released in a timely fashion after completing their full sentences due to the failure of judges to issue the necessary court order or due to other bureaucratic problems. A judge has the discretion to determine whether bail is necessary or permissible for pretrial detainees depending on the circumstances of the charges. Detainees who do not pay bail must remain in jail.

e. Denial of Fair Public Trial.—While the Constitution and the law provide for an independent judiciary, the judicial system often failed to provide fair or timely trials due to inefficiency, corruption, insufficient personnel and funds, and intimidation of judges, prosecutors, and witnesses. The majority of serious crimes were not investigated or punished. Less than 3 percent of reported crimes were prosecuted, and significantly fewer resulted in convictions. Many high-profile criminal cases remained pending in the courts for long periods as defense attorneys employed successive appeals and motions.

There were numerous reports of corruption, ineffectiveness, and manipulation of the judiciary. Judges, prosecutors, plaintiffs, and witnesses also continued to report threats, intimidation, and surveillance. The special prosecutor for crimes against judicial workers received 125 cases of threats or aggression against workers in the judicial branch, compared with 71 in 2006.

There were credible reports of killings of witnesses. On February 11, unidentified assailants killed Dalia Evangelina Garcia Illescas, a witness in the murder trial of PNC officer Jorge Macario Mazariegos.

In September the Public Ministry reported that it had closed the case, due to insufficient evidence, of the May 2006 complaint filed by Judge Maria Ester Roldan, who reportedly received threats from a police lawyer for ordering the transfer of a historical police archive to the custody of the Office of the Human Rights Ombudsman.

There were no developments, and none were expected, regarding an investigation of the 2005 killings of Justice of the Peace Jose Antonio Cruz Hernandez or High Impact Court Judge Jose Victor Bautista Orozco.

The Supreme Court of Justice continued to seek the suspension of judges and to conduct criminal investigations for improprieties or irregularities in cases under its jurisdiction. The Judicial Discipline Unit investigated and held hearings for 1,689 complaints of wrongdoing. The Supreme Court did not provide statistics on the resolution of these cases.

Prosecutors remained susceptible to intimidation and corruption and were often ineffective. The law's failure to clearly identify responsibilities of the PNC and the Public Ministry in investigating crimes led to organizational rivalries and the duplication of investigative efforts.

The judiciary consisted of the Supreme Court of Justice, appellate courts, trial courts, and probable-cause judges (with a function similar to that of a grand jury), as well as courts of special jurisdiction, including labor courts and family courts. More than 350 justices of the peace were located throughout the country. Some of

the justices specialized in administering traditional and indigenous law in community courts, which were under the jurisdiction of the Supreme Court of Justice. The Constitutional Court, which reviews legislation and court decisions for compatibility with the Constitution, is independent of the rest of the judiciary.

Between January and September the Public Ministry had 411 persons in its witness protection program. There were no new developments in the November 2006 case in which one witness under police protection was killed at her home in Palencia.

Trial Procedures.—The Constitution provides for the right to a fair public trial, the presumption of innocence, the right to be present at trial, and the right to counsel. The law provides for plea bargaining, the possibility of release on bail, and the right to an appeal. Three-judge panels render verdicts. The law provides for oral trials and mandates language interpretation for those needing it, in particular the large number of indigenous persons who are not fluent in Spanish. Inadequate government funding limited the effective application of this legal requirement. The Public Ministry concentrated 16 interpreters in former conflict areas of the country, and the Office of the Public Defender employed bilingual public defenders in locations where they could serve as translators in addition to defending clients.

The Public Ministry, semi-independent of the executive branch, may initiate criminal proceedings on its own or in response to a complaint. Private parties may participate in the prosecution of criminal cases as plaintiffs. Lengthy investigations and frequent procedural motions used by both defense and prosecution often led to excessively long pretrial detention, frequently delaying trials for months or years.

Political Prisoners and Detainees.—There were no reports of political prisoners or detainees.

Civil Judicial Procedures and Remedies.—The law does not provide for jury trials in civil matters. The law provides for administrative and judicial remedies for alleged wrongs, including the enforcement of domestic court orders, but there were problems in enforcing domestic court orders; some killings resulted from PNC failure to promptly enforce restraining orders.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The Constitution and the law prohibit such actions, and the Government generally respected these prohibitions in practice.

Human rights defenders alleged that individuals affiliated with clandestine armed groups participated in a number of illegal entries into their homes and offices. The Public Ministry investigated a number of these cases but failed to identify suspects for prosecution.

Between February 3 and 4, unidentified persons broke into the offices of the NGOs Human Rights Defenders Protection Unit, National Movement for Human Rights, and Association of Communication for Art and Peace. The perpetrators removed files, computers, and other electronic equipment and used computer cables to tie knots resembling nooses, which they left in the offices.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution and the law provide for freedom of speech and press, and the Government generally respected these rights in practice.

Although the independent media, including international media, operated freely and were active and expressed a wide variety of views without government restriction, there were reports that unknown actors frequently threatened and intimidated members of the media. The Public Ministry reported 11 incidents of intimidation of journalists, compared with 67 during 2006.

On February 2, unidentified assailants in Zacapa shot at the automobile of Nuestro Diario correspondent Wilder Jordan, reportedly in retaliation for his January 15 report alleging that a bus driver's apprentice was responsible for a public transportation accident. Jordan filed a complaint with the Public Ministry, but by year's end the authorities had taken no action regarding the incident.

On March 1, Guatevision Director Erick Salazar reported that Guatevision received anonymous death threats directed toward the staff and their families as a result of Guatevision's coverage of the February PARLACEN killings.

There were no new developments regarding the Office of the Special Prosecutor for Crimes against Journalists and Unionists' March 2006 closing, with the support of the Telecommunications Authority and the National Broadcast Commission, of nine unlicensed, community radio stations. At year's end these radio stations remained closed.

The Public Ministry reported that it had no further information regarding the August 2006 wounding by gunshot of radio journalist Vinicio Aguilar.

There were no new developments, and none were expected, regarding the 2005 report by Reporters Without Borders that former members of the civil defense patrols assaulted Prensa Libre correspondent Edwin Paxtor in Chiquimula, or regarding any investigation of the anonymous threats Paxtor claimed to have received in September 2006.

Internet Freedom.—There were no government restrictions on access to the Internet or reports that the Government monitored e-mail or Internet chatrooms. Individuals and groups engaged in the peaceful expression of views via the Internet, including by e-mail.

Academic and Cultural Freedom.—There were no government restrictions on academic freedom or cultural events.

b. Freedom of Peaceful Assembly and Association.

Freedom of Assembly.—Although the Constitution and the law provide for freedom of assembly, and the Government generally respected these rights in practice, there were some allegations of unnecessary use of force, and of inaction by the police during violent demonstrations. Protesters complained that police officers used excessive force during postelectoral demonstrations in the towns of Palin and Tucuru, but by year's end no one had filed with the Public Ministry formal accusations or complaints regarding these incidents.

There were no new developments, and none were expected, regarding any investigations of the 2005 deaths of a protester in Solola and a protester in Huehuetenango.

Freedom of Association.—The Constitution and the law provide for freedom of association, and the Government generally respected this right in practice.

c. Freedom of Religion.—The Constitution provides for freedom of religion, and the Government generally respected this right in practice. There is no state religion; however, the Constitution recognizes explicitly the distinct legal personality of the Roman Catholic Church. The Government does not establish requirements for religious recognition, nor does it impose registration requirements for religious members to worship together. The Government requires religious organizations, secular associations, and NGOs to register as legal entities in order to transact business.

On April 3, the Immigration Service denied an entry visa to Puerto Rican Jose Luis Miranda, who claimed to be the Antichrist. In previous years the Government had granted Miranda permission to enter the country and preach. Miranda's church was registered and recognized by the Government and continued operating in Guatemala City.

Societal Abuses and Discrimination.—There were no reports of societal abuses or discrimination against persons for their religious beliefs or practices, and no reports of anti-Semitic acts. The Jewish population numbered approximately 2,000 persons.

For a more detailed discussion, see the 2007 International Religious Freedom Report.

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons.—The Constitution and the law provide for freedom of movement within the country, foreign travel, emigration, and repatriation, and the Government generally respected these rights in practice.

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

Protection of Refugees.—The Constitution and the law provide for the granting of asylum or refugee status in accordance with the 1951 U.N. Convention relating to the Status of Refugees and its 1967 protocol, and the Government has established a system for providing protection to refugees. In practice the Government provided protection against refoulement, the return of persons to a country where there is reason to believe they feared persecution. The Government cooperated with the Office of the U.N. High Commissioner for Refugees (UNHCR) and other humanitarian organizations.

During the year the Government did not accord temporary protection, asylum, or refugee status to anyone.

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

The Constitution and the law provide citizens 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 nearly universal suffrage for those 18 years of age and older. Members of the armed forces and police are not permitted to vote.

Elections and Political Participation.—On November 4, Alvaro Colom of the UNE party won a 4-year term as president with approximately 53 percent of the vote in

the second round. The Organization of American States' international observation mission characterized the elections as generally free and fair.

There were 14 women in the 158-seat Congress of the Republic; two women on the Supreme Court of Justice, including the president of the court; one woman on the Constitutional Court; and 197 women serving as judges. There were three female ministers in the 12-member Cabinet and eight female presidential secretaries. Of the country's 332 mayors, nine were women and 129 were indigenous. There was one indigenous Cabinet member, and two presidential secretaries were indigenous. There were 15 indigenous Members of the Congress.

Government Corruption and Transparency.—Government corruption was widely perceived to be a serious problem, with public surveys noting a lack of confidence in almost all government institutions, including those in the legislative and judicial branches. According to the World Bank's Worldwide Government Governance Indicators, government corruption was a very serious problem. The Public Ministry continued to investigate corruption charges against former vice president Reyes Lopez, former president Alfonso Portillo, former minister of government Byron Barrientos, and other senior members of the previous government.

The Supreme Court's attempts to review government evidence to strip Congressman Hector Loaiza Gramajo of his parliamentary immunity and bring him to trial on charges of fraud, tax evasion, and other crimes were stalled by two appeals Loaiza filed on October 24. At year's end the Third Court of Appeals had not decided whether to strip Loaiza of his parliamentary immunity. On April 18, a court sentenced truck driver Juan Rolando Guzman to 10 years in prison for aggravated robbery linked to stolen gasoline trucks police found in May 2006 at a gas station owned by Loaiza.

On May 2, an appeals court overturned the 13-year prison sentence and $3.2 million (25 million quetzales) fine assessed against former vice president of the Guatemalan Social Security Institute (IGSS) Jorge Mario Nufio for embezzlement in 2005 of $46 million (350 million quetzales).

On February 20, the Constitutional Court rejected the First Appeal Court's acquittal of former IGSS head Carlos Wohlers, who was sentenced to 2 years in prison in October 2006 for material falsification in transferring funds. At year's end Wohlers remained in detention awaiting a new trial.

There were no new developments regarding the whereabouts of former director of the National Transit Authority Arnoldo Heriberto Quezada Chapeton, who failed to appear at a 2005 hearing on charges of corruption.

On April 20, the Fifth Sentencing Court found Marco Tulio Abadio, former director of the Tax Authority (SAT), guilty of money laundering, fraud, and extortion. Abadio, who had been awaiting trial since 2004, was sentenced to 30 years in prison and fined $3.2 million (24 million quetzales). Junior Vinicio Abadio Carrillo, Abadio's son, received a 15-year prison sentence and was fined $3.2 million (24 million quetzales) for money laundering and swindling. Byron Rene Abadio Carrillo, Abadio's other son, was sentenced to 6 years in prison and fined $21,000 (160,000 quetzales) for money laundering. Carlos Alberto Barrera Rodas, a former SAT employee, received 6 years in jail and was fined $2,000 (15,000 quetzales) for fraud. Ana Angelica Diaz Fajardo, also a former SAT employee, was sentenced to 6 years in jail and fined $184,000 (1.4 million quetzales) for money laundering.

Public officials who earn more than $1,066 (8,000 quetzales) per month or who manage public funds are subject to financial disclosure laws. The Controller General's Office is responsible for oversight and enforcement of financial disclosure laws. Lack of political will and rampant impunity facilitated government corruption.

Although the Constitution provides for the right of citizens to access public information, there are no laws regulating provision of, or facilitating access to, information held by public institutions and no other established mechanisms to enable citizens or noncitizens to access government information.

Section 4. Governmental Attitudes Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A variety of 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, including civil society advocacy for the election of members to the Constitutional Court and the negotiation of the agreement to establish the International Commission Against Impunity in Guatemala (CICIG), approved on August 1 by the legislature.

Many NGOs, human rights workers, and a number of trade unionists reported threats or intimidation by unidentified persons, many with reputed links to organized crime, private security companies, and "social cleansing" groups, and com-

plained that the Government did little to investigate these reports or to prevent further incidents.

On February 2, unknown assailants assaulted at gunpoint, kidnapped, and later freed Jose Roberto Morales of the Center for Legal Action for Human Rights (CALDH). Following the incident, police undertook an investigation, including surveillance of the CALDH office, and between February and March provided temporary protection to CALDH staff. By year's end the authorities had not identified any suspects.

On February 5, Angelica Gonzalez, a lawyer for CALDH, received a written death threat stating that she and other CALDH workers would be killed unless they stopped trying to protect relatives of victims killed during the country's internal armed conflict.

In April five staff members of the Guatemalan Institute of Comparative Studies in Penal Sciences (ICCPG) received anonymous written death threats. The ICCPG believed the alleged threats were connected to their work on cases of human rights violations allegedly committed by PNC officers and their legal support for victims of police violence.

The Government continued to provide security to homes and offices of human rights activists who received threats. The Myrna Mack Foundation and the Guatemalan Forensic Anthropology Foundation (FAFG) received continued security protection. During the year staff members of FAFG continued to receive death threats. The FAFG believed these threats were linked to the group's forensic exhumation work to identify victims of massacres during the internal armed conflict.

The Office of the Special Prosecutor for Human Rights opened several new cases involving anonymous telephone or written threats, break-ins, and physical assaults, as well as surveillance of workplaces, residences, and vehicular movements. The majority of such cases remained pending for lengthy periods without investigation or languished in the court system as defense attorneys filed successive motions and appeals to delay trials.

On August 15, Jose Amilcar Mendez Dardon, an airport technician and son of a former congressman and human rights leader, was killed while leaving Guatemala City's Aurora Airport. At year's end the Public Ministry was investigating the case.

The resident Office of the U.N. High Commissioner for Human Rights assisted the Government in investigating various matters, including threats and other acts of intimidation against human rights advocates, land conflicts, and discrimination against indigenous persons. The Government cooperated with the office and other international organizations.

Human Rights Ombudsman Sergio Morales, whom Congress reelected during the year, reports to the Congress and monitors the rights guaranteed by the Constitution. The ombudsman's rulings do not have the force of law. The PDH operated without government or party interference, had adequate resources to undertake its duties, and had the Government's cooperation.

The ombudsman issued reports and recommendations that were made public, including its annual report to the Congress on the fulfillment of its mandate. His office also issued reports regarding the electoral process.

The President's Commission on Human Rights (COPREDEH), led by Frank La Rue, is charged with formulating and promoting the Government's human rights policy, representing the Government on past human rights abuse cases before the Inter-American Court of Human Rights, and negotiating amicable settlements in those cases before the court. COPREDEH took a leading role in coordinating police protection for various human rights and labor activists throughout the year, including pushing for congressional approval of the CICIG agreement.

The Congressional Committee on Human Rights drafts and provides advice on legislation regarding human rights issues. By law all political parties represented in the Congress of the Republic are required to have a representative on the committee. NGOs reported that they considered the committee to be an effective public forum for promoting and protecting human rights.

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

The Constitution and the law prohibit discrimination based on race, gender, disability, language, or social status. In practice the Government frequently did not enforce these provisions due to inadequate resources, corruption, and a dysfunctional judicial system.

Women.—Sexual offenses remained a serious problem. The law criminalizes rape, including spousal rape and aggravated rape, and establishes penalties between 6 and 50 years in prison. Prosecutors from the Special Unit for Crimes against Women noted that reports of rapes had increased by 30 percent over the previous 4 years, although some observers suggested that the increases might reflect im-

proved recordkeeping of crime statistics. Until 2004 the law provided that a rapist could escape charges by marrying the victim. Although the law no longer contains that provision, judicial processes initiated prior to the change were adjudicated under the pre-2004 standard.

Police had minimal training or capacity for investigating or assisting victims of sexual crimes. The Government maintained a PNC Special Unit for Sex Crimes, an Office of Attention to Victims, and a Special Prosecutor for Crimes against Women, Children, and Trafficking in Persons. The U.N. Children's Fund (UNICEF) reported that rape victims sometimes did not report the crime for lack of confidence in the prosecution system and fear of reprisals.

Between January and September the prosecutor reported receiving 2,575 cases of sexual crimes. The Government reported 155 convictions of sexual offenders, with an average sentence between 6 and 20 years' imprisonment.

Violence against women, including domestic violence, remained a common and serious problem. The law prohibits domestic abuse but does not provide prison sentences for cases of domestic abuse. Prosecutors noted that the law permits charging abusers with assault only if bruises from the abuse remained visible for at least 10 days. The law provides for the issuance of restraining orders against alleged aggressors and police protection for victims, and it requires the PNC to intervene in violent situations in the home. In practice, however, the PNC often failed to respond to requests for assistance related to domestic violence. Women's groups commented that few officers were trained to deal with domestic violence or provide assistance to victims.

In November the Institute of Public Criminal Defense launched a pilot project that provided free legal, medical, and psychological assistance to victims of domestic violence. By year's end the project had attended to 1,500 cases of domestic violence.

The Program for Prevention and Eradication of Intrafamily Violence, a government program under the First Lady's Secretariat of Social Work, reported receiving 1,618 calls via its emergency hot line from battered women and children. Through July the Public Ministry reportedly received more than 6,228 complaints of family violence against women and children. Between January and July the Public Ministry achieved convictions in 96 cases.

Justices of the peace issued an unspecified number of restraining orders against domestic violence aggressors and ordered police protection for victims. Full investigation and prosecution of domestic violence and rape cases usually took an average of 1 year. Between January and September the Public Ministry handled 1,768 cases against perpetrators of domestic violence, with two resulting in convictions. Although the law affords protection, including shelter, to victims of domestic violence, in practice there were insufficient facilities for this purpose.

The Office of the Ombudsman for Indigenous Women, within COPREDEH, provided social services for victims of domestic or social violence, as well as mediation, conflict resolution, and legal services for indigenous women. This office also coordinated and promoted action by government institutions and NGOs to prevent violence and discrimination against indigenous women but lacked human resources and logistical capacity to perform its functions on a national level. There were no firm statistics available on the number of cases the office handled.

The DINC Unit of Investigation of Homicides of Women reported that in the department of Guatemala, of the 271 reported deaths of women, 55 percent were considered homicide and 45 percent "femicide," targeted gender-based killings of women. The Public Ministry Crimes Against Life Unit reported that during the year the number of prosecutions for killings in Guatemala City was 125 (of approximately 1,000 killings), compared with 57 in 2006. The number of prosecutions of killings of women in Guatemala City during the year was 18, a three-fold increase over the six prosecutions in 2006. Few prosecutions, however, resulted in convictions.

In November the Ministry of Government inaugurated eight shelters for victims of abuse in departments with the greatest incidence of domestic violence. The centers provided legal and psychological support and temporary accommodation.

Although prostitution is legal, procuring and inducing a person into prostitution are crimes that can result in fines or imprisonment, with heavier penalties if minors are involved. Trafficking in women and minors, primarily for the purpose of prostitution, is illegal and was a broadly recognized problem.

The law does not prohibit sexual harassment, and there were no accurate estimates of its incidence. Human rights organizations reported, however, that sexual harassment was widespread, especially in industries in which the workforce was primarily female, such as the textile and apparel sectors; it was also a problem in the police force. While the law establishes the principle of gender equality, in prac-

tice women faced job discrimination and were less likely to hold management positions.

Women were employed primarily in low-wage jobs in agriculture, retail businesses, the service sector, the textile and apparel industries, and the Government and were more likely than men to be employed in the informal sector, where pay and benefits generally were lower. Women may legally own, manage, and inherit property on an equal basis with men, including in situations involving divorce.

The government's Secretariat for Women's Affairs advised President Berger on interagency coordination of policies affecting women and their development. The secretariat's activities included seminars, outreach, and providing information on discrimination against women.

On November 28, Minister of Government Adela de Torrebiarte inaugurated a new women's shelter in Guatemala City for victims of violence. The shelter began operating during the year and had the capacity to house 20 victims and their families for 6 months at a time.

Children.—The Government devoted insufficient resources to ensure adequate educational and health services for children.

The UNHCR reported that there were problems in registering births, especially in indigenous communities, due to inadequate government registration and documentation systems. Cultural factors, such as the need to travel to unfamiliar urban areas and interact with nonindigenous male government officials, at times inhibited indigenous women from registering themselves and their children. Lack of registration sometimes restricted children's access to public services.

Although the Constitution and the law provide for free compulsory education for all children up to the sixth grade, less than half the population had completed primary education. UNICEF statistics from 2000 to 2005, the most recent available, reported that 73 percent of children enrolled in elementary school reached grade five. Completion rates were lower in rural and indigenous areas. The NGO Population Council's 2006 annual report noted that the average educational level attained varied widely based on background and geographic region. Although the average nonindigenous child received 4.2 years of schooling, indigenous children received an average of 1.3 years. The Government reported that boys and girls had approximately equal access to education and state-provided medical care.

Child abuse remained a serious problem. The Special Prosecutor's Office for Women, Unit of Adolescent and Child Victims, investigated cases of child abuse. It achieved two convictions in the 849 child abuse cases it opened between January and September. The Social Secretariat for the Welfare of Children, with oversight for children's treatment, training, special education, and welfare programs, provided shelter and assistance to children who were victims of abuse but sometimes placed children under its care in shelters with juveniles who had criminal records. Due to an overwhelmed public welfare system, during the year family courts, the PNC, and the Public Ministry referred 60 minors to Casa Alianza.

Child prostitution remained a problem.

In collaboration with several NGOs, the Government conducted 20 operations resulting in the rescue of 20 sexually exploited minors under age 18. The authorities referred the minors for protection and attention to Casa Alianza's shelter for street children and child victims of abuse. Judges, national police, and the Public Ministry referred 60 additional cases to Casa Alianza. Casa Alianza continued attending to 56 cases of sexually exploited minors from previous years, and the Secretariat of Social Welfare attended to six cases. Of the 142 cases, the authorities held 15 alleged perpetrators in detention.

Child labor was a widespread and serious problem. According to the International Labor Organization (ILO), during the year almost one quarter of children had to work to survive.

Credible estimates put the number of street children at 5,000 nationwide, approximately 3,000 of them in Guatemala City. Most street children ran away from home after being abused. Casa Alianza reported that increased gang recruitment decreased the number of street children in the capital because after joining gangs, street children often lived with fellow gang members. Casa Alianza reported that during the first half of the year, 192 minors suffered violent deaths in Guatemala City. Criminals often recruited street children for purposes of stealing, transporting contraband, prostitution, and illegal drug activities. Approximately 10,000 children were members of street gangs. NGOs dealing with gangs and other youth reported concerns that street youth detained by police were subject to abusive treatment, including physical assaults.

The Government operated a shelter for girls in Antigua and a shelter for boys in San Jose Pinula. Two other shelters in Quetzaltenango and Zacapa served both boys and girls. The Government devoted insufficient funds to its shelters, and govern-

mental authorities often preferred to send juveniles to youth shelters operated by Casa Alianza and other NGOs. The Government provided no funding assistance for shelter costs to these NGOs. Security authorities incarcerated juvenile offenders at separate youth detention facilities.

Trafficking in Persons.—While the law prohibits trafficking in persons, there were reports that persons were trafficked to, from, through, and within the country. The law criminalizes all forms of trafficking, defines the categories of persons responsible for trafficking offenses, and establishes prison terms of 7 to 12 years for persons found guilty of trafficking. The Government reported that trafficking was a significant problem.

The country was a source, transit, and destination country for women and children trafficked for purposes of sexual exploitation and child labor.

Women and children were trafficked within the country for purposes of sexual exploitation; children were also trafficked for labor exploitation, including for begging rings in Guatemala City, but there were no reliable estimates on the extent of the problem. The NGO End Child Prostitution, Child Pornography and Trafficking of Children for Sexual Purposes (ECPAT) reported that children between the ages of 8 and 14 were sold for $100 to $200 (750 to 1,500 quetzales) to work in various economic activities but primarily for sexual exploitation.

Trafficking was particularly a problem in the capital and in towns along the country's borders. Child migrants who did not cross the border into Mexico often remained in the country and resorted to or were forced into prostitution. Many women and children also were brought into the country from El Salvador, Nicaragua, and Honduras by organized rings that forced them into prostitution. The primary target groups for sexual exploitation were boys and girls and young women from poor families.

Trafficking organizations ranged from family businesses to highly organized international networks. Brothel owners often were responsible for transporting and employing victims of trafficking. Traffickers frequently had links to other organized crime, including drug trafficking and migrant smuggling.

Traffickers often approached individuals with promises of economic rewards, jobs in cafeterias or beauty parlors, or employment in other countries. The means of promotion included flyers, newspaper advertisements, and verbal or personal recommendations.

The PNC and Public Ministry units responsible for combating trafficking were severely understaffed. From January to July the Public Ministry received 51 trafficking cases, compared with 34 during 2006. During the year the Public Ministry prosecuted and sentenced eight persons, including owners and managers of bars and night clubs, for trafficking offenses. By year's end the Prosecutor's Office for Women's Unit of Adolescent and Child Victims had investigated three trafficking cases, issued an arrest warrant in one of these cases, and in another deported the alleged trafficker, a foreign national, to his country of citizenship.

There were credible reports that police and immigration service agents were complicit in trafficking of persons. ECPAT reported that some minor victims of trafficking claimed that immigration officials took bribes from traffickers, gave the victims falsified identification papers, and allowed them to cross borders. There were credible reports that brothel owners allowed police and immigration officials to have sex with minor victims without charge. Casa Alianza reported that business owners of massage clubs and other establishments that sexually exploited adolescents had good relations with government authorities who warned these businesses of upcoming police raids.

The government's Secretariat for Social Welfare operated shelters in Antigua, San Jose Pinula, Quetzaltenango, and Zacapa that housed victims of trafficking and offered social casework, job training, and counseling. In October the immigration service opened a new shelter for undocumented aliens, which included special rooms for trafficking victims. During the year the NGO shelter Casa del Migrante attended to 700 victims of trafficking in persons, including cases involving minors.

Immigration officials generally deported foreign adult trafficking victims and did not treat them as criminals. Immigration officials deported an unspecified number of women found during bar raids back to Honduras, Nicaragua, and El Salvador. Victims were not prosecuted and were not required to testify against traffickers.

On July 12, a government decree established the Inter-Agency Commission to Combat Trafficking in Persons and Related Crimes, which formalized the status of an existing interagency trafficking working group. The commission, headed by the vice minister of foreign affairs, is made up of representatives of the executive, legislative, and judicial branches, as well as NGOs and international organizations. The commission coordinated consultation, development of, and consensus on initiatives to combat trafficking and led raids to rescue trafficking victims.

The Public Ministry created and operated a special unit within the Prosecutor's Office of Organized Crime to investigate and prosecute trafficking and illegal adoptions.

The Government undertook efforts to address the problem of trafficking in persons, including increased attention to rescuing minors from commercial sexual exploitation in bars, brothels, and other establishments.

The Government cooperated with NGOs in conducting rescue operations in which 20 sexually exploited minors were taken into custody. The minors were referred to Casa Alianza, which provided shelter, medical treatment, psychological counseling, and job training. Other NGOs provided similar services and, along with Casa Alianza, lobbied for legislation, protection of victims, and prevention of trafficking.

The country cooperated with Mexico on an annual work plan to care for victims and regularize cooperation between the respective government agencies. This cooperation included ensuring that the repatriation of trafficking victims was handled separately from deportations. The country had repatriation agreements for minor victims of trafficking with El Salvador, Nicaragua, Honduras, Costa Rica, and Panama.

The Public Ministry operated the Office of the Special Prosecutor for Crimes against Women, Children, and Victims of Trafficking. A task force, which included the Office of the Special Prosecutor, immigration authorities, PNC, and Casa Alianza, conducted an unspecified number of bar raids.

The Public Ministry worked with ECPAT to train government officials on crimes of sexual and commercial exploitation with an emphasis on trafficking of children. ECPAT provided 12 courses to 290 government officials nationwide.

Persons with Disabilities.—The Constitution contains no specific prohibitions against discrimination based on physical disability in employment, education, access to health care, or the provision of other state services. The law, however, mandates equal access to public facilities and provides some other legal protections. In many cases persons with physical and mental disabilities did not enjoy these rights, and the Government devoted few resources to combat this problem.

There were minimal educational resources for those with special needs, and the majority of universities were not made accessible to persons with disabilities. The National Hospital for Mental Health, the principal healthcare provider for persons with mental illness, lacked basic supplies, equipment, hygienic living conditions, and adequate professional staffing. Although the National Council for the Disabled, composed of representatives of relevant government ministries and agencies, met regularly to discuss initiatives, the Government devoted no resources to the implementation of that organization's recommendations.

Indigenous People.—Indigenous persons from 22 ethnic groups constituted an estimated 43 percent of the population. In addition to the many Mayan communities, there were also the Garifuna, descendents of Africans brought to the Caribbean region as slaves who intermarried with Amerindians, and the indigenous Xinca community. The law provides for equal rights for indigenous persons and obliges the Government to recognize, respect, and promote their lifestyles, customs, traditions, social organization, and manner of dress.

Although some indigenous persons attained high positions as judges and government officials, they generally were underrepresented in politics and remained largely outside the country's political, economic, social, and cultural mainstream due to limited educational opportunities, poverty, lack of awareness of their rights, and pervasive discrimination. The ILO Committee of Experts (COE) 2007 observations identified as a problem ethnic discrimination in employment and occupation.

In response to Council of Mayan Organizations of Guatemala concerns regarding lack of government consultation when issuing mineral exploration licenses in areas affecting lands of indigenous communities, the COE asked the Government to establish suitable instruments for consultation and participation of these communities to attenuate disputes and lay the foundations for inclusive development projects.

By year's end the Government had not acted on the 2006 recommendations of the U.N. Committee on the Elimination of Racial Discrimination (CERD) that the Government adopt specific legislation to penalize dissemination of ideas based on notions of superiority or racial hatred, incitement of racial discrimination, and violent acts directed against indigenous people and persons of African descent. The Government also did not act on CERD's recommendations that the Government return lands and territories traditionally owned by indigenous persons and adopt a national land bill to identify and demarcate historical indigenous lands.

The Pan American Health Organization reported that 77 percent of the indigenous population lived in poverty, compared to 41 percent of the nonindigenous population.

Rural indigenous persons had limited educational opportunities and fewer employment opportunities. Many of the indigenous were illiterate and approximately 33 percent did not speak Spanish. More than 50 percent of indigenous women were illiterate and a disproportionate number of indigenous girls did not attend school. According to a 2006 report of the Ministry of Education, the most recent available, 78,692 preschool- and kindergarten-age indigenous children were enrolled in Spanish-indigenous language bilingual education programs.

The Department of Indigenous People in the Ministry of Labor, tasked with investigating cases of discrimination and representing indigenous rights, counseled indigenous persons on their rights. This department had no separate budget, only four employees, and lacked resources to investigate discrimination claims.

Legally mandated court interpreters for criminal proceedings were rarely available, placing indigenous people arrested for crimes at a disadvantage due to their sometimes limited comprehension of Spanish. There were 117 judges who spoke Mayan languages among the 561 tribunals in the country. There were 84 court interpreters, including 36 bilingual Mayan speakers, and the Supreme Court of Justice reported that the judicial system had 905 employees who spoke indigenous languages. In many instances bilingual judicial personnel continued to be assigned to areas where their second language was not spoken.

Other Societal Abuses and Discrimination.—The law does not criminalize homosexuality, but it also does not expressly include sexual orientation or HIV status among the categories prohibited from discrimination. There was social discrimination against gay, lesbian, and transgender persons and persons with HIV/AIDS. Homosexual rights support groups alleged that members of the police regularly waited outside clubs and bars frequented by sexual minorities and demanded that patrons and persons engaged in commercial sexual activities provide protection money. Due to a lack of trust in the judicial system and out of fear of further persecution or social recrimination, victims were unwilling to file complaints.

Section 6. Worker Rights

a. The Right of Association.—While the law provides for freedom of association and the right to form and join trade unions, in practice enforcement remained weak and ineffective. A 2006 ILO evaluation, the most recent available, reported that workers continued to live under threat from their employers, and labor unions remained weak. Local and international unions and labor rights advocacy groups reported an increase in threats, attacks, and killings of trade union activists compared with previous years and criticized the Government's application of antiterrorism regulations against unions and trade unionists. With the exception of members of the security forces, all workers have the right to form or join unions, but only 8 percent of the formal sector work force was unionized.

Legal recognition of a new industry-wide union requires that the membership constitute 50 percent plus one of the workers in an industry. The COE stated that this requirement restricts the free formation of unions. Labor rights activists considered this number to be a nearly insurmountable barrier to the formation of new industry-wide unions, which effectively eliminated the possibility for workers to exercise the right to negotiate and formally engage employers at an industry level.

Enforcement of legal prohibitions on retribution for forming unions and for participating in trade union activities was weak. To hold union office, the law requires that a person must be both a citizen of the country and actively employed by the enterprise or economic activity. Many employers routinely sought to circumvent legal provisions for union organizing by resisting union formation attempts or by ignoring judicial orders to enforce them. An ineffective legal system and inadequate penalties for violations continued to undermine enforcement of the right to form unions and participate in trade union activities.

There were credible reports of retaliation by employers against workers who tried to exercise internationally recognized labor rights. Common practices included termination and harassment of workers who attempted to form workplace unions, creation of illegal company-supported unions to counter legally established unions, blacklisting of union organizers, threats of factory closures, refusal to permit labor inspectors to enter facilities to investigate worker complaints, and refusal to honor decisions made by labor tribunals in favor of workers, including reinstatement of wrongfully dismissed union organizers. There were credible reports that a union officer at a garment factory received death threats from workers supported by the factory owners.

Some workers who suffered illegal dismissal took their cases to the labor courts and won 160 injunctions ordering reinstatement. The law requires employers to reinstate workers dismissed illegally for union organizing activities. In practice employers often failed to comply with reinstatement orders. Appeals by employers,

along with legal recourse such as reincorporation as a different entity, often prolonged reinstatement proceedings. The labor courts rarely dismissed frivolous cases or appeals, did not operate in a timely manner, and did not ensure enforcement of their decisions. According to Labor Ministry officials, authorities rarely disciplined employers for ignoring legally binding court orders. Employers often failed to pay the full amount of legally required severances to workers.

Labor leaders reported receiving death threats and being targets of other acts of intimidation. A three-prosecutor Office of the Special Prosecutor for Crimes Against Unionists and Journalists accepted several new union-related cases during the year. There was no information available regarding convictions achieved for crimes against trade unionists.

On January 15, unidentified assailants ambushed and fatally shot Secretary General of the Dock Workers Union of Puerto Quetzal Pedro Zamora as he was driving home. At the time of the killing, Zamora's union was negotiating a collective bargaining agreement with port management, opposing a proposed port modernization plan, and demanding reinstatement of union members who had been dismissed after an October 2006 3-day military and police takeover of the port. During the year Zamora had received death threats allegedly related to his union work and had requested government security protection. Following his death, four other members of the dock workers' union executive committee continued to receive death threats. The Ministry of Government provided police security for the union's new general secretary. At year's end the Public Ministry had issued arrest warrants for two suspects, who remained at large.

On February 6, unknown assailants fatally shot street vendors Walter Anibal Ixcaquic Mendoza and Norma Sente de Ixcaquic, members of the Sixth Avenue Union of the National Front of Vendors of Guatemala. In the weeks preceding the killings, municipal authorities had reportedly pressured the union to get vendors to leave the major commercial street Sixth Avenue in Guatemala City. At year's end there were no developments regarding an investigation of the killings.

On September 23, unidentified masked assailants on motorcycles fatally shot Marco Tulio Ramirez Portela, leader of the SITRABI banana workers' union, in Izabal as he left his employer-provided home on the farm for work. Ramirez was the brother of SITRABI Secretary General Noe Ramirez.

In January 2006 SITRABI had filed with the Ministry of Labor for arbitration with the banana producer BANDEGUA regarding wage provisions in the collective bargaining agreement and engaged in peaceful collective action to protest the failure of BANDEGUA to honor the agreement. In September the Office of the Special Prosecutor of Crimes Against Journalists and Unionists denied a formal complaint filed by SITRABI regarding the killing of Ramirez that same month. At year's end a Public Ministry investigation indicated that Ramirez's killing was related to his activities as an UNE party monitor on election day.

In October Del Monte subsidiary BANDEGUA, SITRABI, and the International Union of Food Workers created a permanent commission that met several times to address security, including protection of SITRABI leaders, on BANDEGUA banana farms. By year's end the commission had not reached agreement on appropriate security measures. The Ministry of Government provided police for perimeter security of BANDEGUA farms and a 24-hour patrol of the neighborhoods of SITRABI executive committee members and Ramirez's family.

During the year the Ministry of Labor granted legal status to 36 new labor unions. Although there were 1,810 legally registered labor unions, 475 appeared to be active based on administrative registration records.

An active Solidarismo (solidarity association movement) claimed to have 86 associations with approximately 30,000 members. Unions may operate legally in workplaces that have solidarity associations, and workers have the right to choose between them or to belong to both. Although the law stipulates that trade unions have an exclusive right to negotiate work conditions on behalf of workers, unions asserted that management promoted solidarity associations to discourage the formation of trade unions or to compete with existing labor unions.

b. The Right to Organize and Bargain Collectively.—The law allows unions to conduct their activities without interference, and the Government generally sought to protect this right in practice. The law requires that union members approve a collective bargaining agreement by simple majority. Although workers had the right to organize and bargain collectively, the small number of unionized workers limited the practice of organizing and bargaining.

In a factory or business, 25 percent of the workers must be union members for collective bargaining to take place. Most workers, including those organized in trade unions, did not have collective contracts documenting their wages and working conditions, nor did they have individual contracts as required by law.

The Ministry of Labor reported that there were 27 collective bargaining agreements.

Workers have the right to strike, but due to the very low level of unionization and procedural hurdles, there were no legal strikes. The law requires approval by simple majority of a firm's workers to call a legal strike, and it requires that a labor court consider whether workers are acting peacefully and have exhausted available mediation before ruling on the legality of a strike. Teachers, farm workers, and other labor groups held illegal or unofficial work stoppages.

The law empowers the president and his Cabinet to suspend any strike deemed "gravely prejudicial to the country's essential activities and public services." Workers in the essential services and public services sectors can address grievances by means of mediation and arbitration through the Ministry of Labor's General Inspectorate of Labor and also directly through the labor courts. Employers may suspend or fire workers for absence without leave if authorities have not recognized a strike as legal. The law calls for binding arbitration if no agreement is reached after 30 days of negotiation. The law prohibits employer retaliation against strikers engaged in legal strikes.

The COE observations identified violations of collective bargaining agreements, acts of employer interference, acts of antiunion discrimination, and a very low number of government sanctions issued for labor violations.

There were no special laws or exemptions from regular labor laws in the 13 active export processing zones (EPZs) and within the garment factories that operated under an EPZ-like regime. Due to inadequate enforcement of labor laws and often illegal measures taken by employers to prevent the formation of new unions or undermine existing unions, there were few successes in organizing workers in EPZs and in the garment sector. Some factories closed and then reopened under a new name and with a new tax exemption status. Of the 188 companies operating in the EPZs, only three had recognized trade unions, and none had a collective bargaining agreement. The Government did not regularly conduct labor inspections in the EPZs, and there were violations of wage and hour laws, mandatory overtime at nonpremium pay, terminations of workers who tried to form unions, withholding of social security payments, and illegal pregnancy testing. The COE observations identified as a problem the requirement of pregnancy tests as a condition to obtain and retain employment.

c. Prohibition of Forced or Compulsory Labor.—While the Constitution and the law prohibit forced or compulsory labor, including by children, women and increasingly minors were trafficked for the purpose of sexual exploitation.

d. Prohibition of Child Labor and Minimum Age for Employment.—Although the law bars employment of minors under the age of 14 without written permission from parents or the Ministry of Labor, child labor was a widespread problem. The law prohibits minors—but does not clearly identify of what age range—from work in establishments where alcoholic beverages are served, from work in unhealthy or dangerous conditions, and from night work and overtime work. The legal workday for persons younger than 14 is 6 hours, and for persons 14 to 17 years of age, 7 hours. Despite these protections, child laborers worked on average in excess of 45 hours per week.

The informal and agricultural sectors regularly employed children below 14 years of age, usually in small family enterprises. Economic necessity forced most families to have their children work to supplement family income, particularly in rural and indigenous communities. There were credible reports that child labor was used in food processing, fresh produce, and flower production companies. In March food processor Legumex, its exporter Superior Foods, and the NGO Center for Studies and Support for Local Development (CEADEL) negotiated a settlement relating to 24 child workers CEADEL found in November 2006 laboring at Legumex's Chimaltenango facility. The settlement stipulated that the food processor would provide the child workers with any outstanding wages, remove them from the factory, place them in school, and guarantee them a job offer upon reaching age 18.

Laws governing the employment of minors were not enforced effectively. The situation was exacerbated by the weakness of the labor inspection and labor court systems and a law that provides that parental consent alone is sufficient to permit a child to work.

The COE observations expressed deep concern about the situation of children under 14 years compelled to work in the country, noted that it appeared very difficult to apply in practice the national legislation on child labor, and encouraged the Government to step up efforts to improve the situation of child laborers under age 14. The ILO committee also requested that the Government take measures to ensure that no person under 18 years was employed in the hazardous fireworks pro-

duction industry and to provide information on the number of children removed from that activity. The Ministry of Labor estimated that approximately 3,700 children were illegally employed in fireworks production.

The ILO's International Program for Elimination of Child Labor (IPEC) continued operating programs as part of a 7-year regional effort to combat commercial sexual exploitation of children. During the year IPEC completed two child labor programs in Retalhuleu and San Marcos. An international NGO collaborated with several local civil society groups in executing a program to strengthen the capacity of the Government and civil society to withdraw and prevent children from hazardous labor through the provision of educational services.

The Child Worker Protection Unit within the Ministry of Labor is charged with enforcing restrictions on child labor and educating minors, their parents, and employers on the rights of minors in the labor market. The Government devoted insufficient resources to prevention programs, but Guatemala City's municipal administration managed several small programs that offered scholarships and free meals to encourage families to send to school children who had formerly worked in the broccoli, coffee, gravel, and fireworks industries.

e. Acceptable Conditions of Work.—The law sets national minimum wages for agricultural and nonagricultural work. The daily minimum wage was $5.94 (44.58 quetzales) per day for agricultural work and $6.10 (45.82 quetzales) for nonagricultural work.

The minimum wage did not provide a decent standard of living for a worker and family. The National Statistics Institute estimated that the minimum food budget for a family of five was $221.97 (1,664.81 quetzales) per month, 10.8 percent higher than in 2006. Labor representatives noted that even where both parents worked, the minimum wage did not allow the family to meet its basic needs.

Noncompliance with minimum wage provisions in the informal sector was widespread. The Ministry of Labor conducted inspections to monitor compliance with minimum wage provisions, but the Government allocated inadequate resources to enable inspectors to enforce the minimum wage law adequately, especially in the very large informal sector. Advocacy groups focused on rural sector issues estimated that more than half of workers in rural areas who engaged in day-long employment did not receive the wages, benefits, and social security allocations required by law. According to an October Ministry of Labor seminar, approximately 75 percent of the workforce operated in the informal sector and therefore outside basic protections, such as minimum wage, afforded by the law.

The legal workweek is 48 hours with at least one paid 24-hour rest period, although in certain economic sectors workers continued to operate under a tradition of longer work hours. Daily and weekly maximum hour limits did not apply to domestic workers. Time-and-a-half pay was required for overtime work. Although the law prohibits excessive compulsory overtime, trade union leaders and human rights groups charged that employers forced workers to work overtime without legally mandated premium pay. Management often manipulated employer-provided transportation to force employees to work overtime, especially in EPZs located in isolated areas with limited transportation alternatives. Labor inspectors reported uncovering numerous instances of overtime abuses, but effective enforcement was undermined due to inadequate fines and inefficiencies in the labor court system.

Labor courts have responsibility for sanctioning employers found violating labor laws. Labor inspectors are not empowered to adopt administrative measures or to impose fines for labor violations. The labor courts received 866 cases from the labor inspectorate and ruled in favor of reinstatement of the worker in 766 cases. Court decisions favorable to workers, however, were rarely enforced due to frequent refusals by employers to honor these decisions. Management or persons hired by management reportedly harassed and made death threats to workers who did not accept employer dismissals or refused to forfeit their right to reinstatement.

The Government sets occupational health and safety standards, which were inadequate and poorly enforced. When serious or fatal industrial accidents occurred, the authorities often failed to investigate fully or assign responsibility for negligence. Employers rarely were sanctioned for failing to provide a safe workplace. Legislation requiring companies with more than 50 employees to provide on-site medical facilities for their workers was not enforced. Workers have the legal right to remove themselves from dangerous work situations without reprisal. Few workers, however, were willing to jeopardize their jobs by complaining about unsafe working conditions.

GUYANA

The Co-operative Republic of Guyana is a multiparty democracy with a population of approximately 750,000. Bharrat Jagdeo has served as president since 1999 and was reelected to a second full term in August 2006 elections considered generally free and fair by international observers. President Jagdeo's People's Progressive Party Civic (PPP/C) has been the majority party in Parliament since 1992. The civilian authorities generally maintained effective control of the security forces.

While the Government generally respected the human rights of its citizens, there were problems in some areas. The most significant reported abuses included potentially unlawful killings by police, mistreatment of suspects and detainees by the security forces, poor prison and jail conditions, lengthy pretrial detention, government corruption, sexual and domestic violence against women and children, and trafficking in persons.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life.—There were no reports that the Government or its agents committed any politically motivated killings; however, the nongovernmental organization (NGO) Guyana Human Rights Association (GHRA) and the media asserted that police continued to commit unlawful killings. Reported police killings dropped to nine, compared with 20 the previous year. From these nine cases, the Police Complaints Authority (PCA) received five complaints of unlawful killings. In most cases the police shot the victims while attempting to make an arrest or while a crime was being committed. The Constitution broadly defines justifiable use of lethal force.

On February 26, off-duty police officer Clement Bailey, using his police-issued firearm, shot and killed a young barber, Clifton Garraway, during an altercation outside a Georgetown nightclub. On March 7, Bailey was charged with murder and remanded to custody; his trial remained pending at year's end.

On September 4, Buxton resident Donna Herod was shot and killed while walking on a public street in the vicinity of an active police operation. The police claimed she had been shot by the criminals whom its officers had been pursuing. On November 12, the chairman of the PCA delivered his report on the killing to the Directorate of Public Prosecutions (DPP), recommending that a formal inquest be performed, and further action was pending at year's end.

On September 10, a magistrate cleared policeman Mohanlall Persaud of manslaughter charges for the April 2006 killing of minibus driver Orin Adams.

On January 6, authorities charged one suspect with kidnapping and murder in the 2006 killing of Minister of Agriculture Satyadeow Sawh. On October 30, police captured a second suspect and killed a third during a raid; five other suspects remained at large.

On August 3, police officer Orville Tucker was ordered to stand trial on manslaughter charges for the 2005 killing of Carl Abrams; Tucker was originally charged with murder, but the magistrate handling the case downgraded the charges after completion of the preliminary inquiry.

A preliminary inquiry continued into the manslaughter charges against police officer Kurt Anton for the 2005 killing of Eon Forester.

There were no other developments in the allegations of police killings in previous years, including the 2006 cases of Bemaul Harrinarine, Kelvin Nero, or James Bennet.

b. Disappearance.—There were no reports of politically motivated disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The law prohibits torture, and although there were no confirmed reports of its use, numerous allegations circulated of police abuse of suspects and detainees. In December the Guyana Defense Force (GDF) was accused of physically abusing two of its own soldiers during an interrogation related to the search for a missing weapon; the GDF promised a full investigation. Some senior officials in the Government publicly dismissed all such abuse allegations, despite physical evidence that appeared to corroborate some of the claims. During the year the PCA received 39 complaints of unlawful arrest and 11 complaints of unnecessary use of violence.

In the 2005 case of alleged sexual abuse by staff members of a former female inmate at the New Opportunity Corps (NOC), a correctional facility for juveniles, the trial of three former employees continued at year's end.

Prison and Detention Center Conditions.—Prison and jail conditions were poor, particularly in police holding cells. Capacity and resource constraints were a prob-

lem. The Prison Authority reported that there were 2,180 prisoners in five facilities, more than half of whom were in Georgetown's Camp Street Prison, which was designed to hold 500 inmates but held approximately 1,140 during the year. Overcrowding was in large part due to backlogs of pretrial detainees.

A team investigating conditions for female pretrial detainees at Berbice Prison concluded its work and submitted its recommendations to the director of the prison service, who accepted them and made several remedial changes.

Conditions in the country's four smaller prisons generally were adequate. Some prison officers received basic medical training, but no doctor regularly visited any of the prisons.

All newly hired prison guards received human rights training from the GHRA, which did not consider mistreatment of prisoners a problem in the prison system.

Although sanitary and medical conditions in police holding facilities varied, overall these conditions were worse than those in the prisons. Some jails were bare, overcrowded, and damp. Few had beds, washbasins, furniture, or utensils. Meals normally were inadequate; friends and relatives routinely had to bring detainees food and water. Although precinct jails were intended to serve only as pretrial holding areas, some suspects were detained there as long as 2 years, awaiting judicial action on their cases.

Juvenile offenders ages 16 and older were held with the adult prison population. Juvenile offenders ages 15 and younger were held in the NOC, which offered primary education, vocational training, and basic medical care. Problems at the NOC included lax security and understaffing. There were complaints that juvenile runaways, or those out of their guardians' care, were placed with juveniles who had committed crimes, with the result that some petty offenders became involved in more serious criminal activity.

Since there were no facilities in Georgetown to hold female offenders ages 16 and over, women awaiting trial were held in the same facilities as men. The Prison Authority reported that there were 105 female inmates in the women's prison located in New Amsterdam. Due to inadequate facilities, juvenile female pretrial detainees were sometimes held with adult female pretrial detainees.

The Prison Authority offered rehabilitation programs focused on vocational training and education; however, such programs did not adequately address the needs of prisoners with substance-abuse problems.

The Government permitted independent monitoring of prison conditions, but there were no known requests by human rights organizations to conduct such monitoring during the year.

d. Arbitrary Arrest or Detention.—The law prohibits arbitrary arrest and detention, and the Government generally observed these prohibitions.

Role of the Police and Security Apparatus.—The Guyana Police Force (GPF), which is headed by the commissioner of police and overseen by the minister of home affairs, employed approximately 2,900 officers and is responsible for maintaining internal security. The GDF is responsible for defending the country's territorial integrity, assisting civil authorities to maintain law and order, and contributing to economic development. The GDF, headed by the chief of staff, consisted of approximately 2,500 troops; it falls under the purview of the Defense Board, which the president chairs.

Poor training, poor equipment, and acute budgetary constraints severely limited the effectiveness of the GPF. Public confidence in and cooperation with the police remained low. There were reports of corruption in the force. Most cases involving charges against police officers were heard by lower magistrates' courts, where specially trained police officers served as the prosecutors.

Substantial staff shortages (only four of eight full-time positions were filled) and the lack of its own investigative unit obstructed the PCA's fulfillment of its mandate to conduct impartial and transparent assessments of the accusations it receives. By law the police commissioner must comply with the PCA's recommendation on complaints, but the PCA relied on the GPF to conduct investigations into complaints against its own officers. Long delays in getting reports from the commissioner of police also thwarted the complaints process.

During the year the PCA received 191 written complaints, of which five involved police killings. The remaining complaints were mostly for police neglecting their duties or misbehaving in public places, unlawful arrest, wrongful seizure of firearms or motor vehicles, corrupt transactions, and unnecessary use of force. Investigation into the complaints led to four recommendations of criminal charges and 27 recommendations of disciplinary action against police officers.

The GPF mandates a 1-week human rights course, provided by the GHRA, in its recruit-training program.

Arrest and Detention.—An arrest requires a warrant issued by a court official, unless an officer witnesses a crime, or at the officer's discretion in instances where there is good cause to suspect that a crime or a breach of the peace has been or will be committed. The law requires that a person arrested and held for more than 72 hours be brought before a court to be charged; authorities generally observed this requirement in practice. Bail was generally available except in capital offenses and narcotics trafficking cases.

Although the law provides criminal detainees prompt access to a lawyer of their choice and to family members, in practice these rights were not fully respected. Police routinely required permission from the senior investigating officer, who was seldom on the premises, before permitting counsel access to a client. There were reports that senior officers refused to grant prompt access to prisoners.

Lengthy pretrial detention, due primarily to judicial inefficiency, staff shortages, and cumbersome legal procedures, remained a problem. Pretrial detainees constituted approximately one-third of the prison population, and the average length of pretrial detention was 4 months for those awaiting trial at the magistrate's court and 18 months for those awaiting trial at the High Court.

e. Denial of Fair Public Trial.—The law provides for an independent judiciary, and the Government generally respected this provision in practice. In contrast with 2006, there were no credible allegations of governmental judicial intervention.

Delays and inefficiencies undermined judicial due process. Delays in judicial proceedings were caused by shortages of trained court personnel and magistrates, inadequate resources, postponements at the request of the defense or prosecution, occasional allegations of bribery, poor tracking of cases, and the slowness of police in preparing cases for trial. The delays resulted in a backlog of more than 19,000 cases.

The court system is composed of several magistrates' courts, the High Court, and the Court of Appeals. There is also the right of final appeal to the Caribbean Court of Justice. The magistrates' courts deal with both criminal and civil matters. Specially trained police officers serve as prosecutors in lower magistrates' courts. The DPP is statutorily independent, may file legal charges against offenders, and handles all criminal cases.

The Judicial Services Commission (JSC) has the authority to appoint judges, determine tenure, and appoint the DPP director and his or her deputy. The president, on the advice of the JSC, may temporarily appoint judges to sit in magistrates' courts and on the High Court. At year's end three of 13 High Court judges, as well as the chancellor of the judiciary, were serving in an acting capacity.

Trial Procedures.—Trials are public, and defendants enjoy a presumption of innocence. Cases in magistrates' courts are tried without jury; more serious cases are tried by jury in the High Court. Defendants can confront witnesses against them and have access to relevant government-held evidence. Defendants have a right of appeal. Trial postponements were granted routinely to both the defense and the prosecution.

The law recognizes the right to legal counsel; however, except in cases involving capital crimes, it was limited to those who could afford to pay. Although there is no public defender system, a defendant in a murder case that reaches the High Court receives a court-appointed attorney. The Georgetown Legal Aid Clinic, with government and private support, provided advice to persons who could not afford a lawyer, particularly victims of domestic violence and violence against women.

Political Prisoners and Detainees.—The Government did not detain persons on political grounds. On August 27, President Jagdeo granted a pardon to Mark Benschop, a talk show host arrested on charges of treason in 2002, whom his supporters had considered to be a political detainee.

Civil Judicial Procedures and Remedies.—The law provides for an independent and impartial judiciary in civil matters, and the Government generally respected this provision in practice. The magistrates' courts deal with both criminal and civil matters. Delays, inefficiencies, and corruption in the magistrate court system affected the ability of citizens to seek timely remedy in civil matters, and there was a large backlog of civil cases.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—While the law prohibits such actions, and law enforcement officials generally respected these prohibitions, there were reports that police officers searched homes without warrants, particularly in the village of Buxton, a criminal enclave, and in neighborhoods where narcotics trafficking was suspected.

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, there were some exceptions.

The independent media were active and expressed a wide variety of views without restriction. International media operated freely. The partially government-owned daily newspaper, the Guyana Chronicle, which typically displayed a progovernment slant, covered a broad spectrum of political and nongovernmental groups. The independent daily newspapers Stabroek News and Kaieteur News freely reported and editorialized on the government's policies and actions.

In October the Stabroek News launched a public campaign against the government's decision to cease placement of government advertising in the News. Its editors asserted that the Government took the step as retribution for its consistent criticism of the Government and that it used advertising revenue as a means to constrain press freedom. The Government countered that it made the decision for purely financial reasons, citing anecdotal evidence of wider readership for the Kaieteur News. The special rapporteur for press freedom of the Inter-American Human Rights Commission (IAHRC) and other outside observers expressed concern over the government's refusal to reconsider its decision, negotiate an amicable settlement, or release documentation that better explained its position. In its December 18 formal response to the special rapporteur, the Government reasserted its earlier arguments but proffered no new information.

Continued government limits on licensing of new radio stations constrained the broadcast media. The Government owned and operated two radio stations broadcasting on several frequencies, which were the only media that reached the entire country. Private interests and the political opposition continued to criticize the Government for its failure to approve longstanding requests for private radio frequency authorizations.

Internet Freedom.—There were no government restrictions on access to the Internet or reports that the Government monitored e-mail or Internet chat rooms. Individuals and groups could engage in the peaceful expression of views via the Internet, including by e-mail.

Academic Freedom and Cultural Events.—There were no government restrictions on academic freedom or cultural events.

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 Constitution provides for freedom of religion, and the Government generally respected this right in practice.

Some GDF commanders reportedly required attendance at Christian religious services.

Societal Abuses and Discrimination.—There were no reports of societal abuses or discrimination, including anti-Semitic acts. The Jewish community was very small, perhaps fewer than 10 members.

For a more detailed discussion, see the 2007 International Religious Freedom Report.

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons.—The law provides for freedom of movement within the country, foreign travel, emigration, and repatriation, and the Government generally respected these rights in practice.

The Amerindian Act requires that the local village council grant permission for travel to Amerindian areas. In practice most persons traveled throughout these areas without a permit.

The law prohibits forced exile, and it was not used.

Protection of Refugees.—The law does not provide for the granting of asylum or refugee status in accordance with the 1951 U.N. Convention relating to the Status of Refugees and its 1967 protocol, and the Government has not established a system for providing protection to refugees. In practice the Government provided protection against refoulement, the return of persons to a country where there is reason to believe they feared persecution. The Government did not receive any petitions to grant refugee status or asylum.

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

The law provides citizens the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair national elec-

tions based on universal suffrage. Local elections, however, have not been carried out since 1994 and were a decade overdue. Political parties operated without restrictions or outside interference.

Elections and Political Participation.—The most recent elections took place on August 28, 2006, when citizens voted in a generally free election to keep the PPP/C government in office. Incumbent Bharrat Jagdeo was reelected to a 5-year term. International observers, including teams from the Organization of American States, the Caribbean Community, the Carter Center, and the Commonwealth, noted isolated irregularities not sufficient to change the outcome of the election and declared it substantially free and fair, although ruling party use of government resources during the campaign disadvantaged opposition parties.

The Elections Commission and the ruling PPP/C party challenged in court the minority Alliance for Change (AFC) party's November 2006 claim that incorrect vote counting in Region Ten in the August 2006 national elections had wrongly awarded a seat to the PPP/C that should have gone to the AFC. A High Court hearing in the case was pending at year's end; meanwhile, a PPP/C member occupied the disputed seat.

Local government elections, due every 3 years, were last held in 1994.

The Constitution requires that one-third of each party list of candidates be female but does not require the parties to select women for seats. There were 21 women in the 65-seat National Assembly. Five of 21 cabinet ministers were women.

While supporters of the two major parties (the PPP/C and the People's National Congress/Reform) were drawn largely from the Indo-Guyanese and Afro-Guyanese communities, respectively, political party leadership was more diverse. The ethnically diverse National Assembly included four indigenous people. The cabinet was also ethnically diverse, mirroring the ethnic makeup of the general population. More than one-quarter of the 22 cabinet ministers were Afro-Guyanese, including the prime minister and the head of the presidential secretariat; there were also two indigenous cabinet ministers.

Government Corruption and Transparency.—The law provides for criminal penalties for official corruption; however the Government did not implement the law effectively. The World Bank's worldwide governance indicators reflected that government corruption was a serious problem. There was a widespread public perception of serious corruption in the government, including law enforcement and the judicial system. Low-wage public servants were easy targets for bribery.

Public officials are subject to financial disclosure laws and are required to submit information about personal assets to the Integrity Commission, but compliance was uneven and the Commission has no resources for enforcement or investigations.

The law does not provide for public access to government information. Government officials were often reluctant to provide public information without approval from senior levels of the administration.

Section 4. Governmental Attitudes Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

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

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

While the Constitution provides fundamental rights for all persons regardless of race, gender, religion, or national origin, the Government did not always enforce these provisions.

Women.—Rape and incest are illegal but were neither frequently reported nor prosecuted; spousal rape is not illegal, which contributed to an atmosphere where victims were often reluctant to report incidents. If a case does come to trial, a judge has discretion to issue a sentence of any length in a rape conviction, depending upon the circumstances and severity of the act committed. The established trend appeared to be a sentence of 5 to 10 years in prison. During the year there were 17 criminal prosecutions and seven convictions of individuals charged with rape.

Violence against women, including domestic violence, was widespread and crossed racial and socioeconomic lines. The law prohibits domestic violence, gives women the right to seek prompt protection, and allows victims to seek protection, occupation, or tenancy orders from a magistrate. Penalties for violation of protection orders include fines up to $54 (G$10,000) and 12 months' imprisonment; however, this legislation frequently was not enforced.

According to the NGO Help and Shelter, the Government used laws against domestic violence with some measure of success; the problems lay with the failure of those responsible for implementation. Help and Shelter said that magistrates and

magistrate court staff needed to be more sensitive to the problem of domestic violence and to their roles in ensuring implementation of the law. In addition not all police officers fully understood provisions of the law.

NGOs reported a perception that some police officers and magistrates could be bribed to make cases of domestic violence "go away." The Government also did not prosecute cases in which the alleged victim or victim's family agreed to drop the case in exchange for a monetary payment out of court. NGOs asserted the need for a specialized family court.

During the year Help and Shelter handled 739 abuse cases, including child, spousal, nonspousal, and other domestic abuse; 538 of the cases involved spousal abuse directed against women. Help and Shelter, which received funding from both private donors and the government, ran a free shelter for victims of domestic violence and operated a hot line to counsel victims.

Prostitution is illegal but present. It continued to receive greater public attention due to the high incidence of HIV/AIDS among prostitutes and increased prevalence of trafficking in persons.

Sexual harassment is prohibited under the Prevention of Discrimination Act, which provides for monetary penalties and award of damages to victims. Any act of sexual harassment involving physical assault can also be prosecuted under relevant criminal statutes. Although reports of sexual harassment were common, there were no prosecutions for sexual harassment under the Prevention of Discrimination Act, and charges of sexual harassment were often settled out of court.

The law prohibits discrimination based on gender, but there was no legal protection against such discrimination in the workplace. Although women constituted a significant proportion of the workforce, there were credible reports that they were not equally treated and faced disadvantages in promotion. Job vacancy notices routinely specified that the employer sought only male or only female applicants. The Women's Affairs Bureau of the Ministry of Labor monitored the legal rights of women, but its role was limited to employment-related services. The bureau also held seminars on leadership and gender equity issues for women throughout the country. The Constitution provides for a Women and Gender Equality Commission, but implementing legislation had not been passed.

The law protects women's property rights in common-law marriages. It entitles a woman who separates or divorces to one-half the couple's property if she had been working and one-third of the property if she had not been employed.

Children.—The Government generally was committed to children's rights and welfare. The Constitution provides for a commission on the rights of the child, but implementing legislation had not been passed.

Public education is available to age 20. Education is compulsory until age 15, universal, and free through secondary school. Children often did not attend school because their families needed them to contribute to the household by working or providing child care to siblings or younger relatives. The law provides penalties for parents who do not send their children to school, but these did not represent a meaningful deterrent. According to the Ministry of Education, 84 percent of children completed primary school, and approximately 48 percent completed secondary school. Schools suffered from high attrition rates of trained and experienced teachers, gross understaffing with a high proportion of untrained and underqualified teachers, and very poor infrastructure.

Boys and girls have equal access to state-provided medical care.

Reports of physical and sexual abuse of children were common. During the year Help and Shelter handled 143 cases of child abuse and an additional 41 cases of rape in which the victim was 17 years of age or younger. It was unclear how many deaths from child abuse took place; law enforcement officials and NGOs believed that the vast majority of child rape and criminal child abuse cases were not reported. As with cases of domestic abuse, NGOs noted reports that some police officers and magistrates could be bribed to make cases of child abuse "go away."

The age of sexual consent is 16. Under the law anyone who has carnal knowledge of a girl under 16 can be found guilty of a felony and imprisoned for life. There were reports of child prostitution.

Trafficking in Persons.—The law prohibits all forms of trafficking in persons, but there were reports that persons were trafficked to, from, or within the country. Penalties include 3 years' to life imprisonment, forfeiture of property, and full restitution to the victims.

The country was a source and destination for trafficked women, children, and men; however, most trafficking in persons occurred internally and involved young women and girls trafficked for purposes of commercial sexual exploitation and involuntary domestic servitude. In some instances victims were forcibly abducted. Traf-

ficking reportedly took place in the interior, where there was little government oversight and law enforcement was lacking. Some women trafficked into the country came from the northern regions of neighboring Brazil. A smaller number of women were trafficked into the country's sex trade. The victims were provided with barracks-style housing with cramped quarters and sometimes were locked inside. They were restrained through debt bondage, intimidation, and physical abuse. Most victims were exposed to the same health risks as women in prostitution and other victims of sexual exploitation, including sexually transmitted diseases such as HIV/AIDS. Girls and young women were trafficked for purposes of sexual exploitation to neighboring countries, including Suriname and Barbados.

Most traffickers were believed to be individual business persons or small groups of miners.

The trafficking case against two women charged in March 2006 with forcing a 12-year-old girl into sexual slavery remained pending at year's end.

Although there were no convictions under the Trafficking in Persons Act during the year, as of November the Government had begun proceedings in six trafficking cases. The country's slow judicial process contributed to the lack of progress in convicting traffickers. Prosecution of human traffickers was more difficult in the interior, where infrequent court sessions prolonged cases. There is a National Plan of Action to combat human trafficking, and the minister for human services and social security monitored enforcement.

There was no evidence that government officials or institutions participated in or condoned human trafficking, although one pending trafficking case involved a policeman.

Victims identified by the Government were removed from the traffickers' custody and provided passage back to their homes. There were no reports of societal discrimination against trafficking victims. The Government also worked closely with, and provided some financial support for, the NGOs Help and Shelter and Red Thread, which assisted two trafficking victims during the year. The Government provided medical attention, housing, and funds to return victims to their home countries.

In November the Human Services and Social Security Ministry embarked on an antitrafficking educational and awareness campaign in the interior of the country.

Persons with Disabilities.—The Constitution mandates the state to "take legislative and other measures designed to protect disadvantaged persons and persons with disabilities"; however, there is no legislation allowing such persons to contest discriminatory acts. There is no law mandating provision of access for persons with disabilities, and the lack of appropriate infrastructure to provide access to both public and private facilities made it very difficult for persons with disabilities to be employed outside their homes. A few independent organizations dealing with specific disabilities existed, such as the National Commission on Disabilities and a society for the visually impaired. The Open Door Center offered assistance and training to persons with disabilities throughout the year.

National/Racial/Ethnic Minorities.—Racial and ethnic tensions manifested during the 2006 election campaign diminished. The Ethnic Relations Commission resolved 50 cases involving complaints of discrimination against members of racial or ethnic minorities.

Indigenous People.—According to the 2002 census, the indigenous population constituted 9 percent of the population. There were nine tribal groups, and 90 percent of indigenous communities were located in the remote interior. Their standard of living was lower than that of most citizens, and they had limited ability to participate in decisions affecting their lands, cultures, traditions, and allocation of natural resources. Indigenous communities had limited access to education and health care; there was no information on the effectiveness of government efforts to improve these services. All indigenous communities had primary schools, and there were 10 secondary schools in the hinterland regions. The secondary schools had dormitories that housed approximately 1,400 students at the government's expense. The Government also offered scholarships for indigenous children to attend secondary school in Georgetown, and approximately 360 students were enrolled in the scholarship program. The Government funded approximately 200 students to attend technical institutions in Georgetown and provided 80 scholarships for indigenous students to attend the University of Guyana. The Government established programs to train health workers and established rudimentary health facilities in most communities.

The law provides that persons wishing to enter indigenous lands must obtain prior permission from the local village council, but most visitors traveled in these areas without a permit. Rules enacted by the village council require approval from the minister of Amerindian affairs before entering into force.

Land rights were a major issue for the indigenous population, who complained that the Government allocated land (to mining and logging interests as well as for environmentally protected reserves) without proper consultations with them. The indigenous communities often viewed these allocations as illegitimate seizure of "their" lands and alleged that consultations on development in the interior did not provide adequate time for feedback. However, the Government also continued its program of granting full title to indigenous communities around the country for land the communities already occupy; in January the Government granted such title for almost 29,000 square miles to five indigenous communities.

Other Societal Abuses and Discrimination.—Violence and discrimination based on sexual orientation or against persons with HIV/AIDS were not widely reported.

Section 6. Worker Rights

a. The Right of Association.—The Constitution provides for the right of association and specifically enumerates workers' rights to form or belong to trade unions, and workers exercised this right in practice. However, the Constitution also specifically bars GPF members from unionizing or associating with any established union. Approximately 20 percent of the work force was unionized.

The law prohibits antiunion discrimination by employers; however, some unions alleged antiunion discrimination by the government.

b. The Right to Organize and Bargain Collectively.—Public and private sector employees possessed and exercised the right to organize and to bargain collectively. The Ministry of Labor certified all collective bargaining agreements, and there were no reports that it refused to do so. Individual unions directly negotiate collective bargaining status. The chief labor officer and the staff of the Ministry of Labor provided consultation, enforcement, and conciliation services.

The law provides workers with the right to strike, and workers exercised this right in practice. Strikes may be declared illegal if the union leadership did not approve them or if they did not meet the requirements specified in collective bargaining agreements. Public employees providing essential services may strike if they provide the proper notice to the Ministry of Labor and leave a skeleton staff in place, but they are required to engage in compulsory arbitration to bring an end to a strike. There is no law prohibiting retaliation against strikers, but this principle always was included in the terms of resumption after a strike. The law defines and places limits on the retaliatory actions employers may take against strikers.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor.—Although the law prohibits forced or compulsory labor, including by children, such practices reportedly occurred. Young Amerindian men were reportedly exploited under forced labor conditions in timber camps.

d. Prohibition of Child Labor and Minimum Age for Employment.—Although the law sets minimum age requirements for employment of children, child labor in the informal sector was a problem, and it was common to see very young children engaged in street trading in the capital. No person under age 14 may be employed legally in any industry, and no person under age 16 may be employed at night, except under regulated circumstances. The law permits children under age 14 to be employed only in enterprises in which members of the same family are employed.

According to a 1999–2005 U.N. Children's Fund (UNICEF) survey (the most recent available), 19 percent of children between the ages of 5 and 14 were economically active. According to a 2001 UNICEF survey, approximately 45 percent of children in the interior regions worked. The survey estimated that 3 percent of the children were involved in commercial sexual activity.

Some children performed hazardous work in the mining, logging, farming, fishing, and manufacturing industries. The Government cooperated with international donors to administer a program to combat these worst forms of child labor.

While the Ministry of Labor recognized that child labor existed in the informal sector, it did not employ sufficient inspectors to enforce existing laws effectively.

e. Acceptable Conditions of Work.—The minimum public sector wage was $142 (G$28,415) per month. There were minimum wages for certain categories of private sector workers, including retail cashiers and clerks, printers, drivers, and conductors, starting with a minimum of $20 (G$4,000) per week. Although enforcement mechanisms exist, it was difficult to put them into practice, and unorganized workers, particularly women and children in the informal sector, often were paid less than what was required legally in the service sector. Laborers and untrained teachers at public schools also were paid less than the minimum wage. The legal minimum wage did not provide a decent standard of living for a worker and family.

The law sets hours of employment, which vary by industry and sector. In general work in excess of a 44-hour workweek required an overtime payment rate. The law does not require a minimum weekly rest period but does state that a person cannot be compelled to work overtime.

The law also establishes workplace safety and health standards. The Occupational Health and Safety Division of the Ministry of Labor is charged with conducting factory inspections and investigating complaints of substandard workplace conditions. Inadequate resources prevented the ministry from effectively carrying out this function. Workers could not remove themselves from dangerous work situations without jeopardizing continued employment.

HAITI

Haiti is a constitutional republic with a population of approximately 8.7 million. International observers assessed the 2006 presidential and parliamentary elections as generally free and fair, after which President Rene Preval and the new Parliament took office in May of that year. Instead of supporting the creation of a permanent electoral council to supervise the expected November senatorial elections, those elections were not held, and the Government reconstituted the existing provisional electoral council in December with a mandate to schedule new elections in 2008. The civilian authorities generally maintained effective control of the security forces, but there were instances when elements of the Haiti national police (HNP) acted independently.

The U.N. Stabilization Mission in Haiti (MINUSTAH), deploying 7,060 soldiers, 1,897 police officers, and 497 U.N. officials from 45 countries, provided security during the April 29 municipal and regional elections, trained and supported the national police force, and assisted the Government in suppressing gang-related violence. Some residents and nongovernmental organizations (NGOs) alleged that MINUSTAH, while suppressing gang-related violence, may have used excessive force that resulted in the deaths of a number of residents. Upon investigation, however, MINUSTAH, the HNP, and other NGOs were unable to substantiate these claims.

Despite some improvements, the government's human rights record remained poor. The following human rights problems were reported: Alleged unlawful killings by HNP officers; ineffective measures to address killings by members of gangs and other armed groups; HNP participation in kidnappings; overcrowding and poor sanitation in prisons; arbitrary threats and arrests; prolonged pretrial detention; an inefficient judiciary subject to significant influence by the executive and legislative branches; severe corruption in all branches of government; violence and societal discrimination against women; child abuse, internal trafficking of children, and child domestic labor; and ineffective enforcement of trade union organizing rights.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life.—The Government or its agents did not commit any politically motivated killings. However, there were incidents where HNP officers killed suspects, usually armed, who resisted HNP attempts to apprehend them, as well as allegations of HNP involvement in unlawful killings. The Government and the HNP, for the most part, lacked rudimentary expertise and resources and as a result were unable to conduct thorough and reliable investigations of many incidents. If suspects were arrested, they were often released due to the country's corrupt and inefficient judicial system.

On January 24 and 25, MINUSTAH's antigang operations resulted in the deaths of 11 persons, not all of whom were armed gang members resisting arrest. During these operations, in addition to using Cite Soleil's dark and narrow alleys, gang members also used unarmed innocent persons as human shields in their attempts to evade capture. MINUSTAH and the HNP consequently recalibrated their methods, effectively eliminating the unintentional killing of innocent bystanders.

On March 12, a HNP officer killed a male citizen. The case was referred to the HNP Internal Affairs office, which upon completing its investigation, transferred the case to the criminal justice system. The accused officer remained in detention at the national penitentiary in Port-au-Prince at year's end.

On May 25, a detainee died in HNP custody on the same day that a judge ordered his release, after ruling that his detention was illegal and arbitrary. The authorities could not determine if the detainee's death was a homicide or suicide.

On December 4, a HNP officer killed a taxi driver when he failed to obey the officer's directions to stop his vehicle. The officer was placed in detention, and an investigation was under way at year's end.

On December 16, the prosecutor for Port-au-Prince ordered the detention of three HNP officers for murder and attempted murder of residents in Martissant, a Port-au-Prince neighborhood. One resident died during the officers' attempt to rescue another resident from being lynched by a local mob for suspected murder. The prosecutor released the rescued man, whom the prosecutor had previously released from detention for another crime. The HNP officers remained in custody at year's end.

On March 16, a judge dismissed all charges against the two remaining HNP officers implicated in the 2005 killings of six persons at a soccer game in Martissant. There was no trial of the other 13 defendants, all HNP officers, who were released months earlier for "lack of evidence."

Violence stemming from the activities of organized criminal gangs was the primary cause for the arbitrary or unlawful deprivation of life in the country. Despite the diminution of kidnappings due to the HNP's and MINUSTAH's increased policing, common criminality and armed attacks against civilians continued to create fear among the population.

On March 19, armed gangsters killed four persons and injured several others in the Bel-Air neighborhood in Port-au-Prince. Witnesses claimed that the gang leader, who was arrested earlier but released from jail, made death threats against area residents.

On May 23, François Latour, a celebrated actor and radio personality, was kidnapped and killed in Port-au-Prince. On July 13, the HNP arrested and charged Fernando Hamilton, alias "Ti Junior," for the murder.

In response to continuing violence perpetrated with impunity by suspected criminals, residents in some neighborhoods resorted to vigilante justice. On April 23, the media reported the vigilante killing of five presumed bandits in Miragoane and on May 24, the vigilante killing of two presumed bandits in Carrefour. On July 26, MINUSTAH expressed concern over the increase in credible reports of irate citizens killing individuals who were suspected of rape, murder, or kidnapping. According to MINUSTAH, there were at least 106 documented vigilante killings during the year. However, many vigilante killings were not reported or recorded.

b. Disappearance.—There were no reports of politically motivated disappearances by government agents; however, there were reports of disappearances that may have stemmed from the unsettled conditions in the country.

HNP officers were the sole government agents implicated in disappearances due to their occasional participation in kidnappings. Similarly, since some HNP officers were involved in narcotics trafficking, HNP officers' complicity in narcotics trafficking-based disappearances was assumed.

On March 7, authorities arrested an HNP officer for an attempted kidnapping in Port-de-Paix. The officer remained imprisoned at year's end.

On August 28, the media reported the participation of HNP officers in a kidnapping in Petionville. A police officer was among the arrested perpetrators and remained in detention at year's end.

Armed and organized criminal elements continued to participate in widespread kidnappings of citizens, including children from all social strata during the year. While most cases were resolved through the payment of ransom, some victims were tortured, raped, and killed while in their kidnappers' custody. There were 246 reported kidnapping victims during the year, compared with 554 in 2006. Many kidnappings were not reported.

On July 22, Manne Gregory Jean-Charles, a 10-year-old boy, was kidnapped in Delmas, a suburb north of Port-au-Prince. On August 2, the HNP rescued him from his kidnappers, who had held him across the street from a police station in Port-au-Prince.

On August 12, Lovinsky Pierre-Antoine, a supporter of former president Jean Bertrand Aristide and potential senatorial candidate, was kidnapped in Port-au-Prince. Pierre-Antoine was not found, and at year's end the HNP had no suspects.

On August 22, MINUSTAH reported that eight of its Haitian staff members had been kidnapped since the beginning of the year. At year's end the total number of MINUSTAH and U.N. employed staff or immediate family members kidnapped was 13.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The law prohibits such practices, and with the exception of a few HNP officers, there were no reports that government officials employed them. However, criminal gangs frequently employed these practices.

On February 5, a HNP officer assigned to the Canape-Vert precinct in Port-au-Prince beat a local resident. At year's end the HNP Internal Affairs unit was investigating the case.

On August 14, a HNP officer assigned to the Cite Soleil precinct in Port-au-Prince beat a local resident who was on his way home. After completing its investigation, the HNP Internal Affairs office sent the case to the HNP director general for determination of disciplinary measures, such as suspension or termination. Internal Affairs did not transfer the case to the criminal justice system.

On November 25, after arresting a presumed kidnapper, several HNP officers in Port-au-Prince's Delmas 33 police station were accused of severely beating him. The case became public after another police station refused to accept the victim after Delmas 33 tried to transfer him to that station. The government's prosecutor for Port-au-Prince released the victim, who was represented by a relative of the prosecutor. The accused HNP officers remained in detention at year's end.

On November 3, MINUSTAH sent 111 Sri Lankan peacekeepers home on disciplinary grounds. Although a high-level Sri Lankan investigation of the allegations continued and U.N. headquarters had not released a final report, 108 of the troops were accused of "transactional" sexual exploitation or sexual involvement with minors. In addition, MINUSTAH's Office of Internal Oversight Services investigated other cases of alleged sexual exploitation and abuse of minors by MINUSTAH security forces during the year, and submitted 10 completed investigations to U.N. headquarters for final disposition.

Prison and Detention Center Conditions.—Prisons and detention centers throughout the country remained overcrowded, poorly maintained, and unsanitary. Overcrowding resulted from the destruction of three prisons in the instability surrounding former president Jean Bertrand Aristide's 2004 departure, and from the large number of pretrial detainees remaining in custody because of the judicial system's failure to process cases and bring them to court. The HNP's and MINUSTAH's decision to tackle gang-related crime resulted in a dramatic increase in arrests, which aggravated the overcrowded conditions in the prisons and police detention centers. Prisoners and detainees continued to suffer from a lack of basic hygiene, malnutrition, poor quality health care, and the presence of rodents. Furthermore, most prisons lacked adequate food and sanitation and periodically suffered from lack of water. The incidence of preventable diseases such as beriberi, AIDS, and tuberculosis remained a serious problem. Overcrowding at the National Penitentiary prompted the Government to release 200 prisoners who for the most part were either very ill or committed very minor offenses, but some of whom had been detained for very serious, violent offenses.

Prisons also suffered from guard abuse, corruption, and indifference. Prisoners reported being victims of physical abuse and corruption by correctional officers. Correction officers reported limiting their exposure to the inmate cell blocks due to insufficient staffing and equipment.

There were separate penitentiaries for adult men and women in Port-au-Prince. Both suffered from overcrowding, poor maintenance, and unsanitary conditions, but the scope of these problems at the men's penitentiary was larger and more severe. There were 15 other detention centers throughout the country. In those centers, space permitting, male and female prisoners were held in separate cells. Children 16 and older were confined with adults. Due to lack of available space, minors and adults sometimes were held in the same cell.

Most boys were held in a separate facility in Port-au-Prince. By law, that facility may only hold boys ages 13 to 15, although there were a few children who claimed to be as young as 8 and as old as 17 years. Most girls under age 16 were held in the same cells as female adults in the women's penitentiary.

In October the total prison population, including both pretrial detainees and sentenced prisoners in the country's 17 prisons, was 6,370. Overall prison capacity, which by most international standards would hold a maximum of 2,448 persons, was deemed by prison authorities to be 4,895 persons. By their calculation, this produced a 30 percent overcrowding rate. The National Penitentiary in Port-au-Prince, built in 1915, was the most severely crowded. Enlarged over the years to a total capacity of 1,200, it held 3,159 inmates in October.

The already-burdened prison system had insufficient facilities to hold prisoners, especially as new arrests mounted during the year. Overcrowding prevented the constitutionally mandated separation of violent from nonviolent prisoners or convicted individuals from individuals in preventive detention. Many convicted prisoners were incarcerated for long terms in temporary holding cells, particularly in the provinces.

As of October, of the 6,370 prisoners in custody, only 1,056 had been tried and sentenced, while 5,314 detainees still awaited trial.

The prison population did not include the large number of persons who were held in police stations around the country in "preventive detention" (without a hearing or charges being filed) for longer than the constitutionally mandated 48-hour maximum detention period. Inadequate record keeping and data entry at the police stations made it difficult to estimate the number of persons held in preventive detention.

The International Committee of the Red Cross (ICRC), MINUSTAH, the NGO National Human Rights Network for Haiti, and the government's Office for the Protection of Citizens monitored prison conditions in cooperation with the Department of Prison Administration.

The authorities freely permitted the ICRC, the Haitian Red Cross, and human rights groups to enter prisons and police stations, monitor conditions, and assist prisoners and detainees with medical care, food, and legal aid. The primary concerns for most groups monitoring the conditions in the prisons related to adequate water, food, and sanitation; however, the Government continued to lack the resources to implement necessary changes.

d. Arbitrary Arrest or Detention.—The law prohibits arbitrary arrest and detention, and the Constitution stipulates that a person may be arrested only if apprehended during the commission of a crime, or on the basis of a warrant by a legally competent official such as a justice of the peace or magistrate. The authorities must bring the detainee before a judge within 48 hours of arrest. In practice officials frequently ignored these provisions. With so many detainees being held in preventive detention without the benefit of a hearing and in violation of the 48-hour rule, it was difficult to determine how many of them were arbitrarily arrested or detained.

Role of the Police and Security Apparatus.—The 8,949-member HNP has the sole responsibility for law enforcement and maintenance of order in the country; there are no military forces. The HNP is an officially autonomous civilian institution under a director general who controls the force. The Ministry of Justice, through its minister and the secretary of state for public security, provides oversight.

Under the director general's leadership, the HNP conducted at times swift investigations of officer malfeasance, leading to the arrest or termination of employment of suspected officers. Authorities relieved more than 700 officers from duty because of malfeasance.

Reform and professionalization of the HNP continued as international programs provided human rights and other training and equipment for new recruits and for existing officers; police station upgrades; security and humanitarian improvements to prisons; vehicles, computers, and communications equipment; and other technical assistance. Nevertheless, efforts to reform the HNP remained incomplete, and HNP officers continued to be implicated in corruption, kidnapping, and narcotics trafficking.

On May 31, the HNP in Leogane seized 924 pounds of cocaine and arrested 11 persons, four of whom were HNP officers.

Although the HNP's efforts resulted in significantly increased levels of physical security and policing effectiveness, in many cases the HNP could not prevent or respond to gang-related and other societal violence due to an insufficient number of officers and inadequate equipment or training. However, U.N. Civilian Police (UNCIVPOL) and international donor assistance strengthened the HNP's capacity and effectiveness.

Arrest and Detention.—Police sometimes apprehended persons without warrants or on warrants not issued by a duly authorized official. The authorities occasionally detained individuals on unspecified charges or pending investigation.

On November 24, the government's chief prosecutor for Port-au-Prince instructed the HNP to detain overnight 88 young persons, the overwhelming majority of them minors. At the time of the arrests, the youth were participating in a morning school party in a facility owned by an alleged trans-sexual. Police arrived at the scene due to complaints of noise and unsubstantiated rumors that inappropriate activity was occurring in the party venue. The prosecutor did not charge the minors with any offenses, and the police station did not have the facilities or resources to adequately care for the young detainees; however, the authorities refused to release them, even though the authorities had earlier released 22 of the initial 110 persons detained.

On November 25, authorities arrested two persons and briefly detained them when their vehicle failed to quickly clear a path for the Port-au-Prince prosecutor's vehicle. The persons were released that same day after a number of NGOs complained about the arbitrary arrest, with one media outlet calling the traffic infraction "purely imaginary."

Police frequently disregarded the legal requirement to present detainees before a judge within 48 hours, often because of the sluggishness of the judicial system. Con-

sequently, many detainees were held for extended periods in preventive detention without being informed of charges against them. Prolonged preventive detention remained a serious problem.

Bail was available at the discretion of the investigative judge. Bail hearings were not automatic, and judges usually granted bail only for minor cases and based on compelling humanitarian grounds such as a need for medical attention. Detainees generally were allowed access to family members and a lawyer of their own choosing. Many detainees could not afford the services of an attorney, and the Government did not provide free counsel.

Prisoners sometimes remained in detention after they were acquitted. The National Center for State Courts confirmed that an inefficient judicial record system occasionally caused detainees to remain in prison for weeks or months after a court had ordered their release.

The Government detained repatriated citizens upon their return for a period of up to 2 weeks if the citizen had a criminal record in Haiti. The authorities used the deportee's time in detention to assess whether the citizen planned to participate in criminal activities. The Government modified its earlier policy of detaining all repatriated citizens who completed a prison sentence abroad because of lack of available space in prisons and detention centers, and because the International Organization for Migration continued its program to help the Government reintegrate the deportees into society.

e. Denial of Fair Public Trial.—Although the law provides for an independent judiciary, in practice the judiciary was subject to significant influence by the executive and legislative branches. Judges assigned to politically sensitive cases complained about interference from the executive branch. There were widespread and credible reports of judicial corruption.

Systemic problems—including a shortage of funding and adequately trained and qualified justices of the peace, judges, and prosecutors—created a large backlog of criminal cases, with many detainees waiting months for a court date.

Another systemic problem in the judicial system created a barrier for crime victims having their cases investigated. After a citizen reported his or her victimization, justices of the peace charged inconsistent "fees" to initiate a criminal prosecution. These fees varied across jurisdictions and justices. The fees, which effectively barred some citizens from full access to the judicial system, were tantamount to corruption.

Judges increasingly conducted legal proceedings exclusively in Creole rather than French (spoken by only a minority of citizens). However, since some proceedings were conducted in French without translation, language remained a barrier to full access to the judicial system.

In most regions judges lacked basic resources and professional training. An internationally funded program provided training for judges, prosecutors, and other court personnel, furnished technical assistance in drafting rules and procedures, and worked with the Parliament to draft legislation that was enacted to establish a judicial council to oversee the court system. In addition, the U.N. Development Program provided training for judges and court personnel in Port-au-Prince, Jacmel, Port-de-Paix, and Fort Liberte.

Trial Procedures.—The judicial apparatus follows a civil law system based on the Napoleonic Code. Although the Constitution provides for the right to a fair public trial, this right was widely ignored in practice. The Constitution also expressly denies police and judicial authorities the right to interrogate suspects unless legal counsel or a representative of the suspect's choice is present or they waive this right. Most accused persons could not afford legal counsel for interrogation or trial, and the law does not require that the Government provide legal representation. However, some defendants had access to counsel during trials. While the Constitution provides defendants with a presumption of innocence, the right to be present at trial, the right to confront witnesses against them, and the right to present witnesses and evidence on their own behalf, in practice corrupt and ill-trained judges frequently denied defendants these rights.

At the lowest level of the justice system, justices of the peace issue warrants, adjudicate minor infractions, mediate cases, take depositions, and refer cases to prosecutors or higher judicial officials. Investigating magistrates and public prosecutors cooperate in the development of more serious cases, which are tried by the judges of the first instance courts. Thirty appeals court judges hear cases referred from the first instance courts, and the 11-member Court of Cassation, the country's highest court, addresses questions of procedure and constitutionality.

The Code of Criminal Procedure does not assign clear responsibility for investigating crimes, dividing the authority among police, justices of the peace, prosecu-

tors, and investigative magistrates. Examining magistrates often received files that were empty or missing police reports. Authorities rarely conducted autopsies and seldom issued reports. The law provides for at least two criminal court sessions (assises) per year in each of the 15 first-instance jurisdictions for all major crimes requiring a jury trial, with each session generally lasting 2 weeks. However, this did not occur in practice, which was a significant reason for lengthy delays for prisoners who were awaiting trial. The number of court sessions held did not conform to the legally mandated requirement because many courts lacked adequate funding for staff salaries, transportation for court staff and defendants, or funds for meals and incidentals during long trials.

There was one criminal court in Port-au-Prince, the largest jurisdiction, which has held sessions only once a year since 1998. A winter session, which began in December 2006, was interrupted by a strike of judicial system workers. That court session in Port-au-Prince, which resumed on February 12, handled only cases originally on its December docket. The Port-au-Prince jurisdiction court met again during the summer.

Traditionally, each annual assise processes approximately 10 jury trials. With international donor assistance, some jurisdictions, St. Marc and Port-au-Prince, for example, processed significantly more, 29 and 73 cases respectively. Still, since most of the 3,055 detainees awaiting trial in the National Penitentiary were held for serious crimes that warranted a jury trial, they were effectively denied the right to a prompt trial.

Political Prisoners and Detainees.—The Government generally did not hold political prisoners; however, since most prison detainees were awaiting trial, it was possible that some of them were being held for political reasons.

In the case of four high-profile detainees held in the 2004 massacre of Aristide opponents near St. Marc, one died of tuberculosis in March and another, Amanus Mayette, was provisionally released after 3 years in detention pending trial for his alleged participation in the massacre. The other two defendants remained in detention for other alleged crimes unrelated to the 2004 massacre.

f. Arbitrary Interference with Privacy, Family, Home or Correspondence.—The law prohibits such actions, and the Government generally respected these prohibitions in practice.

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 and elected officials generally respected these rights in practice. However, there were a few incidents of a government officer and elected officials harassing journalists. There were also numerous reports of gang members killing or harassing journalists.

In August the media reported that an elected official in Cap-Haitien, accompanied by several armed persons, went to a radio station to complain about the station's unfavorable reporting about the elected official. The elected official claimed that the report misrepresented the situation.

On October 8 and 9, the Government prosecutor in Port-au-Prince reportedly targeted a radio station owner with verbal threats of investigation and arrest over the station's unfavorable reporting concerning the prosecutor. The prosecutor claimed that his comments were misinterpreted.

On December 3, journalists in St. Marc decided to boycott the activities of the city's mayoral office. The journalists accused the mayor of threatening them because of earlier stories implicating the mayor with corruption.

In March radio journalist Robenson Casseus received anonymous death threats over the telephone after broadcasting his support for a political party, and his home was burned down.

On April 13, gang members killed Edouard Johnson, a journalist, regional Lavalas spokesman, and leader of Zantray—an organization representing practitioners of voodoo—because he spoke out against the gangs in Gonaives. The HNP arrested a number of suspects.

On May 16, gang members killed Alix Joseph, a journalist and antigang radio station administrator in Gonaives. On July 13, the HNP arrested Remilien Emmanuel as a suspect in the killing.

On August 30, a court sentenced two young men to life in prison for the 2005 killing of poet and journalist Jacque Roches. The 2000 murder of journalist and activist Jean Dominque remained unsolved; on April 4, unknown assailants killed Robert Lecorps, arrested but never charged in Dominique's murder, on the anniversary of the latter's death.

Internet Freedom.—There were no government restrictions on access to the Internet or reports that the Government monitored e-mail or Internet chat rooms. Individuals and groups could engage in the peaceful expression of views via the Internet, including by e-mail.

Academic Freedom and Cultural Events.—There were no government restrictions on academic freedom or cultural events.

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 Constitution provides for freedom of religion, provided that practice does not disturb law and order, and the Government generally respected this right in practice.

Societal Abuses and Discrimination.—There were no reports of societal abuses or discrimination against members of religious groups, including anti-Semitic acts. The Jewish community was very small.

For a more detailed discussion, see the 2007 International Religious Freedom Report.

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons.—The law provides for freedom of movement within the country, foreign travel, emigration, and repatriation, and the Government generally respected these rights in practice.

The law prohibits the involuntary exile of citizens, and there were no reports of its being applied. However, there were anecdotal reports that former government officials imposed internal and external exile upon themselves and their families for fear of retaliation or prosecution.

Protection of Refugees.—The law provides for the granting of refugee status or asylum in accordance with the 1951 U.N. Convention relating to the Status of Refugees and its 1967 protocol, and the Government has established a system for providing protection to refugees. In practice the Government provided protection against refoulement, the return of persons to a country where there is reason to believe they feared persecution, but it did not routinely grant refugee status or asylum.

Since there were no known refugees in the country, there was no opportunity for the Government to cooperate with the Office of the U.N. High Commissioner for Refugees.

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 through free and fair elections based on universal suffrage, but the Government did not provide citizens the full opportunity to exercise this right during the year.

Elections and Political Participation.—Multiparty presidential and parliamentary elections were held in February and March 2006 in a relatively stable and peaceful process. Rene Preval won the presidency with 51 percent of the votes. In December 2006 the Provisional Electoral Council (CEP) conducted elections to fill 8,820 local government positions throughout the country. There were few incidents of violence or fraud, and citizens and international observers considered the election process acceptable and the results credible.

On April 29, the CEP supervised elections for one seat in the Chamber of Deputies in the commune of La Chapelle, 10 mayors, six town delegates, 29 communal section assemblies (ASEC), and 27 communal section administrative councils (CASEC). Although there were credible reports of sporadic violence and the HNP made 18 arrests, the elections were considered peaceful and fair, with credible results.

At the completion of local and municipal elections, the 1987 Constitution requires that local officials hold a series of indirect elections. The ASECs select representatives to the municipal assemblies, where they are joined by the elected town delegates. The municipal assemblies, in turn, send representatives to the 10 departmental assemblies. The departmental assemblies are responsible for selecting a three-member departmental council, one representative to serve on the interdepartmental council, and most importantly, nominating candidates for the Permanent Electoral Council. The final nine members of the Permanent Electoral Council are to be chosen from among these nominees by all three branches of the National Government—the executive, the Parliament, and the judiciary. The president designates the council's director general.

Since these indirect elections did not take place, the departmental assemblies and councils were never established, and there was no Permanent Electoral Council to supervise senatorial elections, originally expected in November. All elections since 1987 have been overseen by provisional electoral councils with fixed mandates. The Government argued that the CEP's mandate terminated with the conclusion of the April 29 elections.

Numerous solutions were proposed for this electoral crisis. Many persons, including the president, declared that the constitutionally mandated process of frequent elections was either too impractical or too expensive. Since many politicians, including the president, viewed the CEP that oversaw the April 29 and previous elections as inept or corrupt, they were unwilling to extend its mandate and allow it to conduct new elections. The media also aired arguments for and against extending the mandate of the senators facing reelection.

Although the Government neither implemented the constitutionally mandated mechanisms for constituting the Permanent Electoral Council nor held elections to fill the senate seats scheduled for reelection, in December the Government established another Provisional Electoral Council. After a consultative process that included various societal sectors, the Government swore in new members on December 12 and a new CEP director general on December 19. The new CEP's mandate is to organize the senatorial elections, the constitutionally mandated indirect elections, and by-elections for posts that may become vacant during its mandate.

The monetary deposit required of female candidates for political office (if sponsored by a recognized party) was one-half that required of male candidates. Eight women were elected to the 129-seat National Assembly, and there were two women in the 18-member cabinet.

Government Corruption and Transparency.—The law provides criminal penalties for official corruption; however, the Government did not implement the law effectively, and officials often engaged in corrupt practices with impunity. According to the World Bank's worldwide governance indicators, government corruption was a severe problem. Corruption remained widespread in all branches and at all levels of government. High-level officials and Parliament members accused of official corruption were not prosecuted within the judicial system, but before the Senate, an event that rarely happened. The factors contributing to corruption in the country were poverty, lack of economic opportunity, and weak governmental institutions (especially relating to law enforcement and the judiciary).

The HNP, with the assistance of UNCIVPOL, continued efforts to eliminate corruption within its ranks, and the Government embarked on a highly publicized anticorruption campaign that targeted businesses and private persons. With the exception of corruption allegations brought against the CEP, however, the Government focused relatively little attention on corruption within the judicial system and within its ministries, with the exception of the Ministry of Foreign Affairs.

The authorities arrested or detained a few low-level public servants, mainly customs officials, on corruption or corruption-related charges during the year. The Government accounting authority initiated an investigation of alleged mismanagement of funds at the Ministry of Foreign Affairs in 2004–06. At year's end the investigation remained open.

There are no financial disclosure laws for public officials. The Financial Control and Information Office is responsible for combating financial crimes, but the Government allowed the Government prosecutor for Port-au-Prince to take the lead in combating corruption. His methods, which were at times controversial, prompted the Senate to threaten a no-confidence vote in the government. The business community, the HNP, and NGOs publicly questioned the prosecutor's commitment to applying the laws objectively.

No law requires public access to government information, but there were no reports that the Government prevented public access to government information.

Section 4. Governmental Attitudes Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A number of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. The Government cooperated with the various human rights observation missions and generally acknowledged their views but lacked the capacity to implement their recommendations. The Government permitted special missions and the continued presence of U.N. bodies and other international organizations such as the ICRC.

At the national and international levels, human rights organizations were active and effective in monitoring human rights issues, meeting frequently with government officials. Human rights organizations made media appearances and published

objective reports on violations. Human rights groups continued to focus on persistent problems such as killings, rapes, kidnappings, prison conditions, impunity for criminals, trafficking in persons, and the status of children and women.

The Chamber of Deputies and the Senate each had a human rights committee; however, neither committee published any reports or introduced any legislation during the year.

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

The law does not specifically prohibit discrimination on the grounds of race, gender, disability, language, or social status. It does provide for equal working conditions regardless of gender, beliefs, or marital status. However, there was no effective governmental mechanism to administer or enforce these provisions.

Women.—The law prohibits and provides penalties for rape but does not recognize spousal rape as a crime. The penalty for rape is a maximum of 10 years' imprisonment; for gang rape and premeditated, aggravated assault it is 15 years of hard labor. The criminal code excuses a husband who kills his wife or her partner found engaging in an act of adultery in his home, but a wife who kills her husband under similar circumstances is not excused. Rape remained commonplace and underreported, and gangs often raped female kidnapping victims. Although comprehensive figures were not available, NGOs concluded that the number of reported rapes and rape victims seeking medical treatment increased compared with 2006.

On July 13, the Ministry for the Condition and Rights of Women, in conjunction with other international organizations, initiated an outreach project to provide medical, psychological, and legal counseling for female rape victims. Earlier in the year, this ministry signed protocols with the Ministry of Justice and Public Security and the Ministry of Public Health and Population that established a free and accessible medical certificate that victims of sexual aggression, including rape, could use if they decided to press charges against their attackers. Nevertheless, the HNP reported that substantial disincentives remained to reporting rapes, in particular some women's desire to protect themselves from the social or physical consequences of making accusations against the aggressor, who often lived in the community; the lack of facilities or services at police stations to aid rape victims; the need to pay a nominal fee for medical services needed to obtain the free certificate; and finally, the corrupt judicial system that fostered a perception of impunity.

On September 5, authorities arrested an HNP officer in Les Cayes for raping a 17-year-old girl. The officer, who remained in detention pending trial, had been arrested previously for rape but freed by the judicial system.

The law prohibits and provides penalties for domestic violence, but women's rights groups and human rights organizations said that domestic violence against women remained commonplace and underreported. A 2006 report from Haitian Women in Solidarity, a human rights organization for women, estimated that eight of 10 women experienced domestic violence. Women's shelters and organizations reported that armed gangs frequently raped and harassed girls and women. Police rarely arrested the perpetrators or investigated the incidents, and the victims sometimes suffered further harassment in retaliation and feared reprisals from the perpetrators. Corrupt judges often released suspects arrested for domestic violence and rape. The government, with the support of international donors, sponsored a program for victims of violence that provided medical and legal assistance for victims, as well as a campaign denouncing violence against women.

Although prostitution is illegal, it remained a widespread problem, particularly among women and girls.

The law does not specifically prohibit sexual harassment, although the labor code states that men and women have the same rights and obligations. Reports of sexual harassment in the workplace were not available, although observers suggested that sexual harassment occurred in the country. Such incidents went unreported because of high unemployment and because citizens had little confidence in the ability of the judicial system to protect them.

Women did not enjoy the same social and economic status as men. In some social strata, tradition limited women's roles. The majority of women in rural areas remained in the traditional occupations of farming, marketing, and domestic labor. Very poor female heads of household in urban areas also often had limited employment opportunities, such as domestic labor and sales. Laws governing child support recognize the widespread practice of multiple-father families but rarely were enforced. Female employees in the Government or private sector seldom were promoted to supervisory positions. Excepting the HNP, there were no government efforts to combat economic discrimination. The HNP, whose force included approximately 5 percent women, experienced a dramatic increase in women recruits when it announced a drive to increase the proportion to 30 percent.

Domestic women's rights groups were small, localized, and received little publicity.

Children.—Governmental agencies and programs to promote children's rights and welfare existed, but the Government lacked the capacity and the resources to adequately support or enforce existing mechanisms.

According to the Constitution, public primary education is free and compulsory, but in practice many children did not have access due to the insufficient number of public schools. Nearly 90 percent of the approximately 15,000 schools in the country were managed by religious institutions, community organizations, or NGOs. The official school year begins in early September and ends in early June. Many children began their school year as late as January because of their families' inability to pay private school fees. Poorer families sometimes rationed education money to pay school fees only for male children. In August and September, the Government disbursed a financial supplement to help parents cover educational costs.

According to the government, 40 percent of children never attended school. Of those who did, less than 15 percent graduated from secondary school. The Ministry of Education estimated net primary school enrollment at 65 percent but acknowledged that 500,000 children ages 6 to 11 were not in school; the actual number was thought to be much higher. In addition, nearly 75 percent of adolescents were not in school. No government programs existed to address the educational and social reinsertion needs of youth (ages 15 to 24) who had never attended school.

Government hospitals provided fee-based health care to children in pediatric wards. Boys and girls had equal access to these pediatric services.

Child abuse was a problem. There was anecdotal evidence that in very poor families caretakers deprived the youngest children of food to feed older, income-generating children. In January 2006 a U.N. independent expert stated that 47 percent of sexual assaults involved minors as victims.

There were credible reports that large numbers of children were trafficked within the country and forced to work as domestic servants. Port-au-Prince's large population of street children included many who were dismissed from or fled employers' homes. The Ministry of Social Affairs provided minimal assistance, such as food and temporary shelter, to street children.

Trafficking in Persons.—The law does not specifically prohibit trafficking in persons, although there is labor legislation and other laws, including those prohibiting and penalizing slavery, kidnapping, and violence against women, which could be used to combat human trafficking. There were reports that persons were trafficked from, through, and within the country.

Persons were trafficked from and within the country for commercial sexual exploitation. In a highly publicized case in the Dominican Republic, the accused claimed to have had contact with a trafficking network in Haiti that trafficked young women from Haiti for sexual exploitation in the Dominican Republic. Dominican women also were trafficked into Haitian brothels.

The country was a source for persons trafficked to the Dominican Republic, the Bahamas, the United States, Europe, and Canada. Trafficked Haitians reported being subjected to conditions of bonded servitude, slavery, and forced labor. Extreme poverty and lack of employment were among key risk factors supporting human trafficking. Traffickers also used Haiti as a transit point for third-country nationals.

Internal trafficking of children for domestic labor remained a significant problem. Rural families continued to send young children, particularly girls, to more affluent city dwellers to serve as restaveks ("live with" in Haitian creole) in exchange for that child's room and board. While some restaveks received adequate care, many receiving families compelled the children to work long hours, provided them little nourishment, and frequently abused them. The majority of restaveks worked in low-income homes where conditions, food, and education for nonbiological children were not priorities. While difficult to quantify, the Government and the U.N. Children's Fund estimated that the number of restaveks ranged from 90,000 to 300,000.

The Government acknowledged the problem of internal trafficking, including that of children. The Brigade for the Protection of Minors (BPM), a branch of the HNP, investigated cases of child trafficking and monitored movement of children across the border with the Dominican Republic. However, in addition to the lack of specific penalties for trafficking, the lack of resources, training, and institutionalized procedures remained barriers to its operational capacity. There were so many street children in Port-au-Prince who were victims of domestic trafficking that the BPM did not as a matter of routine try to help them.

NGOs were in the forefront in combating trafficking of children under the guise of international adoptions. On February 14, authorities arrested the operator of an orphanage and charged her with trafficking 32 children. On August 8, authorities

in conjunction with two NGOs rescued 47 children from a rogue orphanage. Many of the children's parents were unaware of the true activities of the orphanage. The orphanage remained open at year's end.

Persons with Disabilities.—There were no reports of discrimination by the Government against persons with disabilities in employment, education, access to health care, or the provision of other state services. However, because of widespread and chronic poverty, a shortage of public services, and limited educational opportunities, persons with disabilities were severely disadvantaged. No governmental mandates or programs operated to ensure that persons with disabilities were treated equitably or, for example, had access to public buildings.

Other Societal Abuses and Discrimination.—Societal discrimination occurred against persons with HIV/AIDS, particularly women, but educational programs sponsored by foreign donors and efforts by HIV/AIDS activists attempted to change that stigma.

Section 6. Worker Rights

a. The Right of Association.—The law allows workers, except public sector employees, to form and join unions of their choice. The law also requires that a union must have a minimum of 10 members and register with the Ministry of Labor and Social Affairs within 60 days of its formation. The law prohibits employers, management, and anyone who represents the interests of employers from joining a union. In theory unions were independent of the Government and political parties, but in practice most unions were extensions of political parties. Nine principal labor federations represented approximately 5 percent of the labor force.

The law prohibits antiunion discrimination by employers, who are liable to pay a monetary fine for each individual violation. The law does not specify that employers must reinstate workers illegally fired for union activity. Illegally fired workers have the right to recoup any compensation to which they are entitled. The Labor Court adjudicates all labor disputes, but it was considered weak and ineffectual.

b. The Right to Organize and Bargain Collectively.—While the law protects trade union organizing activities and stipulates fines for those who interfere with this right, in practice the Government made little effort to enforce the law.

High unemployment rates and antiunion sentiment among some factory workers and most employers limited the success of union organizing efforts.

Collective bargaining was nonexistent, and employers set wages unilaterally. The labor code does not distinguish between industries producing for the local market and those producing for export. Employees in the export-oriented assembly sector enjoyed better than average wages and benefits.

Although workers had access to labor courts established to resolve common labor-management disputes, the courts' judgments were not enforced. The courts function under the supervision of the Ministry of Labor and Social Affairs and adjudicate minor conflicts, but unions stated that the process was inefficient. Seven labor courts operated in Port-au-Prince, and in the provinces plaintiffs utilized municipal courts.

The labor code provides for the right to strike, except for managers, administrators, other heads of establishments, and public utility service workers, and workers exercised this right in practice. The labor code defines public utility service employees as essential workers who "cannot suspend their activities without causing serious harm to public health and security."

Despite the prohibition, there were a few public sector strikes during the year, usually related to the government's failure to pay staff in a timely manner. In July the telephone workers' union decided to strike over management's plans to modernize and rationalize the state telephone company. The Government did not interfere in the labor dispute. On June 12 and 13, drivers in the public transport union, which is not part of the public sector, went on strike over fuel price increases that were initiated by the government. In this case, the Government reached a settlement that allowed for a small reduction in the price of gasoline.

There is one export processing zone (EPZ) located in Ouanaminthe, a town on the Dominican border. Legislation governing free trade zones provides that the labor code applies in the EPZs.

c. Prohibition of Forced or Compulsory Labor.—The law prohibits forced or compulsory labor, including of children; however, there were reports that such practices occurred.

d. Prohibition of Child Labor and Minimum Age for Employment.—The minimum employment age in all sectors is 15 years, but the minimum age for apprenticeships is 14. The law prohibits minors from working under dangerous conditions and prohibits night work in industrial enterprises for minors under 18. Fierce adult com-

petition for jobs ensured child labor was not a factor in the industrial sector. However, children under the age of 15 commonly worked at informal sector jobs to supplement family income. Children also commonly worked with parents on small family farms, although the high unemployment rate among adults kept children from employment on commercial farms in significant numbers. In 2003 Parliament repealed the chapter of the labor code that governed treatment of child domestic servants but neglected to enact a penalty provision. Consequently, there was no legal penalty for families that employed children in domestic labor as restaveks, the primary type of child employment. The unintended effect of the repeal was to decriminalize and deregulate child domestic labor. Children also worked on the street as vendors or beggars, and some were involved in prostitution.

Although the Government designated the Institute for Social Well-Being and Research to implement and enforce child labor laws and regulations, resources were inadequate to fund programs to investigate exploitive child labor cases throughout the country.

e. Acceptable Conditions of Work.—The legal minimum daily wage, which was approximately $2.00 (70 gourdes), was established by the Tripartite Commission of Salaried Workers, whose six members are appointed by the president (two representatives each of labor, employers, and government). This wage did not provide a decent standard of living for a worker and family. Some workers were paid on a piece-rate basis and earned more than the minimum wage. The majority of citizens worked in the informal sector and subsistence agriculture, where minimum wage legislation does not apply and daily wages of $0.42 (15 gourdes) were common. Many women worked as domestic employees, where minimum wage legislation also does not apply.

The law sets the standard workday for industrial, commercial, and agricultural establishments at 8 hours and the workweek at 48 hours, with 24 hours of rest. There are also provisions for the payment of overtime and a prohibition of excessive compulsory overtime. However, the law grants exemptions to health care, lodging, food and beverage, and entertainment establishments. Family establishments that employ only family members and managerial positions are also exempt. The Labor Directorate also may grant exemptions for other employers not specifically exempted by the law. These laws were not effectively enforced. In addition, the law is silent concerning public sector employees. Consequently, HNP officers worked 12-hour shifts 6 days per week and received no overtime.

The law also establishes minimum health and safety regulations. The industrial and assembly sectors largely observed these guidelines, but the Ministry of Labor and Social Affairs did not enforce them effectively. There were no formal data, but unions alleged that job-related injuries were prevalent in the construction industry and public works sectors. Although they have the legal right to do so, in practice workers were not able to exercise the right to remove themselves from dangerous work situations without jeopardy to continued employment.

HONDURAS

Honduras is a constitutional democracy with a population of approximately 7.4 million. In November 2005 national elections, considered by international and domestic observers to be generally free and fair, voters elected as president Jose Manuel Zelaya Rosales of the Liberal Party. The Liberal and National parties continued to dominate the politics of the country within a multiparty system. While civilian authorities generally maintained effective control of the security forces, there were instances in which elements of the security forces, particularly the police, acted independently of government authority.

The following human rights problems were reported: Unlawful killings by members of the police and government agents; arbitrary and summary killings committed by vigilantes, street gangs, and former members of the security forces; beatings and other abuse of detainees by security forces; harsh prison conditions; failure to provide due process of law; lengthy pretrial detention; politicization of the judiciary, as well as judicial corruption and institutional weakness; erosion of press freedom; government restrictions on recognition of nongovernmental organizations (NGOs); violence and discrimination against women; child prostitution and abuse; trafficking in persons; discrimination against indigenous communities; violence and discrimination against persons based on sexual orientation; ineffective enforcement of labor laws; and child labor.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life.—There were reports that the Government or its agents committed arbitrary or unlawful killings. As in previous years, NGOs reported killings of youths and children by vigilante groups that also may have included members of the security forces. There were no charges filed against or convictions of any persons in relation to these killings. Between 1998 and the end of the year, the NGO Casa Alianza reported the killings of 3,943 children and adults under the age of 23, with 504 of these killings occurring during the year. Casa Alianza believed that government security forces were involved in 22 of these killings; a number of the victims showed signs of torture.

The Government sought or detained a number of police officials for their involvement in various killings of individuals.

On June 22, unknown actors shot and killed army Captain Alejandro Humberto "El Motino" Zavala, a close friend and bodyguard of President Zelaya, in Tegucigalpa. The president stated that "power sectors" had conducted a political assassination against the nation. Human rights groups commented that there was no evidence to support the president's assertion. By year's end security authorities had arrested two suspects, Edwin Ernesto Hernandez and Hansen Mohamed Handal.

On October 18, unknown actors fatally shot Radio Cadena Voces journalist Carlos Salgado (see Section 2.a.).

On November 29, unknown actors in Puerto Cortes fatally shot Regional Red Cross President Jose Raul Carranza Soto, allegedly because he refused to pay them extortion money. At year's end there was no information regarding any investigation of the incident.

There were no reported developments in the pending legal action against a soldier who was in military custody, for the October 2006 fatal shooting of a civilian, Henry Esau Garcia Fuentes, at a joint military and police checkpoint in Colonia Flor del Campo.

On May 28, the authorities placed under house arrest former Comayagua police officer Marvin Arias Sorto in relation to the November 2006 fatal shooting of bar owner Sean Keith Haneman. At year's end Sorto remained under house arrest.

There were no further developments regarding the December 2006 filing of criminal charges against four members of the preventive police for the killings in Olancho of environmental advocates Heraldo Zuniga and Roger Ivan Cartagena. In February the National Human Rights Commission (CONADEH) and the Public Ministry questioned whether police officers had been ordered by their superiors to alter the scene of the killing of the advocates.

On November 1, security authorities released from custody former police officers Ricardo Benitez and Felipe Izaguirre after a court found them innocent of charges relating to the 2005 kidnapping, torture, and killing of youths Rene David Rivera and Sergio Najarro Ramirez.

In June a tribunal sentenced former inspector of the Preventive Police, Oscar Gomez, and former deputy inspector Roger Matute, to 47 and 26 years, respectively, for the 2004 deaths of juvenile victims Marvin Daniel Ortiz and Juan Manuel Aguilar.

A number of prisoner deaths were attributed to members of the security forces.

By year's end there were no developments regarding the May 2006 killing by unknown actors of Liberal Party Congressman Ramon Saldago Cuevas. Authorities believed that organized crime was responsible for the killing.

At year's end the Homicide Unit of the Criminal Investigation Office of Comayagua continued investigating the 2005 killing of trade unionist Francisco Cruz Galeano.

At year's end police continued the investigation of the 2005 killing of Ministry of Public Works official Jose Mario Garcia.

On December 4, the Supreme Court of Justice ordered the detention for a second time of retired colonel Alexander Hernandez Santos, a member of the disbanded Intelligence Battalion 3–16, for human rights violations, forced disappearances, and assassinations in the 1980s of 184 persons, including Miguel Francisco Carias and Nelson Mckay Chavarria.

At year's end the Tegucigalpa criminal court still had not brought action against police officers implicated in the 1995 illegal detention and killing of four youths in the four cardinal points case. As part of a September 2006 Inter-American Court of Human Rights condemnation of the Government's handling of the case, in December the postal service released a commemorative stamp. On November 12, the Government inaugurated a "Four Cardinal Points Bridge" in Tegucigalpa to memorialize the incident.

On June 11, Garifuna leader Felix Ordonez Suazo was fatally shot in Punta Piedras, Colon Department, allegedly by members of a group of land invaders encroaching on the community's lands.

Through November the Ministry of Public Security reported that unknown actors killed 43 police officers, noting that youth gangs may have committed some of these killings.

Through December five lawyers and one judge had been killed, including attorney Alejandro Arturo Navas.

Violent crime continued to fuel the growth of private unlicensed security guard services and vigilante groups that patrolled neighborhoods and municipalities allegedly to deter crime. Neighborhood watch groups called Citizen Security Councils occasionally took the law into their own hands. Human rights organizations credibly asserted that some councils, as well as private security companies with ties to former and current military or police officials, acted with the complicity of police as vigilantes or death squads to use lethal force against supposed habitual criminals. On June 21, a major daily newspaper published the flyer of a supposed "Squadron of Death" composed of police, military, and businessmen. Also in June an unknown person handed the flyer, which threatens human rights defenders of gangs and drug traffickers, to a human rights activist on the street in Tegucigalpa.

Casa Alianza reported a high number of killings of adolescents in urban areas. Approximately 90 percent of the victims were male; female victims showed signs of sexual abuse. It was believed that organized crime and private security forces were involved in many of these killings. The NGO also had information that some law enforcement officials in their private capacity, and not as agents of official policy, participated in many of these killings, enjoying a "climate of impunity" due to public opinion that favored a strategy of "social cleansing" toward alleged gang members and other juveniles suspected of criminal activities.

Between January and September the Special Investigative Unit on Child Killings received cases involving killings of 80 minors; the unit attributed the killings to the following categories: Unknown assailants (57 percent), gang members (30 percent), private individuals, family members and delinquents (12 percent), and police (1 percent).

CONADEH reported that during the year 189 women were killed and that 98 percent of these killings remained unresolved.

Several groups and families of juvenile victims claimed to have provided public prosecutors with evidence of collusion between police elements and business leaders. The Ministry of Public Security stated that it investigated individual police officers for participation in killings of street youth; however, there was no information available on the outcome of the investigations. International NGOs, including CARE, and foreign government donors continued to provide training in domestic violence and other human rights problems for police and armed forces units.

b. Disappearance.—On August 31, there were reports that a former official of the Direccion General de Investigacion Criminal (DGIC) kidnapped Milton Elias Cardona from his house in Siquatepeque, Comayagua. At year's end Cardona's whereabouts remained unknown.

There was no information regarding the whereabouts of Panamanian nationals Jose Camilo Miranda, David Rodrigo Villalobos Valladares, and Jorge Luis Villalobos Valladares, who were last seen in June 2006 in the custody of Roatan police.

There was no information regarding any investigation of the June 2006 kidnapping and disappearance of Jorge Ruiz Rosales, former advisor of the National Association of Farmers of Honduras, presumably by five DGIC agents. Rosales had been in self-imposed exile in the 1980s for his active participation in dissident political organizations but returned in 1991 when the Government issued a decree of unconditional amnesty for former dissidents.

There was no information regarding the whereabouts of Elvis Zepeda Barrientos, detained by police in December 2006.

The Government resolved eight cases before the Inter-American Commission on Human Rights (IACHR) relating to forced disappearances in the 1980s and provided $600,000 (11.3 million lempiras) compensation to the victims' families.

The Ministry of Public Security reported that as of November, there had been 40 kidnappings for ransom, compared with 14 in 2006.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—Although the Constitution and law prohibit such practices, there were instances in which government officials employed them, including police beatings and other abuse of detainees.

Casa Alianza's legal staff investigated two cases of alleged police brutality against minors. On March 23, preventive police officers allegedly assaulted minors Luis Sander Gomes Salgado and Dawin Sevilla. On June 20, agents of the DGIC allegedly illegally detained and abused minor Josue Armando Turcios.

In August Marvin Javier Martinez Bermudez and Jose Santiago Lopez Villalobo claimed that security authorities tortured them to admit they killed Judge Alba Leticia Bueso in San Pedro Sula. Authorities charged Martinez and Lopez with premeditated homicide, illicit association, and carrying an illegal weapon. At year's end there were no further developments regarding the case.

On December 13, the Public Ministry charged five police officers with torture and illegal detention of several members of the NGO Lesbian-Gay Rainbow Association of Comayaguela.

On September 28, the Supreme Court of Justice upheld the 2004 release on bail and dismissal of charges against retired colonel Juan Evangelista Lopez Grijalba in relation to a foreign court's finding in March 2006 of liability for compensatory and punitive damages for torture, disappearances, and extrajudicial killings.

The NGO Center for Torture Prevention and Rehabilitation (CPTRP) and the Innovation and Social Democratic Union political party complained that prison officials required female visitors to disrobe and undergo physical searches in front of male prison officials in order to enter the National Penitentiary.

On March 18, security authorities detained without charges for several hours Donny Reyes, a transvestite person and member of the Gay-Lesbian Rainbow Association of Comayaguela, at the Comayaguela police station. During his detention, other inmates allegedly physically assaulted and raped Reyes with the encouragement of police officers. There was no information about any follow-up investigation of this incident.

Prison and Detention Center Conditions.—Prison conditions were harsh, and prison security was poor. Human rights groups reported that prisoners suffered from severe overcrowding, malnutrition, and lack of adequate sanitation and allegedly were subjected to various other abuses, including rape by other prisoners. In many cases prisoners relied on outside help from visitors to survive because the prison system did not provide adequate food or other basic necessities. Prison escapes, through bribery or other means, remained a frequent occurrence. The CPTRP found that of 72 inmates it interviewed at the National Penitentiary and Granja Prison in Comayagua, 68 reported that authorities had physically or emotionally abused them.

Prison disturbances, caused primarily by harsh conditions and intergang violence, occurred in the larger facilities of San Pedro Sula, Tegucigalpa, and Choluteca. Through November the Ministry of Public Security reported that 18 gang members had been killed in prisons, in most cases by members of rival gangs.

Prison authorities attempted to hold prisoners from opposing gangs in different facilities or in different areas of the same prison to reduce intergang tensions and violence. On December 28, four rival gang member inmates killed four prisoners in the National Penitentiary, bringing the total to 41 prisoners killed by year's end at that facility.

Persons with mental illnesses, as well as those with tuberculosis and other infectious diseases, were held among the general prison population. Human rights organizations charged that prison officials used excessive force against prisoners, including beatings, as well as isolation and threats. There were credible reports that security officials condoned rapes and other physical assaults on detainees who were homosexuals (see Section 5).

Female prisoners generally were held in separate facilities under conditions similar to those of male prisoners but unlike their male counterparts did not have conjugal visit privileges. At certain lower security prisons, women were held with the general population. Children up to age 2 were permitted to stay with their mothers in prison. Pretrial detainees generally were held together with convicted prisoners.

While the Government operated four juvenile detention centers, minors were sometimes detained with adults.

Overcrowding remained a problem due to the overall deficiencies of the juvenile penal system. Judges tended to place minors in detention centers in the absence of other educational or reform programs.

The Government generally permitted prison visits by independent local and international human rights observers, and such visits occurred during the year.

d. Arbitrary Arrest or Detention.—The Constitution and law prohibit arbitrary arrest and detention, but the authorities at times failed to observe these prohibitions.

The Committee for the Defense of Human Rights in Honduras (CODEH) estimated that through December security officials had arrested arbitrarily, and some-

times tortured, more than 34,000 persons under the Government's Operation National program. Police arrested persons based on forms of dress, types of tattoos, and whether they possessed identification materials.

Role of the Police and Security Apparatus.—The Ministry of Public Security oversees police operations, including those of the Preventive Police, DGIC, Transit Police, Frontier Police, Tourist Police, and Prison Police. Corruption and impunity were serious problems within the security forces. Lack of sufficient funding for the DGIC undermined its effectiveness. The police added 2,000 officers, decentralized some police commands, and began conducting polygraph tests of all police academy applicants. The Ministry of Public Security increased the use of motorcycle patrols to respond more effectively to calls by the public for assistance.

The Office of Internal Affairs investigates allegations of illegal activities committed by members of the police force. The Preventive Police and the DGIC each have an office of professional responsibility that conducts internal reviews of police misconduct.

On October 29, security authorities detained two DGIC agents and their driver for stealing 15 computers that same day from a school in Olancho. At year's end there was no further information about the incident.

The Ministry of Public Security reported that through November, authorities had prosecuted 63 police officers for offenses ranging from abuse of authority to drug trafficking, rape, and homicide. There was widespread public concern regarding the perceived inability of the security forces to prevent and control crime, and the public continued to believe that corrupt security personnel were complicit in the high crime rate.

On October 23, the Government announced the establishment of a new prosecutor's office, staffed by five prosecutors, for homicides in San Pedro Sula to handle the large backlog of unresolved cases.

Foreign donors and international organizations provided human rights training to police and military officials.

The Government condoned the citizen security councils, which human rights groups claimed were responsible for an increase in unlawful deaths. Human rights groups contended that these councils were police intelligence entities that gathered information about persons who did not support the Zelaya administration, and that the Government was creating a police state.

There were no developments regarding the cases pending with the Public Ministry in 2006 of inspectors and directors of police charged with flagrant human rights abuses.

Police and military continued joint patrols of the streets. Gang violence and intimidation remained serious problems, and gangs continued to harass, threaten, and rob passengers on public transportation, causing the Government to station security officers on many public buses. Perpetrators, in some instances police, of killings against youth and minors continued to act with impunity.

Arrest and Detention.—The law states that police may arrest a person only with a court order, unless the arrest is by order of a prosecutor, made during the commission of a crime, made when there is strong suspicion that a person has committed a crime and may try to evade criminal prosecution, or made when the person is caught with evidence related to a crime. Police must clearly inform the person of the grounds for the arrest. Police must bring a detainee before a competent authority within 24 hours. The prosecutor has 24 hours to decide if there is probable cause for an indictment, and a judge then has 24 hours to decide whether to issue a temporary detention order that can last up to 6 days, by which time the judge must hold a pretrial hearing to examine probable cause and make a decision on whether pretrial detention should continue. The law provides for bail for persons charged with felonies. The law also provides that prisoners have the right to prompt access to family members. Although the law also provides that prisoners have the right of prompt access to a lawyer of their choice and, if indigent, to state-provided counsel, these requirements were not always followed in practice.

Lengthy pretrial detention was a serious problem. During the year approximately 51 percent of the prison population awaited trial. The law mandates the release from prison of any detainee whose case has not come to trial and whose time in detention exceeds the maximum prison sentence for the crime of which he is accused. Judicial inefficiency and corruption and lack of sufficient resources delayed proceedings in the criminal justice system. According to the Supreme Court of Justice, of 271,000 cases with the DGIC, only 6,000 reached trial. Of the 6,000 cases, however, 80 percent resulted in sentences. As a result of trial delays, many pretrial detainees already had served time in prison equivalent to the maximum allowable for the crime for which they were accused. Many prisoners remained in jail after

being acquitted or having completed their sentences due to the failure of officials to process their releases.

e. Denial of Fair Public Trial.—Although the Constitution and law provide for an independent judiciary, the judicial system was poorly funded and staffed, inadequately equipped, often ineffective, and subject to patronage, corruption, and political influence.

On March 27, a court acquitted but did not release from custody Joel Nahum Espinoza, a member of the presidential guard arrested in June 2006 in connection with the 1999 killing of Francisco Javier Morales in Trujillo. On April 30, prosecutors filed an appeal, which was pending at year's end. Santos Israel Barahona Chirinos, the other suspect in the killing, remained at large.

Low wages and lack of internal controls rendered judicial officials susceptible to bribery, and powerful special interests exercised influence in the outcomes of court proceedings.

There are 12 appeals courts, 77 courts of first instance with general jurisdiction, and 330 justice of the peace courts with limited jurisdiction. The Supreme Court of Justice names all lower court judges. The media and various civil society groups continued to express concern that the eight-to-seven split between the National and Liberal parties in the Supreme Court of Justice resulted in politicized rulings and contributed to corruption in public and private institutions.

Trial Procedures.—The law provides for the right to a fair public trial. Although the law provides that the accused is presumed innocent and has the right to an initial hearing by a judge, to bail, to consult with legal counsel in a timely manner, to have a lawyer provided by the state if necessary, and a right to appeal, these rights frequently were not observed.

Although the law prohibits cases from proceeding where a suspect lacks legal representation, the Government allocated minimal resources to the prosecutors. As a result, the public defender was not able to meet the demand for legal assistance to those unable to afford representation.

Political Prisoners and Detainees.—There were no reports of political prisoners or detainees.

Civil Judicial Procedures and Remedies.—There is an independent and impartial judiciary in civil matters, including access to a court to seek damages for a cessation of a human rights violation. There were no such cases reported during the year.

CODEH and the NGO Committee on Detained and Missing Relatives in Honduras were the only organizations that brought charges against human right violators by seeking financial retribution. A litigant can bring such charges when the criminal court determines that retribution may be sought.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—Although the Constitution and law generally prohibit such actions, a legal exception allows entry at any time in the event of an emergency or to prevent the commission of a crime. There continued to be credible charges that police personnel occasionally failed to obtain the required authorization before entering a private home.

Garifuna and other indigenous rights leaders continued to complain that the Government failed to redress previous actions by private and public security forces that dislodged farmers and indigenous groups who claimed ownership of lands based on land reform laws or ancestral titles to property (see Section 5).

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—Although the Constitution and law generally provide for freedom of speech and of the press, there was government intimidation of journalists, and journalistic self-censorship. The law prohibits demonstrators from making statements that could incite persons to riot.

Some journalists acknowledged practicing self-censorship when their reporting could challenge the political or economic interests of media owners. There were no reports that international media were prohibited from operating freely.

A small number of powerful business magnates with intersecting commercial, political, and family ties owned most of the country's news media. The Government influenced media coverage of its activities through the granting or denial of access to government officials, creating a situation in which the media was so closely interrelated and linked to the political system that the powerful magnates strongly influenced the news agenda and thereby elections and political decisions.

NGOs credibly reported that the Government also gave substantial sums of money to selected members of the media who covered their stories in the manner they requested. The Government exerted considerable influence on the print media through granting or withholding publicly funded official advertisements.

The news media continued to suffer from internal corruption, politicization, and outside influences. According to NGOs, ministers and other high-ranking government officials obtained press silence through hiring journalists as public affairs assistants at high salaries and paid journalists to investigate or suppress news stories.

Some media members claimed that when they attempted to report in depth on national politicians or official corruption, they were occasionally denied access to government information. Access to the presidential palace was limited to the "friendly" press and was arbitrarily awarded and withdrawn by presidential palace staff.

The Committee for Free Expression reported that by the end of the year, 11 journalists had been subjected to threats and intimidation.

In February unknown actors threatened the lives of two La Tribuna journalists who were investigating alleged administrative irregularities at the Honduran Institute of Social Security.

On May 23, President Zelaya ordered government-mandated broadcasts on television and radio. The ½- to 1-hour broadcasts aired on May 28 and 30 and June 1; the National Commission of Telecommmunications in Honduras ordinarily permits only 7 minutes of nonemergency government broadcasting at a time. The president defended the broadcasts aimed to counter negative coverage by the press.

There were numerous reports of threats or lawsuits against journalists by powerful persons, including legal cases against journalists for their reports on corruption. NGOs reported receiving various threats, including from organized crime.

During an August 30 press conference in his office, President Zelaya refused a request for an interview from a Radio Cadena Voces journalist and stated, "No way, I will not ever grant your radio station an interview, and if I were Hugo Chavez, I would shut it down."

On September 27, Marcelo Chimirri, the director of Hondutel (the national telecommunications company), brought a slander suit against six leading journalists, based on radio broadcasts in Mexico about their reporting of alleged corruption in Hondutel. By year's end the criminal court had dismissed the case. Reporters Without Borders asserted that Chimirri initiated the lawsuit to undermine press freedom.

On October 15, President Zelaya criticized the Honduran media at the Interamerican Press Society Assembly in Miami.

On October 18, unknown actors fatally shot Radio Cadena Voces journalist Carlos Salgado in front of the radio station in Tegucigalpa as he left after recording his radio program. Throughout the year Salgado and other Radio Cadena Voces journalists had asked for police protection due to death threats. A few days before Salgado's death, Hondutel director Marcelo Chimirri publicly criticized the Radio Cadena Voces news coordinators Melissa Amaya and Juan Carlos Funes. On October 27, police arrested German David Almendarez as a suspect in Salgado's killing. Media reported that Salgado's killing was politically motivated. In response to Salgado's death, CONADEH stated that the Government was using terrorist tactics to threaten the press and human rights defenders. The Special Rapporteurs for Freedom of Expression for the U.N. and the Organization of American States condemned the Salgado killing and called on the Government to bring those responsible to justice.

On November 1, Dagoberto Rodriguez, director of Radio Cadena Voces, fled the country due to death threats from unknown actors. After being fired upon by two persons from a motorcycle on September 7, radio journalist Hector Geovanny Garcia also left the country. On September 18, CONADEH requested protective measures from the IACHR for journalists Hector Geovanny Garcia and Martin Omar Ramirez, who had received multiple death threats. In November President of the College of Journalists Elan Reyes demanded that the Government provide protection for the threatened journalists.

On October 18, unknown persons uploaded for public dissemination onto the YouTube.com Internet site illegally recorded tapes containing threats by the administration against the press. On November 9, the authorities arrested Marcelo Chimirri for releasing publicly these tapes. At year's end the prosecutor continued to investigate the matter.

On December 30, police in Tegucigalpa arrested Foreign Minister Milton Jimenez, charged him with drunk driving, and took him to police headquarters where he and officers allegedly engaged in a fist fight. Unknown persons downloaded onto YouTube.com portions of a police video showing the altercation. The press reportedly did not cover the incident, due to threats from the government, until after the dissemination of the video on the Internet. At year's end the human rights prosecutor was investigating the matter.

There were no new developments in the pending prosecution of journalists Eduardo Maldonado and David Romero Ellner, charged in July 2006 for defamation and lies against Mario Maldonado, former director of Hondutel.

Internet Freedom.—There were no government restrictions on access to the Internet or reports that the Government monitored e-mail or Internet chat rooms. Individuals and groups could engage in the peaceful expression of views via the Internet, including by e-mail. In January there were extensive Internet outages on the Bay Islands, reportedly because of government interference with small operators.

Academic Freedom and Cultural Events.—There were no government restrictions on academic freedom or cultural events.

b. Freedom of Peaceful Assembly and Association.

Freedom of Assembly.—The Constitution and law provide for freedom of assembly, and the Government generally respected this right.

Freedom of Association.—The Constitution and the law generally provide for freedom of association, and the Government generally respected this right in practice. The criminal association law, however, prohibits illicit association and prescribes prison terms of 3 to 12 years. Human rights organizations criticized the law and its implementation as an undue restriction on the right to associate freely, while gay rights advocacy groups expressed concerns that the law could be used to criminalize social activities and organizations of the gay community. During the year the law prohibiting illicit associations was used to arrest individuals for being members of Mara Salvatrucha and other gangs. The Government used a criminal code reform outlawing illicit association to persecute farmers and persons from indigenous communities.

c. Freedom of Religion.—The Constitution and law provide for freedom of religion, and the Government generally respected this right in practice. The Government requires foreign missionaries to obtain entry and residence permits and allows deportation of foreign missionaries who practice witchcraft or satanic rituals. Although the Government does not require religious groups to register, those who receive "juridical personality" status are accorded tax exemptions and waivers of customs duty on imports.

In April the Government denied entry to Jose Luis Miranda, who claimed to be the Antichrist, contending that he posed a security risk.

Societal Abuses and Discrimination.—There were no reports of discrimination or violence against religious groups, including anti-Semitic acts. There was a very small Jewish population.

For a more detailed discussion, see the 2007 International Religious Freedom Report.

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons.—The Constitution and law provides for freedom of assembly and association, and the Government generally respected these rights in practice.

The law does not explicitly prohibit forced internal or external exile, but the Government did not employ this practice.

Protection of Refugees.—The law provides for the granting of asylum or refugee status in accordance with the 1951 U.N. Convention relating to the Status of Refugees and its 1967 protocol, and the Government has established a system for providing protection to refugees. In practice the Government provided protection against refoulement, the return of persons to a country where there is reason to believe they feared persecution, and granted refugee status or asylum. Through December the Office of Migration continued reviewing 19 applications for refugee status that it received during the year. The Government cooperated with the U.N. High Commissioner for Refugees, the International Organization for Migration, and other humanitarian organizations in assisting refugees and asylum seekers.

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

The Constitution and law provide 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 nearly universal suffrage. Active members of the clergy and of the military and civilian security forces are not permitted to vote.

Elections and Political Participation.—In November 2005 national elections, which were described by international observers as generally free and fair, Jose Manuel Zelaya Rosales of the Liberal Party won election to the presidency with a plurality of votes. Observers noted irregularities at approximately 1,100 ballot boxes but no systemic patterns of fraud. Political parties could operate without restriction or outside interference.

Women participated actively in politics. There were 31 women in the 128-seat National Congress; there were six women on the Board of the National Congress, and 10 women presided over congressional committees. Of the 256 members of the National Congress, both those officially elected and their alternates, 58 were women. Eight of the 15 members of the Supreme Court of Justice, including its president, were women. Four women were ministers and three women were vice ministers.

There were few minorities or indigenous people in leadership positions in government or politics. There were three Garifuna members in the 128-seat legislature, but there were no members from other ethnic minority or indigenous communities.

Government Corruption and Transparency.—The law provides criminal penalties for corruption; however, the Government did not implement the law effectively, and officials engaged in corrupt practices with impunity. The executive and legislative branches were subject to corruption and political influence. There was a widespread perception that the Government's anticorruption institutions had not taken the steps necessary to combat corruption and were unwilling or lacked the professional capacity to investigate, arrest, and prosecute those involved in high-level corruption. The World Bank's worldwide governance indicators reflect that corruption was a severe problem.

Many observers argued that a small elite exercised considerable control over the country's economic, judicial, and political institutions, which created the potential for abuse of the country's institutions and democratic governance.

In June a court convicted for abuse of authority Ramon Romero, former director of immigration, who was arrested in 2005 on corruption charges. At year's end Romero was not in detention and had appealed the case.

In January a coalition led by the government-supported National Anti-Corruption Council organized 30,000 demonstrators to protest corruption and impunity. Persons made a number of complaints regarding corruption, influence peddling, and nepotism in the Health Ministry, the national electricity and water authorities, Hondutel, the highway commission, and the public works and transportation commission.

In October Commissioner of the Strategy for the Reduction of Poverty Fernando Garcia publicly denounced 13 mayors for misuse of poverty reduction funds provided by donor countries for debt relief. At year's end the Supreme Accounting Tribunal was investigating the matter.

On October 11, the Public Ministry accused former mayor of Tegucigalpa Oscar Acosta and then councilman Benjamin Talavera of buying land at an overvalued price without a public bid. At year's end the Public Ministry Office of Anti-Corruption was prosecuting Acosta and Talavera.

On October 29, Walter Ramirez, prosecutor for anticorruption, announced he was investigating the National Registry of Persons for illegal collection of money from persons for birth certificates and national identify cards in San Pedro Sula. The investigation continued at year's end.

On December 5, the Public Ministry reported that between 1998 and 2002, city council members in Catacamas, Olancho, had purchased for $2,500 (47,225 lempiras) from a fictitious company items purportedly to construct a landing strip that was never built. At year's end there was no information available regarding any investigation of this matter.

By year's end President of the National Congress Roberto Michelleti had offered Christian Democrat Congresswoman Marleny Paz protection due to death threats made to her from unknown actors for refusing a bribe to leave her legislative position. Paz asserted that leaders of her political party were involved with the threats.

In November 2006 the legislature passed a strong transparency law that permits citizens access to information regarding government operations and decisions. Congress appointed three controversial commissioners; by year's end the Government had not implemented the law.

Section 4. Governmental Attitudes Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A wide variety of domestic and international human rights groups operated in the country, investigating and publishing their findings on human rights cases. Government officials generally cooperated with NGOs. With certain notable exceptions, however, government officials were usually responsive to NGO views. The Government restricted or refused registration for some civil society organizations.

During the year a private security firm harassed journalists and lawyers working for the human rights NGO Association for a More Just Society (ASJ), including by seeking to have the authorities revoke ASJ's operating license. By year's end the Ministry of Governance and Justice and the Office of the Solicitor General found there was no basis to revoke the license.

Throughout the year ASJ journalists, lawyers, and other personnel continued to receive threats, including 50 messages with death threats and anonymous threatening messages sent to ASJ's anticorruption and human rights Internet magazine Revistazo. In May Selvin Richard Swasey, owner of the security firm Setech, allegedly harassed and made anonymous threatening telephone calls to an ASJ attorney, reportedly due to his work on irregularities in the operation of Swasey's private security businesses.

The Government revoked or denied legal registration to gay and lesbian advocacy groups (see Section 5).

In February the Ministry of Governance and Justice transferred to the Supreme Court the registration determination for the NGO Judges for Democracy. There were reports that due to dissatisfaction with the group's proposed board of directors, the court decided to delay indefinitely the NGO's registration application. After the NGO members brought a complaint to the Inter-American Court of Human Rights regarding the Government's registration delay, the Supreme Court of Justice immediately granted legal recognition to Judges for Democracy.

On September 3, unknown actors reportedly tried to force into the trunk of a vehicle environmental justice defender Monsignor Luis Alfonso Santos. Police prevented the perpetrators from abducting Monsignor Santos. At year's end there was no information about any investigation of the incident, and the assailants' identities remained unknown. Media reported that the perpetrators were connected with the MINOSA mining company.

On September 15, unknown actors in Dulce Nombre de Culmi fatally shot environmental justice advocate Mario Guifarro Ramirez. At year's end there was no information about an investigation regarding his killing.

On October 31, unknown assailants in the town of San Ignacio physically assaulted environmental rights defender Father Jose Alberto Palma Gomez. Assailants had physically attacked Father Palma 11 other times over the past 3 years. By year's end there was no information regarding any investigation of these incidents.

There were no developments, and none were expected, regarding any investigation of death threats made in 2006 by unknown actors against Monsignor Santos after he led protests that year against strip mining companies.

The Government cooperated with international organizations such as the International Committee of the Red Cross, whose offices from Guatemala, Mexico, and Geneva visited a total of nine times during the year.

The National Human Rights Commission, an autonomous government institution, was headed by Human Rights Commissioner Ramon Custodio Lopez. The commission's director had open access to all civilian and military institutions and detention centers and functioned with complete immunity and without government or political party interference. The Government generally cooperated with, but allocated inadequate financial or other resources to, the commission. In March Custodio delivered the commission's annual human rights report, which criticized the high level of violence in the country. The legislature was responsive to the report's findings. The public placed substantial trust in the pronouncements of the commission but was dissatisfied that the Government provided the commission with inadequate resources to perform its duties effectively.

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

The law prohibits discrimination based on race, gender, disability, language, or social status; however, in practice it was not effectively enforced. Political, military, and social elites generally enjoyed impunity under the legal system; women experienced social and economic discrimination.

Women.—The law criminalizes all forms of rape, including spousal rape. With the exception of spousal rape, which is evaluated on a case-by-case basis, rape is considered a public crime. A rapist can be prosecuted even if the victim does not press charges. The penalties for rape range from 3 to 9 years' imprisonment, and the courts enforced these penalties in practice.

Violence against women remained widespread. The law criminalizes domestic violence with 2 to 4 years' imprisonment. The only legal sanctions for lesser forms of domestic abuse are community service and 24-hour preventive detention if the violator is caught in the act. The law provides a maximum sentence of 3 years' imprisonment for disobeying a restraining order connected with the crime of intrafamily violence.

The Government did not enforce the law effectively with regard to domestic abuse. Through December the Public Ministry had received 9,400 reports of domestic violence. Through August approximately 200 women were killed, with domestic violence as the most common cause.

In January the National Congress approved financing for an investigative unit for violent deaths of women in the Office of the Special Prosecutor for Women.

The Government worked with CARE and other NGOs to provide specialized training to police officials on enforcing the law relating to domestic violence. By December husbands who committed acts of domestic violence against their spouses had killed three police officers responding to those incidents. Two facilities, both operated by NGOs, provided shelter for battered women. The shelter in Tegucigalpa could accommodate 20 women and their families. Additionally, six other private centers for battered women offered legal, medical, and psychological assistance.

Although adult prostitution is legal and relatively widespread, the law prohibits promoting or facilitating for purposes of prostitution. Women were trafficked for sexual exploitation and debt bondage.

The law prohibits sexual harassment in the workplace and provides penalties of 1 to 3 years' imprisonment. Sexual harassment continued to be a problem, but the Government did not effectively enforce the law.

Although the law accords women and men equal rights under the law, including property rights in divorce cases, in practice women did not enjoy such rights.

The majority of women worked in lower-status and lower-paid informal occupations, such as domestic service, without legal protections or regulations. Women were represented in small numbers in most professions, and cultural attitudes limited their career opportunities. Under the law, women have equal access with men to educational opportunities. The law requires employers to pay women equal wages for equivalent work, but employers often classified women's jobs as less demanding than those of men to justify women's lower salaries. According to the National Institute of Statistics, women's salaries were 66 percent of salaries for men. Despite legal protections against such practices, workers in the textile export industries continued to report that they were required to take pregnancy tests as a condition for employment.

The Government maintained a technical-level position directing the National Women's Institute, which develops women's and gender policy. Several NGOs actively addressed women's issues, including the Center for the Study of Women-Honduras, which dealt with trafficking in persons, commercial sexual exploitation, garment factory employees, and domestic workers.

Children.—The Government was committed to children's rights and welfare. The educational system, however, faced fundamental problems, including high dropout rates, low enrollment at the secondary level, unbalanced distribution of government spending, teacher absenteeism, and low quality of classroom education.

Although the law provides for free, universal, and compulsory education through the age of 13, a 2006 National Institute of Statistics study estimated that as many as 368,000 of the 1.7 million children ages 5 to 12 did not receive schooling during the year. In rural areas there were very few schools, some without books or other teaching materials for students. Most children in rural areas attended school only until the third grade and then began work in agricultural activities. There were no high schools in some rural areas.

Boys and girls had equal access to the limited available educational facilities; however, attendance rates for girls were slightly lower than for boys.

Girls and boys had equal access to state-provided medical care.

Child abuse was a serious problem. The law establishes prison sentences of up to 3 years for persons convicted of child abuse. There was no information available regarding the number of reported cases of child abuse.

Trafficking in children for commercial sexual exploitation and child prostitution was a problem. Child labor was a problem, particularly in coffee and melon cultivation, fishing, and limestone and lime production.

The Government and children's rights organizations estimated that there were 20,000 street children, only half of whom had shelter. An Inter-American Development Bank study reported that 60 percent of street children suffered from depression and that 88 percent consumed illegal substances, including glue inhalants and marijuana. Many street children were sexually molested or exploited. Programs to address this problem were limited.

Abuse of youth and children in poor neighborhoods and by gangs remained a serious problem. Approximately 175,000 adolescents were living with violent street gangs. Police and members of the general population engaged in violence against poor youth and children. Casa Alianza reported that 66 percent of street children had been assaulted by police. Human rights groups alleged credibly that individual members of the security forces and civilians used unwarranted lethal force against supposed habitual criminals or suspected gang members, as well as against other youths not known to be involved in criminal activity.

The municipal administration of Tegucigalpa operated 12 temporary shelters with a capacity for 240 children. Casa Alianza operated three shelters (with a capacity for 175 children) for victims of commercial sexual exploitation, street children, and children with substance abuse problems. The NGO provided assistance to approximately 2,500 children yearly, attempting to reintegrate as many as possible with their families. Other private organizations and centers of the Honduran Institute of Children and the Family also housed street children and cared for approximately 2,500 children.

By year's end the courts sentenced to 70 years' imprisonment Juan Carlos Miralda "Pantera" Bueso and Darwin Alexis "Chele Sula" Ramirez in relation to the 2004 Chamelecon massacre that resulted in 28 dead, six of them children. The authorities released two other suspects, and four others remained at large.

The law outlaws "illicit associations," including gang and organized crime membership, for which it prescribes prison terms ranging from 3 to 12 years, depending on the individual's level of involvement and seniority. Through November, 463 persons were detained for illicit association. Year-end statistics indicated that there were approximately 30,000 to 40,000 gang members, many of them minors, belonging to nearly 500 separate groups or subgroups; other reports indicated that approximately 5,000 actively participated in criminal activities. They were deemed responsible for between 20 and 50 percent of violent crime in the country. Gang membership was primarily confined to the Tegucigalpa and San Pedro Sula areas. The Mara Salvatrucha (MS 13) and the Mara 18 were the largest and most violent of the gangs and accounted for approximately 40 percent of gang membership countrywide.

Trafficking in Persons.—Although the law criminalizes trafficking in persons, there were reports that persons were trafficked from and within the country. Although there were no government figures available, Casa Alianza estimated that there were approximately 10,000 victims of sexual exploitation in or from the country. The problem was growing because of the link between trafficking in persons and illegal immigration. In the Tegucigalpa metropolitan area, an estimated 1710 girls and 570 boys suffered from commercial sexual exploitation.

The most common purpose of international trafficking was commercial sexual exploitation of women and children. Casa Alianza estimated that 90 percent of the children trafficked from the country were girls. Women and children were trafficked into Guatemala and also internally, most often from rural to urban settings. Most foreign victims trafficked into Honduras for commercial sexual exploitation came from neighboring countries. Authorities estimated that 20 to 30 children (96 percent of them girls) crossed the border daily (approximately 15,000 a year) for purposes related to sexual exploitation. The Government returned monthly from Mexico and Guatemala approximately 30 minor victims of trafficking, with 25 minors repatriated from Mexico on October 26.

Gangs, organized crime, and human smugglers were reportedly among the principal traffickers for purposes of commercial sexual exploitation. Most traffickers were apparently citizens of the country, Guatemala, Mexico, China, or Taiwan. There were reports that families sold their daughters for purposes of trafficking. International trafficking was undertaken by land; the Government maintained control of the country's land borders only at specific crossings. Trafficking was conducted using valid and forged documents.

The law sets penalties and defines offenses related to trafficking, including incest, lechery, abuse, prostitution, pornography, and knowingly infecting someone with HIV/AIDS. Punishments include fines ranging from $5,294 to $26,469 (100,000 to 500,000 lempiras) and imprisonment for 4 to 20 years. The law was not enforced effectively. Inadequate government funding to combat trafficking, corruption, and routine dismissal of government employees limited the Government's ability to address trafficking.

There were 13 prosecutors in Tegucigalpa, five in San Pedro Sula, and two in La Ceiba who staffed the Office of the Special Prosecutor for Children, along with eight special child abuse investigators in Tegucigalpa, four of whom focused on sexual and commercial exploitation of minors. The Government increased the number of trafficking investigation analysts in Tegucigalpa assigned to children's issues but did not staff adequately offices in other municipalities.

Through December the Government investigated 71 trafficking cases, brought 10 cases to trial, and sentenced two additional defendants to 5-year prison terms.

In November police raided four massage parlors in Tegucigalpa, rescued two child victims, and arrested on charges of child prostitution Jorge Geovanny Rodriguez Flores and Miriam Elizabeth Paz Pereira.

On December 21, DGIC captured Jose Naptali Zuniga Acosta, whom the Government charged with child rape and pornography. At year's end the case was awaiting trial.

At year's end there were no further developments, and none were expected, regarding the continued detention of three members of an international human trafficking ring arrested in 2005 for luring women into commercial sexual exploitation abroad.

The Division Against Abuse, Trafficking and Commercial Sexual Exploitation (DATESI), a unit of the criminal investigative police, conducted detection operations throughout the country including highways, airports, ports, and hotels. On September 27, DATESI arrested a Honduran woman for trafficking a female minor to Mexico for commercial sexual exploitation.

At year's end the Government had rescued 15 minors in Tegucigalpa in seven separate cases. DATESI also rescued from Guatemala nine Honduran girls who were held in Guatemala, one from Mexico, and three from El Salvador; a Honduran NGO was caring for the 13 victims.

The Constitution prohibits the extradition of Honduran nationals but allows extradition of noncitizens charged with trafficking in other countries. There were no cases of extraditions related to trafficking during the year.

Between September and November the Government launched a national tracking system for trafficking cases in San Pedro Sula and Tegucigalpa and collaborated with NGOs to identify witnesses to testify at trial. Casa Alianza provided social services and temporary housing to 80 trafficking victims. The Government did not systematically screen vulnerable populations for victims.

The Government increased substantially antitrafficking training and community outreach with police, prosecutors, and other government officials, conducting approximately 50 training sessions across the country. Save the Children Honduras completed a comprehensive map of trafficking routes that it distributed to police and immigration officials to facilitate investigations and arrests. The Government coordinated with NGOs and the International Migration Organization to place victims in shelters and provide them with reintegration assistance.

Persons with Disabilities.—The law prohibits discrimination against persons with physical and mental disabilities in employment, education, access to health care, or the provision of other state services, but the Government did not adequately enforce these provisions. It was estimated that 51 percent of persons with disabilities were illiterate, compared with 19 percent among the general population.

Statutory provisions make it illegal for an employer to discriminate against a worker based on disability. During the year there were no reports of discrimination against persons with disabilities in employment, education, access to health care, or the provision of other state services. The law requires access to buildings for persons with disabilities. In practice few buildings were accessible.

In January the Special Prosecutor for Women publicly criticized the practice in psychiatric hospitals of sterilizing patients without consent. There was no information available regarding any follow-up regarding this matter.

Although the law requires the Ministry of Governance and Justice to maintain an office for persons with disabilities, the Government did not provide funds or staff to operate the office. There is a commissioner for persons with disabilities in the presidential palace, and the Human Rights Commission of the National Congress also focused on matters of importance to persons with disabilities.

Indigenous People.—Approximately 621,000 persons, constituting 9 percent of the general population, were members of indigenous and other ethnic groups. These groups, including the Miskitos, Tawahkas, Pech, Tolupans, Lencas, Chortis, Nahual, Islanders, and Garifunas, lived in 362 communities and generally had little or no political power to make decisions affecting their lands, cultures, traditions, and the allocation of natural resources.

Most indigenous lands were owned communally, providing land use rights to individual members of the ethnic community. Indigenous land titles often were defined poorly in documents dating back to the mid-19th century. Lack of clear title fostered encroachment and expropriation conflicts among landless nonindigenous settlers, powerful business elites, and government entities interested in exploiting coastlines, forests, and other lands traditionally occupied or utilized by indigenous and other ethnic communities. Indigenous and nonindigenous communities criticized the Government's alleged complicity in the exploitation of timber and other natural resources on these lands. Amnesty International (AI) reported the use of politically motivated criminal charges to detain indigenous people. AI stated that these detentions often were intended to "obstruct the efforts of indigenous leaders to secure recognition of their communities' claim to communal land titles."

There were several protests by Garifuna and other indigenous groups regarding land rights disputes and perceived government discrimination. Garifuna leaders continued to petition the Government regarding their concerns about large-scale commercial development undertaken on coastal lands traditionally occupied and utilized by their communities. The Government permitted tourism development by private local and foreign business interests on the disputed lands, using 100-year leases designed to revert to the Garifuna after the expiration of that period of time. Garifuna leaders continued to report to the Government and NGOs harassment, threats, and assaults. Many Garifuna rights activists continued to oppose the Government's attempts to provide individual land titles to community members on lands traditionally held in common by Garifuna people.

On June 12, Garifuna leader Felix Ordonez Suazo was fatally shot in Punta Piedras, Colon Department. Garifuna community residents filed a complaint with the police in Trujillo identifying Luis and David Portillo, who had been encroaching on Punta Piedras community lands, as the alleged killers. In July the IACHR requested that the Government apply protective measures to an eye-witness to the killing. By year's end the Government had not complied with the commission's request and had not conducted any investigation of the incident.

On August 8, Garifuna leaders complained to the Public Ministry that it had seriously delayed processing their ongoing lawsuits regarding, killings, trespassing, destruction of natural resources, and discrimination. The Garifuna community also complained to the Government about limited access to healthcare and education; racial discrimination; and lack of access to electricity, potable water, and roads. Garifuna community leaders requested that the Government remedy social and economic inequalities faced by that community in relation to the general population and institutionalize bilingual intercultural education to preserve their indigenous culture.

There were no further developments regarding the imprisonment of several persons accused of brandishing a gun and making death threats in July 2006 against Garifuna leader Jessica Garcia to force her to surrender Garifuna land to a real estate business. On April 14, unknown actors in San Pedro Sula fired multiple gunshots at a taxi carrying Joselyn Lizet Rivas, the daughter of Jessica Garcia. Although Rivas was not injured, there was no information regarding any follow-up investigation of the incident.

There were no developments regarding the September 2006 preventive imprisonment of three individuals who allegedly killed in August of that year Garifuna community member Mirna Isabel Santos Thomas.

Through December six naval officers implicated in the February 2002 killing of two Garifuna youths remained in prison pending further disposition of their cases.

The Government undertook minimal efforts to work with indigenous people to address concerns regarding ownership and use of traditional lands. The courts commonly denied legal recourse to indigenous persons and often favored nonindigenous parties of means and influence. Failure to obtain legal redress frequently led indigenous persons to attempt to regain land through invasions of private property, which led the authorities to retaliate forcefully.

Other Societal Abuses and Discrimination.—There are no discriminatory laws based on sexual orientation, but in practice social discrimination against persons based on sexual orientation was widespread. Representatives of sexual diversity rights NGOs asserted that their members were killed, beaten, and subjected to other mistreatment by security authorities. In cases where lesbians, gays, and transgender persons were found dead, the prosecutor often encountered serious difficulties because the victims had either concealed their identity or sexual orientation or, in many cases, were hiding from their families. Criminal investigations were categorized by female or male gender but did not recognize a "transgender person" category. Sexual diversity rights groups asserted that security forces, government agencies, and private employers engaged in antigay discriminatory hiring practices. These groups also reported intimidation, fear of reprisal, and police corruption made gay and lesbian victims of abuse reluctant to file charges or proceed with prosecutions.

The Government required, as a condition for legal registration, sexual diversity rights organizations to remove any reference in their bylaws to promotion of respect for the rights of gay, lesbian, or transgender persons. In March the secretary general of the Ministry of Governance and Justice commented publicly that the Government denied registration to gay rights advocacy NGOs because their stated purposes did not comport with "good custom."

On April 24, Javier Medina, president of the Asociacion Kukulcan, filed an appeal against the Ministry of Governance and Justice's 2006 unilateral modifications to the legal registrations of Colectivo Violeta, Asociacion Kukulcan, and Asociacion de

Gay, Lesbianas y Travestis. These modifications removed references to gay rights advocacy and instead stated that these organizations' purposes were only to combat HIV/AIDS. Medina stated that homosexuals were vulnerable and subject to constant and increasing human rights violations. There was no information available on the status of Medina's appeal.

The sexual diversity rights organization the Lesbian-Gay Rainbow Association of Comayaguela reported that between January and March, seven homosexuals were killed due to their sexuality by unknown actors and that a number of gay persons had fled the country out of fear of social and security force persecution.

On March 18, police beat and detained Donny Reyes, the treasurer of the Lesbian-Gay Rainbow Association of Comayaguela. Police then reportedly put Reyes in a jail cell with 57 gang members who raped and beat him. Reyes filed a formal complaint and was subsequently harassed by police. At year's end there was no information about further developments in the case.

Amnesty International reported that on April 10, five men physically assaulted with police encouragement transvestite activist Josef Fabio Estrada. The police reportedly prevented other persons from aiding Estrada during the attack. On April 27, security authorities charged Estrada with attempted homicide and robbery and temporarily held him in a penitentiary for convicted criminals. Security officials reportedly neither detained nor brought charges against Estrada's attackers. There was no further information regarding any investigation of these incidents.

On May 26, police reportedly arrested and detained arbitrarily transvestite activist Claudia Spellmant and seven other gay persons and allegedly physically abused them. There was no information available regarding any investigation of these incidents.

By year's end police had detained two suspects in the August 2006 killing of Ramon Valladares, director of the Comunidad Gay Sampedrana.

Job-related age discrimination remained a serious problem.

Section 6. Worker Rights

a. The Right of Association.—The law provides for the right of workers to form and join unions of their choice, and workers exercised this right in practice. The law prohibits members of the armed forces and the police force from forming labor unions and also prohibits public service employees from presenting union-organizing petitions or participating in collective bargaining. According to Ministry of Labor statistics, approximately 8 percent of the work force, excluding the agriculture sector, and approximately 13 percent of the 133,000 apparel assembly work force was unionized.

The law prohibits coexistence of more than two trade unions at a single enterprise, requires 30 or more workers to constitute a trade union, prohibits foreign nationals from holding union offices, requires that union officials be employed in the economic activity of the business the union represents, and restricts unions in agricultural enterprises with fewer than 10 employees.

A number of private companies continued to maintain solidarity associations that provided credit and other services to worker members. Representatives of organized labor groups criticized these associations, asserting that they did not permit strikes, had inadequate grievance procedures, were meant to displace genuine, independent trade unions, and were employer dominated.

Although the law prohibits retribution by employers for engaging in trade union activity, retribution was a common practice with employers threatening to close unionized companies and harassing or dismissing workers seeking to unionize. Some foreign companies closed operations when notified that workers sought union representation.

The Ministry of Labor can reach administrative decisions and fine companies for unfair dismissal, but only a court can order reinstatement of workers. Employers often failed to comply with court orders requiring them to reinstate workers fired for engaging in union activity; failure to reinstate workers was a serious problem.

Although the law prohibits blacklisting, there was credible evidence that apparel assembly factory employers blacklisted employees seeking to form unions. There were reports of apparel assembly workers allegedly fired for union activity who were hired for 1 or 2 weeks and then dismissed with no explanation. Apparel assembly company employees reported seeing computer records that included previous union membership in personnel records. Some employers informed previously unionized workers that they were unemployable because of their previous union activity.

The Ministry of Labor frequently failed to provide effective protection to labor organizers. Corruption and unethical behavior of inspectors included the selling of names of employee union organizers to company management before government recognition of the union. The Government did not allocate adequate resources for

inspectors to perform their duties. The International Labor Organization's (ILO) Committee of Experts 2007 observations noted with concern that the country's labor inspectorate offices did not have financial resources to cover travel for inspections and requested that the Government provide transport facilities and other necessities to enable inspectors to carry out their duties.

In June automotive parts factory Alcoa Fujikura Limitada Honduras fired 74 employees because the workers tried to form a union. There were reports that labor inspectors informed the employer of the attempt to unionize before the workers were able to request legal protection during the union-formation period. By year's end the factory had not yet reinstated the fired workers.

In July apparel assembly factory Euha de Honduras closed without paying legally required severance wages to 274 employees.

In November Fruit of the Loom production factories Jerzees Honduras and Jerzees Choloma reinstated 48 of 118 workers fired in July and March for forming a union.

Leaders of a legally recognized union at apparel assembly factory Petralex complained that factory management dismissed them in June, July, and December. There was no information available regarding any government follow-up of these incidents.

The NGO Worker Rights Consortium reported that apparel assembly factory Star S.A. dismissed workers who tried to form a union to protest substandard working conditions and mistreatment.

b. The Right to Organize and Bargain Collectively.—The law provides for the right to organize and to bargain collectively, but the Government did not protect this right in practice. Although the law requires that an employer begin collective bargaining once workers establish a union, employers often refused to engage in bargaining.

The law provides for the right to strike, and workers exercised this right in practice. On August 27, teachers, taxi drivers, transport workers, and other groups blocked roads throughout the country to protest the Government's handling of a number of domestic issues, including agriculture, the environment, indigenous rights, citizen security, and poverty. During the protest a motorist fatally shot a teacher who was protesting.

The law prohibits strikes in a wide range of economic activities deemed essential services and any others that in the Government's opinion affect individual rights to security, health, education, economic, or social life.

The ILO criticized the law's denial of the right to strike to workers in the petroleum sector and to all government workers, other than employees of state-owned enterprises. At times civil servants engaged in illegal work stoppages without experiencing reprisals. In such cases, however, the Ministry of Labor has the power to declare the protest illegal at the request of the employer or public service sector management and dismiss the protesting workers. The legal restrictions on strikes include a prohibition on labor federations and confederations from calling strikes and a requirement that a two-thirds majority of the votes of the total membership of the trade union call a strike, rather than a simple majority.

The law provides additional restrictions on strikes in the 102 registered export processing zones (EPZs) and 19 industrial parks operating as EPZs. An additional 26 companies that provided services for industrial parks had their own free zones, outside the industrial parks. In the absence of unions and collective bargaining, several companies in the EPZs instituted solidarity associations that, to some extent, functioned as company unions for the purposes of setting wages and negotiating working conditions. Other EPZ companies used the minimum wage to set starting salaries and adjusted wage scales by negotiating with common groups of plant workers and other employees, based on seniority, skills, categories of work, and other criteria.

c. Prohibition of Forced or Compulsory Labor.—The law generally prohibits forced or compulsory labor, including by children.

d. Prohibition of Child Labor and Minimum Age for Employment.—The law regulates child labor and provides that minors under age 16 or students age 16 and older cannot work unless authorities determine that the work is indispensable for the family's income and will not conflict with schooling. The Constitution and law establish the maximum work hours for children under age 17 as 6 hours daily and 30 hours weekly. Parents or a legal guardian can request special permission from the Labor Ministry to allow children between the ages of 14 and 15 to work, so long as the ministry performs a home study to ensure that the child demonstrates economic necessity to work and that the child will not work outside of the country or

in hazardous conditions, including offshore fishing. In practice the Ministry of Labor conducted few home studies.

The law prohibits night work and overtime for minors under age 16 and requires that employers in areas with more than 20 school-age children working at their business facility provide a location for a school. In practice the vast majority of children worked without ministry permits.

The Government did not devote adequate resources or inspectors at the institutions to follow up, prevent, or monitor compliance of labor laws.

The Ministry of Labor did not effectively enforce child labor laws outside the apparel assembly sector, and there were frequent violations of the child labor laws in family farming, agricultural export, including the melon, coffee, and sugarcane industries, and in small-scale services and commerce. Many children worked out of economic necessity alongside other family members. The ILO Committee of Experts 2007 observations expressed concern about the Government's decision to appoint child labor inspectors only to offices in Tegucigalpa and San Pedro Sula and requested that the Government comply with its own legislation to conduct child labor inspections, even by using nonspecialized labor inspectors.

A 2004 survey by the National Institute of Statistics managed by the ILO's International Program on the Elimination of Child Labor (IPEC) determined that approximately 360,000 children, constituting 14 percent of children between the ages of 5 and 18, worked either part-time or full-time. IPEC estimated that the number may have risen to 500,000. Many boys between the ages of 13 and 18 worked as lobster divers with little safety or health protection. Children who worked on melon and sugarcane farms were exposed to pesticides and long hours. Although legally off limits to children, large numbers of minors worked at the garbage disposal sites. There were isolated cases of children under the legal working age laboring in the apparel assembly sector. A Program for the Promotion of Educational Reform in Latin America and the Caribbean study reported that 350,000 Honduran children between the ages of 5 and 17 were forced to work to survive.

Casa Alianza conducted a study in 20 cities and found that 10,000 children were victims of commercial sexual exploitation or trafficking in persons. The NGO stated that 300,000 youngsters under the age of 15 worked, 78 percent of whom were boys. Approximately 20,000 children served in households as housekeepers, and 34 percent of child laborers did not go to schools.

IPEC continued operating programs as part of a 7-year regional effort to combat commercial sexual exploitation of children. An international NGO collaborated with several local civil society groups in executing a program to strengthen the capacity of the Government and civil society to withdraw and prevent children from engaging in hazardous labor through the provision of educational services.

The Government conducted social and educational programs to reach at-risk children, including a school grant program to provide money for school supplies for very poor families, and an alternative schooling program using radio and long-distance learning for children in distant rural areas with few schools. Government measures had minimal impact on diminishing child labor in light of extreme poverty, famine conditions in rural areas, and a lack of jobs for school graduates.

In April a U.N. Educational, Scientific, and Cultural Organization project to removed 60 children, between the ages of 7 and 17, from the city dump in Tegucigalpa. The project focused on providing education to the children and reintegrating them into mainstream society. A report by the Faculty of Medicine of the University of Verona, Italy, and the NGO Center for the Study and Control of Contaminants found seriously high levels of lead, arsenic, mercury, and cadmium in blood samples of children who worked at the dump.

e. Acceptable Conditions of Work.—On March 18, the Government announced a 9.7 percent general increase in the minimum wage retroactive to January 1. On December 26, the Government announced an 11 percent general increase in the minimum wage to be effective January 1, 2008. According to government statistics, the minimum wage with the increases covered only 64 percent of the cost of feeding a family of five.

The daily minimum wage scale is divided into 10 sectors based on the size of the worker's place of employment. The scale ranged between $2.88 (54.5 lempiras) for unskilled labor and $7.13 (134.89 lempiras) for workers in financial and insurance companies.

In February a commission made up of private businesses, organized workers, and the Ministry of Labor approved a reduction in the minimum wage in apparel assembly factories in certain areas of the country.

The law prescribes a maximum 44-hour workweek and at least one 24-hour rest period for every 6 days of work. The law requires overtime payment for hours in excess of the standard, and there are prohibitions on excessive compulsory overtime.

Employers frequently ignored these regulations due to the high level of unemployment and underemployment and the lack of effective enforcement by the Ministry of Labor. There were credible allegations of compulsory overtime at apparel assembly factories, particularly for women, who comprised approximately 65 percent of that sector's workforce. Foreign workers enjoyed equal protection under the law, although the process for a foreigner to obtain a work permit from the Ministry of Labor was cumbersome.

The Ministry of Labor was responsible for enforcing national occupational health and safety laws but did not do so consistently or effectively. Worker safety standards were enforced poorly, particularly in the construction industry, in garment assembly sector, and in agriculture production activities. There were complaints that foreign factory managers in EPZs and other private industrial facilities failed to comply with occupational health and safety regulations. Workers in pineapple production and other commercial agriculture enterprises alleged blacklisting by employers if they made complaints to the authorities about working conditions. The NGO Honduran Women's Collective reported that large numbers of apparel assembly workers had respiratory (including tuberculosis), digestive, and skin diseases. These health problems were due to air contaminated by fine dust and fabric fuzz, noise, lack of ventilation, lack of protective equipment, and extreme temperatures.

There were no developments, and none were expected, regarding any agreement between employers, the government, and divers regarding assigning responsibility for payment of damages for lobster divers who had been killed or crippled due to unsafe work conditions. The Commission of Divers was formed in order to follow up on training of divers and inspectors and to establish the minimum required equipment for divers in order to prevent accidents. Agreement was not reached on assigning responsibility for payment of damages in accident cases. The Confederation of Indigenous People of Honduras and the Association of Crippled Divers requested that the Labor Ministry provide assistance for the more than 500 disabled divers.

The law does not provide workers with the right to leave a dangerous work situation without jeopardy to continued employment.

JAMAICA

Jamaica is a constitutional parliamentary democracy with a population of approximately 2.7 million. In generally free and fair elections on September 5, the Jamaica Labour Party (JLP), led by Bruce Golding, won 32 of the 60 seats in the House of Representatives, and he was sworn in as prime minister on September 10. The civilian authorities generally maintained effective control of the security forces.

While the Government generally respected the human rights of its citizens, there were serious problems in some areas, including: Unlawful killings committed by members of the security forces, mob violence against and vigilante killings of those suspected of breaking the law, abuse of detainees and prisoners by police and prison guards, poor prison and jail conditions, continued impunity for police who committed crimes, an overburdened judicial system and frequent lengthy delays in trials, violence and discrimination against women, trafficking in persons, and violence against suspected or known homosexuals.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life.—While the Government or its agents did not commit any politically motivated killings, security forces committed unlawful or unwarranted killings during the year.

The police frequently employed lethal force in apprehending criminal suspects, which resulted in 219 deaths as of December 1, compared with 189 deaths for the same period in 2006. While allegations of "police murder" remained frequent, the validity of some allegations was suspect. Well-armed gangs that trafficked in narcotics and guns controlled many inner-city communities. The gangs often were better equipped than the police force and conducted coordinated ambushes of joint security patrols.

The human rights group Jamaicans for Justice accused police of an average of 20 questionable killings monthly for the period from January 2005 through April 2007.

On September 28, police shot a Grants Pen resident, Andre Thomas, who was among a group of men whom the police said were acting suspiciously. However, residents of the area rejected the police version of the incident and staged a protest in the community. The incident was further elevated because the police officers did not

report the shooting to their superiors and took their police vehicle to a local body shop to repair damage in an attempt to tamper with the evidence. The father of the victim claimed his son was alive and bleeding from two gunshot wounds when he was placed in the back of the police vehicle. Upon reaching the hospital, he was pronounced dead, and the medical report listed four gunshot wounds. The four officers involved were placed on desk duty until the full investigation is complete; no results had been announced by year's end.

On September 18 in Hampstead, St. Thomas, police shot and killed Tian Wolfe, a 19-year-old pregnant woman, and Dexter Hyatt, a day laborer. According to police accounts, Hyatt fired upon the officers, and he was found clutching a revolver after the shooting occurred. Local residents said police shot Wolfe after she joined a protest following Hyatt's shooting. The police claimed they fired into the crowd of protesters after they were fired upon. Authorities conducted an investigation but announced no results by year's end.

There was no known progress in the investigations into the police killings of four men in Alexandria and one detainee in custody in 2006.

A coroner's court hearing was scheduled for November in the 2005 killing of 16-year-old Jeff Smellie by police in Kingston.

The Department of Public Prosecutions (DPP) had not yet set a hearing date after the police Bureau of Special Investigations (BSI) concluded its investigation of the 2005 police killing of Nichols Weir and Donald Allen in Portmore, St. Catherine.

There was no information available about a coroner's court hearing into the 2004 police killing of three men in Burnt Savannah, Westmoreland.

In May a coroner's court found no one criminally responsible in the 2004 killing by Jamaica Defence Force (JDF) soldiers of Sandra Sewell and Gayon Alcott in August Town, St. Andrew.

It can take many years to bring police officers to trial for unlawful killings. Authorities set a trial date of March 15 for three police officers charged with the 2001 killing of Richard Williams, but one of the accused reportedly fled the country. A new trial date had not been set for the three police officers charged in 2003 with the 1999 killing of Noel Barnes in a shoot-out with police, after the first trial ended with a hung jury.

Appeals also can take years. On October 16, the Court of Appeals granted final leave for attorneys representing the mother of Janice Allen, killed by police in 2001, to take her case to the Privy Council. The family had appealed the dismissal of the case against the responsible police officer.

Vigilantism and spontaneous mob killings in response to crime continued to be problems. While not frequently reported in the media, this perhaps reflected a sense that police did not give such cases high priority.

In late December, however, the media widely reported that a vigilante mob angered at the alleged theft of a goat from the Papine area of St. Andrew, near the University of the West Indies (UWI) campus, attacked and killed three men seen in a car with a goat in the area on a Saturday night. One of the victims was a 25-year-old history major in his final year at UWI. There was no police response until days after the incident, with the media and letters to the editor expressing disdain over the lack of response. The police arrested at least three persons allegedly involved in the killing.

b. Disappearance.—There were no reports of politically motivated disappearances.

There was no further action in the case involving charges of false imprisonment against Lawrence Clayton, a police officer, for his role in the 2004 police abduction of two men in Kingston.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—Although the law prohibits such practices, reports of physical abuse of prisoners by guards continued, despite efforts by the Government to remove abusive guards and improve procedures.

The police began an investigation of one correctional officer suspected of aiding a 2005 prison escape, but it was not completed by year's end, and no hearings or inquests were held.

Prison and Detention Center Conditions.—Prison conditions remained poor, primarily due to overcrowding and poor sanitary conditions. The Department of Correctional Services took measures during the year to improve catering services and also entered into a new contract for insect and rodent control for all facilities. Medical care also was poor, primarily a result of having only three full-time doctors, one full-time nurse, and no psychiatrist to cover 13 facilities with 4,790 inmates across the island.

Men and women were incarcerated in separate facilities under similar conditions, except that women's prisons were generally not overcrowded.

Although the law prohibits the incarceration of children in adult prisons, some juveniles were held with adults in jails. Adults and juveniles were segregated in the prison system. The majority of pretrial detainees were held in police custody either in police stations or in remand centers, generally separate from convicted prisoners.

When prisoners raise allegations of abuse by correctional officers, the charges are first reviewed by corrections officials, then by an inspector from the Ministry of National Security, and finally by the police. Authorities file charges against correctional officers for abuse if evidence is found to support the allegations.

In general the Government allowed private groups, voluntary and religious organizations, local and international human rights organizations, and the media to visit prisons and monitor prison conditions, and such visits took place during the year.

d. Arbitrary Arrest or Detention.—The law permits the arrest of persons "reasonably suspected" of having committed a crime. While the law prohibits arbitrary arrest, security forces performed "cordon and search" operations, during which they detained persons and took them into custody for processing.

Role of the Police and Security Apparatus.—The Jamaica Constabulary Force (JCF) has primary responsibility for internal security and is assisted by the Island Special Constabulary Force. The JDF is charged with national defense, marine narcotics interdiction, and JCF support. The JDF has no mandate to maintain law and order and no powers of arrest (with the exception of the JDF coast guard in the maritime domain) unless so ordered by the prime minister. The Jamaica Regiment (JDF infantry forces) was detached as part of a joint internal security operation to assist the JCF in patrolling certain communities. The prime minister occasionally authorized the JDF to cordon and search with the JCF. The Ministry of National Security oversees the JCF and the JDF.

The JCF is headed by a commissioner who delegates authority through the ranks to its constables. The force maintains divisions focusing on community policing, special response, intelligence gathering, and internal affairs. Faced with a homicide rate exceeding 51 per 100,000 persons, an increase from the 2006 rate of 45, the JCF generally was not effective. The perception of corruption and impunity within the force was a serious problem that contributed to a lack of public confidence in the institution. The Professional Standards Branch of the JCF, with responsibility to tackle corruption in the force, has never been able to charge or have dismissed even one senior police officer. Human rights groups identified systematically poor investigative procedures and weak oversight mechanisms.

The JCF conducted administrative and criminal investigations into all incidents involving fatal shootings by the police. The JCF's BSI, which employed 21 investigators, specifically addressed police shootings. A senior BSI detective estimated that approximately 525 police shootings were investigated during the year. No officer was found criminally liable during the year. BSI supplements the JCF Office of Professional Responsibility, which investigates police corruption and other misconduct, and the civilian Police Public Complaints Authority, which oversees investigations by the other two bodies and may initiate its own investigations.

The JCF continued a community policing initiative to address the long-standing antipathy between the security forces and many poor inner-city neighborhoods. The initiative included assigning JCF officers to targeted schools as resource officers to stem school violence and serve as liaison between the students, faculty, parents, and the police. The police academy included training for police officers on citizens' rights and human rights.

Human rights advocates contended that police did not consider killings by vigilante mobs a priority and expressed concern that the perpetrators rarely were charged.

Arrest and Detention.—Arrests normally require warrants signed by a police officer of the rank of station sergeant or higher; however, arrests may be made without warrants. The law requires detained suspects to be charged or released within 24 hours of arrest, unless a justice of the peace or a resident magistrate grants special permission.

The law also requires police to contact duty counsel (a private attorney who volunteers to represent detainees at police stations and until cases go to trial), if requested by the detainee upon detention; however, authorities continued to wait until after detainees had been identified in an identification lineup before contacting duty counsel for them. There was a functioning bail system. The state provides indigent detainees access to counsel through the legal aid program, and detainees were provided with prompt access to family members.

There were reports of arbitrary arrest during the year, including during the brief period of a state of emergency declared in August by Prime Minister Portia Simpson-Miller, during which the right of habeas corpus was automatically suspended.

Although the law requires police to present a detainee in court within a reasonable time period, in practice authorities continued to detain suspects for lengthy periods (often up to 2 or 3 years), which the Government attributed to an overburdened court system. Magistrates were required to inquire at least once a week into the welfare of each person listed by the JCF as detained, but few did so in practice.

e. Denial of Fair Public Trial.—The law provides for an independent judiciary, and the Government generally respected this provision in practice. However, the judicial system was overburdened and operated with inadequate resources. Most judges were appointed after serving in the DPP, and it was very difficult for a private attorney or one who specialized in defense to be appointed as a judge. Human rights groups stated that this made the independence of the judiciary very fragile, owing to judges' strong ties to the prosecutor's office.

The judiciary's lack of sufficient staff and resources hindered due process, and the BSI also had a large backlog. Trials in many cases were delayed for years, and other cases were dismissed because files could not be located or had been destroyed. A night court continued to operate in an effort to reduce the backlog of cases. The Supreme Court used mediation through the Dispute Resolution Foundation as an alternative to traditional trials, which alleviated some of the backlog in that court. The resident magistrate's courts also used alternative dispute resolution in limited cases.

There was a general lack of confidence in the police's witness protection program, which led to the dismissal of a number of cases involving killings. Some criminal trials were dismissed because witnesses failed to come forward as a result of threats and intimidation. Some of those who came forward qualified for the witness protection program, but many either refused protection or violated the conditions of the program. According to the JCF, no participant in the witness protection program who abided by the rules of the program was ever killed.

The court system includes justices of the peace, resident magistrate's courts, and the Supreme Court, which has unlimited jurisdiction in civil and criminal matters. Defendants have the right to appeal a conviction in any of the three trial courts to the Court of Appeal, the highest court in the country. The Privy Council in the United Kingdom is the final court of appeal.

Trial Procedures.—Most trials are public and use juries. Defendants are presumed innocent, have the right to counsel, and have the right to confront witnesses against them. Legal Aid attorneys were available to defend the indigent, except those charged with certain offenses under the Money Laundering Act or Dangerous Drugs Act. The public defender may bring cases for persons who have had their constitutional rights violated. Although the Public Defender's Office contracted private attorneys to represent clients, funds were insufficient to meet the demand, and such attorneys sometimes requested payment from clients.

Political Prisoners and Detainees.—There were no reports of political prisoners or detainees.

Civil Judicial Procedures and Remedies.—There is an independent and impartial civil judiciary process. Complainants may bring human rights abuse cases for civil remediation to the courts, but awards can be difficult to collect. The civil authority did not always have enough money to award each case, resulting in a backlog of awards. There is a process to undertake pretrial negotiations between the complainant and the state in order to avoid trial. However, local human rights lawyers complained that the state did not take full advantage of this alternative.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—Although the Constitution prohibits such actions, the Constabulary Force Act gives security personnel broad powers of search and seizure. This act allows search without a warrant of a person on board or disembarking from a vehicle, ship, or boat, if a police officer has good reason to be suspicious. In practice the police conducted searches without warrants.

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.

The independent media were active and expressed a wide variety of views without restriction. However, some local media professionals expressed concern that the country's libel laws limited their freedom of expression. Specifically, news outlets reported the need to self-censor investigative reports because of the potential for courts to award high damages in cases of defamation. The Press Association of Jamaica and the Media Association of Jamaica continued to advocate changes in the libel laws, which they stated had a "chilling effect" on the media's ability to report effectively, especially on political issues.

Internet Freedom.—There were no government restrictions on access to the Internet or reports that the Government monitored e-mail or Internet chat rooms. Individuals and groups could engage in the peaceful expression of views via the Internet, including by e-mail.

Academic Freedom and Cultural Events.—There were no government restrictions on academic freedom or cultural events.

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 Constitution provides for freedom of religion, and the Government generally respected this right in practice.

Societal Abuses and Discrimination.—Members of the Rastafarian community complained that law enforcement officials unfairly targeted them. However, it was not clear whether such complaints reflected discrimination on the basis of religious belief or were due to the group's illegal use of marijuana as part of Rastafarian religious practice.

There was a small practicing Jewish congregation in the country. There were no reports of societal abuses or discrimination, including anti-Semitic acts.

For a more detailed discussion, see the 2007 International Religious Freedom Report.

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons.—The law provides for freedom of movement within the country, foreign travel, emigration, and repatriation, and the Government generally respected these rights in practice.

The law prohibits forced exile, and there were no reports that it occurred.

Protection of Refugees.—The law does not provide for the granting of asylum or refugee status in accordance with the 1951 U.N. Convention relating to the Status of Refugees and its 1967 protocol, but the Government has established a system for providing protection to refugees. In practice the Government provided protection against refoulement, the return of persons to a country where there is reason to believe they feared persecution, and handled refugee or asylum cases administratively.

The Government generally cooperated with the Office of the U.N. High Commissioner for Refugees (UNHCR) and other humanitarian organizations in assisting refugees and asylum seekers; however, during the Cricket World Cup a group of 23 Haitians arrived in February and were repatriated on March 2, because the Government was unwilling to address the issue at that busy time. The UNHCR asked the Government to allow its local honorary liaison to interview the group to determine whether they had any protection concerns or asylum claims. The Government denied access, citing that the migrants were quarantined.

According to the International Organization for Migration (IOM), at least one person was granted asylum during the year, but that person was refused a work permit, thereby denying the person the ability to be self-sufficient.

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

The law provides citizens the right to change their government peacefully, and citizens exercised this right in practice through periodic elections held on the basis of universal suffrage.

Elections and Political Participation.—All citizens age 18 and over have the right to vote by secret ballot. However, in recent elections voters living in "garrison communities," inner-city areas dominated by one of the two major political parties, often faced substantial influence and pressure from politically connected gangs and young men hired by political parties. These factors impeded the free exercise of their right to vote. During the national election campaign in August and September, politically motivated violence in two communities reached a high enough level for the commissioner of elections to place a moratorium on political rallies and gatherings. There were at least two alleged shootings related to political motorcades on the campaign trail.

In the September elections the JLP appeared to win 33 of the 60 seats in the popularly elected House of Representatives. However, subsequent legal challenges narrowed the victory to 32 seats for the JLP. Although the seat in Eastern Hanover was ruled to have been officially won by the People's National Party (PNP), the JLP candidate filed an election petition to continue his attempt to unseat his PNP rival. Also, there were four cases against alleged dual nationals elected to Parliament, which the PNP claims violates the Constitution. The courts began hearing the case

against one sitting JLP member, and three other JLP parliamentarians were served with similar suits, but the court had not heard their cases by year's end.

There were eight women elected to the 60-seat House of Representatives and three women appointed to the 21-seat Senate. Two of the 18 cabinet ministers were women.

Government Corruption and Transparency.—The law provides criminal penalties for official corruption, but the Government did not implement the law effectively, and officials engaged in corrupt practices with impunity. According to the World Bank's worldwide governance indicators, government corruption was a serious problem. There was a widespread public perception of corruption in the executive and legislative branches of government, as well as in the ranks of the JCF. A media poll and a survey by the Caribbean Policy Research Institute found that the public believed more than half of the JCF was corrupt and considered nearly 50 percent of all government employees corrupt. After the JCF, parish council members and customs officers were seen as the most corrupt.

On October 22, the Minister of Energy, Mining, and Telecommunications announced an investigation into a program to distribute free light bulbs from Cuba. The minister alleged that the previous administration, through the Petroleum Corporation of Jamaica, paid more than $1.7 million (J$114 million) to two corporations not registered as government contractors to distribute and install the 4 million bulbs. Both firms were incorporated just before the distribution program began and never submitted invoices for services rendered.

Shortly before the national elections, the PNP returned approximately $465,000 (J$31 million) that Trafigura, a Dutch company, allegedly deposited in 2006 to an account used to pay for the PNP's annual conference that year. Prime Minister Simpson-Miller claimed that the PNP returned the money; however, authorities gave permission to the Dutch government to conduct an investigation whether Trafigura had bribed elected officials of Jamaica.

The Corruption Prevention Act requires many government officials to file financial declarations; however, reports indicated that more than 5,000 civil servants failed to file, or filed late or incomplete, financial declarations required under the act. The Ministry of Justice and the Attorney General's Office have overall responsibility to combat official corruption, but the various ministries are responsible for their own investigations.

The Access to Information Act (ATI) provides public access to information held by government ministries and agencies. However, there were reports that some legitimate requests for information were not granted, and in January a Joint Select Committee of Parliament undertook a review of the ATI to consider its effectiveness from the standpoint of end-users as well as that of the public officials providing service under the act. No results of the review were made public.

Section 4. Governmental Attitudes Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A number of domestic and international human rights groups and other international bodies generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials often were cooperative and responsive to their views.

The Independent Jamaica Council for Human Rights was the country's only formal organization concerned with all aspects of human rights. The NGO Jamaicans for Justice focused on the issues of police impunity, extrajudicial killings, and excessive use of force by the police and wrote a weekly newspaper column. The group reported that undercover police regularly attended its meetings. Some members of the police and the DPP were outspoken in their criticism of the organization.

The Public Defender's Office brings cases on behalf of those who charged that their constitutional rights were violated. The office contracted private attorneys to bring suits against the Government on behalf of private citizens.

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

The law prohibits discrimination based on race, gender, place of origin, political opinions, color, or creed. The Government generally enforced these prohibitions in practice, although there continued to be widespread discrimination on the basis of political opinion in the distribution of scarce governmental benefits, including employment, particularly in the garrison communities.

Women.—Rape was illegal and carried a penalty of up to 25 years' imprisonment with hard labor. Spousal rape is not recognized as a crime. Through December 1, 650 rapes were reported (not including statutory rape). NGOs believed the actual numbers were much higher, but they could not provide any detailed statistics. The JCF rape investigative and juvenile unit, which was headed by a female deputy su-

perintendent, handled sex crimes. No information was available as to the number of prosecutions and convictions obtained.

Social and cultural traditions perpetuated violence against women, including spousal abuse. Violence against women was widespread, but many women were reluctant to acknowledge or report abusive behavior, leading to wide variations in estimates of its extent. The law prohibits domestic violence and provides remedies including restraining orders and other noncustodial sentencing. Breaching a restraining order is punishable by a fine of up to approximately $166 (J$10,000) and 6 months' imprisonment. There was a general reluctance by the police to become involved in domestic issues, which led to cases not being pursued vigorously when reported. The Bureau of Women's Affairs operated crisis hot lines and shelters and managed a public education campaign to raise the profile of domestic violence.

Although the law prohibits prostitution, it was widespread, particularly in tourist areas. Trafficking in women for prostitution was a problem.

There is no legislation that addresses sexual harassment, and it was a problem. There were reports of sexual harassment of women by the police, but some observers believed that women often did not report such incidents because there was no legal remedy.

Although the law accords women full legal equality, including equal pay for equal work, in practice women suffered from discrimination in the workplace and often earned less than their male counterparts. The Bureau of Women's Affairs, reporting to the minister of development, oversaw programs to protect the legal rights of women. These programs had limited effect but raised awareness of problems affecting women. Women sought jobs and served in almost every occupation in both the public and private sectors.

There was an active community of women's rights groups, including Women's Media Watch, the Women's Political Caucus, the St. Peter Claver Women's Housing Cooperative, the Women's Construction Collective, the Sistren Theatre Collective, Woman Inc., and the Centre for Gender and Development Studies at the University of the West Indies. Among the major concerns of these groups was the protection of victims of sexual abuse, participation of women in the political process, and legislative reforms affecting women.

Children.—The Government was committed to improving children's welfare. The Ministry of Education, Youth, and Culture is responsible for implementation of the government's programs for children. In January the Government established an Office of the Children's Advocate. The office has broad responsibilities for reviewing laws, policies, practices, and government services affecting children; providing legal services and investigating complaints against the government; and publishing reports and issuing best practice guidelines concerning the rights or best interests of children.

Public primary education was free, universal, and compulsory for students between the ages of 6 and 11, and the Ministry of Education reported that 99 percent of children in that age group were enrolled in school. However, economic circumstances obliged thousands of children to stay home to help with housework and avoid school fees. As a result, attendance rates at primary schools averaged 78 percent, although some rural areas reported attendance as low as 50 percent. Media reports indicated a higher percentage of female students continued their education and that males were much more likely to drop out. More than 70 percent of children between the ages of 12 and 16 had access to secondary school, and the U.N. Children's Fund reported that most children completed secondary education. The newly elected Parliament enacted a law abolishing tuition in all public primary and secondary schools and refunding tuition already paid prior to the election. There were still laboratory and other miscellaneous fees.

Medical care was widely available, and boys and girls enjoyed equal access.

There was no societal pattern of abuse of children; however, there were numerous reports of rape and incest, particularly in inner cities. NGOs reported that inner-city gang leaders and sometimes even fathers initiated sex with young girls as a "right." As of December 1, there were 395 cases of carnal abuse reported, a 2 percent decrease from the same period in 2006. The Government expressed concern about child abuse and acknowledged that incidents were underreported. The Child Development Agency (CDA) held training sessions to familiarize police officers with the rights of children and to prepare them to enforce the Child Care and Protection Act.

Child prostitution and trafficking for the purpose of sexual exploitation were problems.

Trafficking in Persons.—On February 16, new antitrafficking in persons legislation was enacted. Nonetheless, the country was a source for women and children

trafficked for purposes of sexual exploitation and labor. In a 2005 exploratory assessment, the IOM stated that some trafficking occurred in the country, primarily for sexual exploitation. The report also stated there may be trafficking, including that of children, within the country for domestic servitude and forced labor.

During the year authorities identified a third-country national as having been trafficked to Jamaica as a domestic servant by a dual national originally from the same country. The employer allegedly had not paid the young woman properly since she arrived in the country in 2002. The Ministry of Justice, in cooperation with IOM, removed the woman from the household, placed her in a women's shelter, and recovered back wages from the employer. The Government planned to prosecute the employer under trafficking in persons legislation and returned the victim to her home country with IOM resettlement assistance.

The International Labor Organization (ILO) estimated that several hundred minors were involved in the country's sex trade.

Groups at a special risk for trafficking included migrants from rural areas who sought work in cities and tourist areas, usually in the sex industry. Victims were lured by the promise of jobs and education. Some victims were trafficked by family members, while others voluntarily answered employment advertisements without knowing what the job actually entailed.

The Child Care and Protection Act specifically prohibits the sale or trafficking of minors and provides that violators receive the maximum penalty under the law. This law subjects convicted traffickers to a fine or imprisonment at hard labor for a term not exceeding 10 years, or both. It also provides that no person under the age of 18 years may be employed in a night club. The Trafficking in Persons Act, which came into force on March 1, provides penalties of up to 10 years' imprisonment for permitting or facilitating trafficking. It also allows for restitution to the victim.

Police raided some night clubs; however, the number of persons charged with trafficking during the year was not available.

The CDA managed facilities for at-risk children, and the Government provided funding to NGOs that worked to reintegrate child laborers who were victims of trafficking.

A specialized police antitrafficking unit within the Organized Crime Division of the JCF compiles data on trafficking investigations and related legal proceedings. Six officers staffed the unit. Three major crime hot lines were available to receive reports of trafficking 24 hours per day.

The government's National Task Force against Trafficking in Persons, led by the Ministry of Justice, has the lead on all trafficking issues. The Bureau of Women's Affairs integrated trafficking topics into its public education program.

Persons with Disabilities.—There were no laws prohibiting discrimination against persons with disabilities or mandating accessibility for persons with disabilities, and such persons encountered discrimination in employment and denial of access to schools. Health care and other state services were reported to be universally available. Several government agencies and NGOs provided services and employment to various groups of persons with disabilities, but there was no government agency specifically charged with assisting persons with disabilities.

Other Societal Abuses and Discrimination.—The law prohibits "acts of gross indecency" (generally interpreted as any kind of physical intimacy) between men, in public or in private, which are punishable by 10 years in prison.

The Jamaica Forum for Lesbians, All Sexuals, and Gays (J–FLAG) continued to report human rights abuses, including police harassment, arbitrary detention, mob attacks, stabbings, harassment of homosexual patients by hospital and prison staff, and targeted shootings of homosexuals. Police often did not investigate such incidents. J–FLAG members also reported death threats, as well as threats to burn down its offices. In October members of J–FLAG reported that they were considering sending a prominent AIDS spokesman abroad due to concerns for his personal safety in the country.

Authorities postponed the trial of six suspects arrested for the 2005 robbery and murder of Lenford "Steve" Harvey, and it had not been held by year's end.

Male inmates deemed by prison wardens to be homosexual were held in a separate facility for their protection. The method used for determining their sexual orientation was subjective and not regulated by the prison system, although inmates were said to confirm their homosexuality for their own safety. There were numerous reports of violence against homosexual inmates, perpetrated by the wardens and by other inmates, but few inmates sought recourse through the prison system. One foreign homosexual man held in prison complained about harassment and for his safe-

ty was moved to a maximum-security prison and placed in solitary confinement for 23 hours a day.

Homosexual men were hesitant to report incidents against them because of fear for their physical well-being. Human rights NGOs and government entities agreed that brutality against homosexuals, by police and by private citizens, was widespread in the community.

No laws protect persons living with HIV/AIDS from discrimination. Human rights NGOs reported severe stigma and discrimination against this group. The ILO worked with the Ministry of Labor on a program to reduce the stigma of HIV/AIDS in the workplace and to assist employers in designing policies for workers with HIV/AIDS. Although health care facilities were prepared to handle patients with HIV/AIDS, health care workers often neglected such patients.

Section 6. Worker Rights

a. The Right of Association.—The law provides for the right to form or join a trade union, and unions functioned freely and independently of the government. Approximately 20 percent of the work force of 1.2 million was unionized. Some union workers charged that private sector employers laid them off and then rehired them as contractors with reduced pay and benefits, a practice that was legal as long as workers received severance pay.

b. The Right to Organize and Bargain Collectively.—The law permits unions to conduct their activities without interference, and the Government protected this right in practice. An independent Industrial Disputes Tribunal (IDT) hears cases when management and labor fail to reach agreement. Any cases not resolved by the IDT pass to the civil courts. The IDT generally handled 35 to 40 cases each year. Most were decided within 90 days, but some took longer to resolve due to the complexity of the dispute or delays requested by the parties.

Collective bargaining is denied to a bargaining unit if no single union represents at least 40 percent of the workers in the unit in question or when the union seeking recognition for collective bargaining purposes does not obtain 50 percent of the votes of the total number of workers (whether or not they are affiliated with the union). The ILO Committee of Experts (COE) considered that, where there was no collective bargaining agreement and where a trade union did not obtain 50 percent of the votes of the total number of workers, the union should be able to negotiate at least on behalf of its own members.

The law neither authorizes nor prohibits the right to strike, and strikes occurred: Of 189 disputes reported to the Ministry of Labor, 11 resulted in strikes. Striking workers could interrupt work without criminal liability but could not be assured of keeping their jobs, although there were no reports of any workers losing their jobs due to strike action during the year. Workers in 10 broad categories of "essential services" are prohibited from striking, a provision the ILO repeatedly criticized as overly broad. However, despite this prohibition, some workers who provide essential services went on strike by staging a "sick-out."

Domestic labor laws applied equally to the "free zones" (export processing zones), but there were no unionized companies in any of the three publicly owned zones. Organizers attributed this circumstance to resistance to organizing efforts by foreign owners in the zones, asserting that there was an unwritten agreement among them to prevent free zone workers from participating in trade unions. According to the International Trade Union Confederation, unions reported that many employers continued to prevent workers from seeking union representation. Employer-controlled "workers' councils" handled grievance resolution in most of these companies but did not negotiate wages and conditions, which were set by management.

c. Prohibition of Forced or Compulsory Labor.—The law does not specifically prohibit forced or compulsory labor, including by children, but other than child prostitution, there were no reports that such practices occurred.

The COE's annual report reiterated its recommendation that the Government amend prison rules to ensure that no prisoners may work for private individuals or companies except under conditions of a freely accepted employment relationship. The Ministry of Labor stated that prisoners do not work privately unless they have approval from the commissioner, and those prisoners who work privately freely accept the employment and receive normal wages.

d. Prohibition of Child Labor and Minimum Age for Employment.—The Child Care and Protection Act provides that children under the age of 12 shall not be employed except by parents or guardians and that such employment may be only in domestic, agricultural, or horticultural work. It also prohibits children under the age of 15 from industrial employment. The police are mandated to conduct child labor inspections, and the CDA is charged with finding places of safety for children. How-

ever, according to CDA officials, resources to investigate exploitive child labor were insufficient. Children under the age of 12 peddled goods and services or begged on city streets. There were also reports that underage children were employed illegally in fishing communities and in prostitution.

e. Acceptable Conditions of Work.—The Government sets the minimum wage after receiving recommendations from the National Minimum Wage Advisory Commission. The minimum wage was approximately $42 (J$2,800) per week for all workers except private security guards, whose minimum was approximately $62 (J$4,140) per week. The minimum wage did not provide a decent standard of living for a worker and family, but most workers were paid more than the legal minimum. The Ministry of Labor administered and enforced the minimum wage.

The law provides for a standard 40-hour workweek and mandates at least 1 day of rest per week. Work in excess of 40 hours per week or 8 hours per day must be compensated at overtime rates, a provision that was observed widely, except by some security guard companies. The law does not prohibit excessive compulsory overtime, and some employees, including security guards, regularly were required to work 12-hour shifts without overtime compensation. There were differing practices among security guard companies, but workers were generally not paid for overtime unless they worked more than 12 hours. Historically the JCF was exempt from the 40-hour workweek; however, a phased-in program was put in place to change that standard.

The Ministry of Labor's Industrial Safety Division sets and enforces industrial health and safety standards, mainly through factory inspections. Insufficient staffing in the Ministries of Labor, Finance, National Security, and Public Service contributed to the difficulties in enforcing workplace regulations. The Industrial Safety Division conducted inspections, investigated accidents, warned violators, and gave them a time period in which to correct the violation. If the violation was not corrected within that time, the violator was taken to court.

The law provides workers with the right to remove themselves from dangerous work situations without jeopardy to their continued employment if they are trade union members or covered by the Factories Act. The law does not specifically protect other categories of workers in those circumstances.

MEXICO

Mexico is a Federal constitutional republic with a population of 108 million. In July 2006 Felipe Calderon of the National Action Party (PAN) was elected president to a 6-year term in generally free and fair multiparty elections. While civilian authorities generally maintained effective control of the security forces, there were frequent instances in which elements of the security forces acted independently of government authority.

The Government generally respected and promoted human rights at the national level by investigating, prosecuting, and sentencing public officials and members of the security forces. However, impunity and corruption remained problems, particularly at the state and local level. The following human rights problems were reported: Unlawful killings by security forces; kidnappings, including by police; physical abuse; poor and overcrowded prison conditions; arbitrary arrests and detention; corruption, inefficiency, and lack of transparency in the judicial system; confessions coerced through physical abuse permitted as evidence in trials; criminal intimidation of journalists leading to self-censorship; corruption at all levels of government; domestic violence against women, often perpetrated with impunity; violence, including killings, against women; trafficking in persons, sometimes allegedly with official involvement; social and economic discrimination against indigenous people; and child labor.

As a first step, in efforts to reform and professionalize the police, the Government relieved 284 Federal police commanders, including all 34 regional police commanders, and rigorously trained and evaluated their replacements.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life.—The Government or its agents did not commit any politically motivated killings; however, there were reports that security forces acting both within and outside the line of duty killed several persons during the year.

On June 2, army soldiers shot and killed a family of five at a checkpoint in Sinaloa. Authorities arrested and charged three officers and 16 enlisted men in connection with the killings. At year's end all 19 soldiers remained in custody and were being held pending trial in a military court. The semiautonomous National Human Rights Commission (CNDH) had issued recommendations on this case, which National Defense Secretariat (SEDENA) agreed to investigate. At year's end SEDENA was still preparing the case against soldiers.

There were no developments in the official investigation of two killings resulting from the April 2006 intervention by state and Federal police in a miners strike in the state of Michoacan. In October 2006 the CNDH and local human rights NGOs accused state and Federal security forces of excessive force.

At year's end there was no government action in response to an October 2006 CNDH investigation which concluded that authorities were responsible for the deaths of 14-year-old Javier Cortes Santiago and Ollin Alexis Behumea in May and June of 2006, during a clash between police and armed protesters in San Salvador Atenco. The state attorney general's office made no conclusions in its investigations of the confrontations by year's end.

The political conflict in the state of Oaxaca, which directly or indirectly caused an estimated 20 civilian deaths in 2006, stabilized early in the year; however, state and Federal investigations had not resolved any of the allegations of official abuses or killings related to the 2006 violence. The Government made no progress in investigating the October 2006 murder of American journalist Bradley Will, who was covering the Oaxaca disturbances when an unknown assailant shot and killed him.

At year's end four municipal police officers remained in custody on charges related to the August 2006 death of Jose Gabriel Velazquez Perez in Chiapa de Corzo, Chiapas.

During the year President Calderon committed his government to dismantling the country's narcotics trafficking cartels and mobilized more than 20,000 army troops and Federal policemen against drug traffickers in 10 states. According to media reports, rival drug cartels killed approximately 2,470 persons, including 300 police officers and 27 soldiers during the year. Violence against police officials was particularly severe in the states of Monterrey, Guerrero, Michoacan, and Sinaloa.

There were no new developments in the Office of the Attorney General's (PGR) investigation of the 2005 killing of three university students in Tamaulipas by Federal Preventative Police (PFP) officers.

On March 20, two of the 26 persons arrested in connection with the 2004 vigilante attack that resulted in the death of three PFP agents in the Tlahuac neighborhood of Mexico City were released from prison for lack of sufficient evidence. The remaining 24 remained in prison awaiting trial at year's end.

On July 13, the Federal Criminal Tribunal absolved former president Luis Echeverria of criminal responsibility for the 1968 killings of demonstrators in Mexico City. The tribunal found no evidence that Echeverria was implicated in or responsible for ordering individuals killed.

b. Disappearance.—There were no confirmed reports of politically motivated disappearances. In several cases of reported disappearances, police had detained the missing person incommunicado for several days. As in previous years, there were credible reports of police involvement in kidnappings for ransom, primarily at the state and local level.

In July and September, the Popular Revolutionary Army (EPR), an armed guerrilla movement, attacked the national oil company's (PEMEX) pipelines in three separate incidents. The group claimed the attacks were a response to the "abduction" of three of its members by security forces. The Government stated that it had no members of the group in custody but called upon security elements to investigate the whereabouts of the three individuals. There were no developments at year's end.

There were no developments in the case against a PGR agent and two counternarcotics agents accused in the 2005 kidnapping and extortion of a nightclub manager in Mexico City.

Kidnapping remained a serious problem for persons of all socioeconomic levels. Many cases continued to go unreported, as families negotiated directly with kidnappers. The number of reported cases to authorities was believed to be far less than the actual number of kidnappings. Express kidnapping, in which a victim is detained for a short period to extract payment, often through forcing the victim to use an ATM card to drain a bank account, was a serious problem, with varying unofficial estimates far surpassing the estimated number of traditional kidnappings.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—Although the law prohibits such practices, they persisted, and physical abuse in particular continued to be a serious problem. Despite the law's provisions to the con-

trary, confessions obtained by physical abuse often were admitted as evidence. The CNDH and other human rights groups charged that authorities employed sophisticated techniques involving psychological torture as well as traditional methods to extract confessions. Confessions continued to be used as the primary evidence in many criminal cases, which encouraged the police to use physical abuse to extract testimony from defendants. Many citizens distrusted law enforcement officials and the justice system in general and were reluctant to register official complaints or to appear as witnesses. PGR officials stated that arrested criminals often registered false complaints of abuse as a legal defense.

The CNDH received 395 complaints of cruel and/or degrading treatment and four torture complaints during the year, compared with six torture complaints in 2006. Human rights groups also linked physical abuse to the pervasiveness of arbitrary detention: Police and prosecutors often attempted to justify an arrest by forcibly securing a confession to a crime.

The Government took steps to implement preventive measures against the practice of torture. The Federal Government and some states implemented the Istanbul Protocol, which contains guidance on investigating and documenting torture and other abuses.

On May 2 and 3, an army unit clashed with alleged drug traffickers in Michoacan State, leaving five soldiers and one colonel dead. The army then raided houses in several surrounding villages looking for individuals related to one of the traffickers. According to the CNDH and NGOs, soldiers arbitrarily detained, then beat and burned with cigarette lighters an undetermined number of family members, submerged one person in a well, and raped four women, two of them minors. Soldiers allegedly detained 10 individuals at a local military base where they continued to beat and torture them.

The CNDH reported that on May 7, also following a clash with four alleged drug traffickers, a second army unit arbitrarily detained and allegedly tortured seven adults and one child at a military base. The CNDH issued a nonbinding recommendation calling on SEDENA to investigate this case and to bring the perpetrators to justice. SEDENA accepted the CNDH's recommendation agreeing to investigate it. Investigations remained underway at year's end.

On October 2, three of eight soldiers charged in a civilian court with the assault and rape of 14 women in July 2006 in Coahuila State received prison sentences of 21 to 41 years. A fourth soldier was sentenced to 4 years in prison. Four other soldiers were acquitted. This marked the first time that a civilian court processed and convicted uniformed personnel for major crimes committed on duty.

On June 22, the National Supreme Court (SCJN) created a commission of judges to conduct a nonjudicial investigation into alleged abuses and use of force by Federal and state police forces during the 2006 confrontation in Oaxaca, but by year's end this commission had not completed its investigation.

On August 17, the Supreme Court agreed to investigate the alleged human rights violations that occurred in the May 2006 confrontations in San Salvador Atenco. The CNDH reported receiving 211 complaints of abuse, confirming complaints of sexual assault and torture against 26 detainees during and after the Atenco confrontation. By year's end the Supreme Court Commission had not completed its investigation. On November 9, Magdalena Garcia Duran, an indigenous street vendor who was detained during the conflict, was freed by state of Mexico authorities, and all charges against her were dropped after Federal courts said there was no evidence justifying her detention and trial. As of mid-November, Amnesty International reported that 20 individuals of the original 33 detained remained in custody, charged with offenses stemming from the violent confrontation.

Prison and Detention Center Conditions.—Prison conditions remained poor. The CNDH and other NGOs reported that corruption, overcrowding, alcoholism, and drug addiction were prevalent in most facilities. Health and sanitary conditions were poor, and most prisons did not offer psychiatric care. Poorly trained, underpaid, and corrupt guards staffed most prisons. Authorities occasionally placed prisoners in solitary confinement for indefinite periods; prisoners often had to bribe guards to acquire food, medicine, and other necessities. Prison overcrowding continued to be a common problem; the occupancy in the country's 455 penal facilities was estimated on average to be at more than 130 percent above design capacity. Mexico City's prison system calculated its facilities to be occupied at more than 160 percent design capacity.

In many prisons inmates exercised significant authority, displacing prison officials and creating general insecurity, leading to inmate deaths, often at the hands of other prisoners. During the year there were at least 232 killings and 34 suicides, among a nationwide Federal prison population of nearly 218,000.

Pretrial detainees were routinely held together with convicted criminals. The CNDH noted that conditions for women prisoners were inferior to those for men, particularly for women who lived with their children in prison. There were anecdotal reports of sexual abuse of women while in detention, although there were no authoritative studies on the scope of the problem.

The Government permitted independent monitoring of prison conditions by NGO and human rights organizations. The International Committee of the Red Cross, the CNDH, and state human rights commissions visited detainees during the year. The CNDH reported making 209 visits during the year.

d. Arbitrary Arrest or Detention.—The law prohibits arbitrary arrest and detention as well as sponsoring or covering up an illegal detention; however, police often ignored these provisions.

Role of the Police and Security Apparatus.—The federal, state, and municipal police forces included approximately 500,000 officers. The Federal and state police are divided into preventive and judicial police. Preventive police maintain order and public security and generally do not investigate crimes. Judicial police serve as the investigative force under the authority and command of the public ministries (prosecutor's offices). The military is responsible for external security but also has significant domestic security responsibilities, particularly in combating drug trafficking and maintaining order.

Corruption continued to be a problem, as many police were involved in kidnapping, extortion, or providing protection for, or acting directly on behalf of organized crime and drug traffickers. Impunity was pervasive to an extent that victims often refused to file complaints. Responsibility for investigating Federal police abuse falls under the purview of the PGR and the Secretariat of Public Administration, depending on the type of offense. The CNDH also can receive complaints, but its recommendations are nonbinding and carry no legal weight. However, once a government entity accepts a CNDH recommendation, it is legally bound to take appropriate action. A similar mechanism exists at the state level. The CNDH provided human rights training for security and military forces, and the Government continued professional training of its law enforcement officials. Between January and October, in conjunction with the CNDH, the National Defense Secretariat SEDENA trained more than 13,500 employees, and the Secretariat for Public Security (SSP) trained more than 18,000 employees in human rights issues.

In June 284 Federal police commanders were relieved of their duties, including all of the 34 regional police coordinators as part of the Government's anticorruption and transparency reform. The SSP began a comprehensive polygraph program with the goal of training several hundred polygraph operators over the next 2 years in order to utilize this tool to eliminate corruption within the SSP.

The CNDH expressed concern about alleged human rights abuses committed by some military units deployed in counternarcotics and other law enforcement operations. On September 21, the CNDH cited four separate incidents implicating military units in killings, illegal searches, rapes, and arbitrary detentions of individuals. By year's end the CNDH had issued four recommendations on those cases to SEDENA, which accepted all four and agreed to investigate.

In December 2006 the PFP raided the Oaxaca ministerial police headquarters, confiscating more than 340 guns to investigate whether any had been used in attacks against protesters. There were no developments in the investigation at year's end.

Arrest and Detention.—A suspect is deemed guilty until proven innocent. A prosecutor may hold a person up to 48 hours (96 hours in cases of organized crime) before presenting the suspect to a judge and announcing charges. The law provides that authorities must sentence an accused person within 4 months of detention if the alleged crime carries a sentence of less than 2 years' imprisonment, or within 1 year if the crime carries a longer sentence; in practice judicial and police authorities frequently ignored these time limits. A financial bond may be placed as bail only in cases that carry penalties of 5 years or less; otherwise, release is not available.

Police arbitrarily arrested and detained persons suspected of crimes, in many cases without a warrant. Detainees were usually allowed prompt access to family members and to counsel. In some cases police detained persons incommunicado for several days. The CNDH received 432 complaints of arbitrary detention during the year.

Lengthy pretrial detention remained a problem. Slightly more than 92,000 inmates, or roughly 42 percent of all Federal prisoners, were awaiting sentencing nationwide at year's end. The media reported that detainees were sometimes held several years without a trial.

e. Denial of Fair Public Trial.—Although the law provides for an independent judiciary, government authorities occasionally influenced court decisions, particularly at the state and local level. Corruption, inefficiency, and lack of transparency continued to be major problems in the justice system. Criminal elements also attacked members of the judicial system. The Federal court system consists of the Supreme Court, 91 circuit courts of appeal, 49 courts of appeal, and 185 district courts.

On May 15, unknown assailants in Mexico City shot and killed Federal prosecutor Jose Nemesio Lugo Felix, who worked extensively on organized crime issues within the Attorney General's Office.

The investigation into the August 2006 slaying of Federal Judge Rene Hilario Nieto Contreras in Toluca continued at year's end. Judge Nieto had handled cases involving the Gulf and Juarez cartels.

Trial Procedures.—Based on the Napoleonic Code, the trial system consists of a series of fact-gathering hearings during which the court receives documentary evidence or testimony. A judge in chambers reviews the case file and then issues a final, written ruling. The record of the proceeding is not available to the general public; only the parties involved have access to the official file, but only by special motion. Criminal procedural codes in the states of Chihuahua, Oaxaca, Zacatecas, Northern Baja California, and Morelos permit oral trials for all crimes.

The law provides for the right of the accused to attend the hearings and challenge the evidence or testimony presented, and the Government generally respected these rights in practice. In most cases court hearings were open to the public.

Although the law provides defendants with the right to an attorney at all stages of criminal proceedings, in practice this only meant that authorities had to appoint a "person of confidence," who was not required to meet any particular legal qualifications, to represent a defendant. The public defender system was not adequate to meet demand, especially at the state level. Public defender services were placed either in the judicial or executive branch; there were no autonomous public defender services. According to Amnesty International, most criminal suspects did not receive representation until after they were placed under judicial authority, thus making individuals vulnerable to coercion to sign false statements while in pretrial detention.

Although the law provides for translation services from Spanish to indigenous languages to be available at all stages of the criminal process, this generally was not done. Consequently, indigenous defendants who did not speak Spanish sometimes were unaware of the status of their cases, and suspects frequently were convicted without fully understanding the documents they were required to sign.

Judges reportedly continued to allow statements coerced through torture to be used as evidence against the accused, a practice particularly subject to abuse because confessions were the primary evidence in nearly all criminal convictions. NGOs asserted that judges often gave greater evidentiary value to the first declaration of a defendant, often given in the absence of legal representation. This provided prosecutors an incentive to obtain an incriminating first confession and made it difficult for defendants to disavow such declarations.

The law provides for military jurisdiction for crimes or offenses involving any violation of military discipline. In cases in which a member of the military commits a crime and is arrested by civil authorities, the military has the right to request the immediate transfer of the case to military jurisdiction, a practice condemned by the Inter-American Commission on Human Rights.

Political Prisoners and Detainees.—A coalition of local and international human rights groups categorized some arrested leaders of the Popular Assembly of the Peoples of Oaxaca (APPO) and the Oaxaca teachers' movement as political detainees, a concern they raised with the Inter-American Commission on Human Rights. While many associated with the Oaxaca demonstrators were legitimately arrested for criminal offenses, such as vandalism and assault, human rights groups expressed concern that charges against some lacked merit and that authorities failed to follow due process. The groups also charged that family members, lawyers, and human rights representatives had difficulty visiting prisoners.

On November 19, the local court in Ocotlan de Morelos, Oaxaca, ordered the release of alleged APPO leader Horacio Sosa Villavicencio due to lack of evidence. Horacio and Flavio Sosa Villavicencio, brothers and alleged APPO leaders, were arrested in December 2006 and charged with robbery, kidnapping, aggravated violence, arson, and several other offenses. Flavio Sosa remained in detention at year's end subject to legal procedures.

There were no known developments regarding the 2005 review by Guerrero State Secretary of Government Armando Chavarria Barrera of the cases of nine potential political prisoners held in the state's penitentiaries.

Civil Judicial Procedures and Remedies.—There is an independent and impartial judiciary in civil matters, including access to a court to seek damages for a human rights violation. No such cases were reported during the year.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—Although the law prohibits such practices and requires search warrants, authorities occasionally disregarded these provisions. The CNDH received 397 complaints of illegal searches during the year.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The law provides for freedom of speech and the press, and the Government generally respected these rights in practice. The majority of newspapers and television and radio stations are privately owned; the Government has a minimal presence in the ownership news media, although it is an important source of advertising revenue.

On April 12, President Calderon signed legislation that effectively eliminates criminal defamation, libel, and slander at the Federal level. However, journalists remained vulnerable to threats of imprisonment at the state level because most Mexican states have criminal libel laws that are not superseded by Federal law. State and local level officials occasionally responded to unfavorable news articles by threatening their authors with libel and defamation lawsuits. States are now required to amend their criminal codes.

Despite Federal Government support for freedom of the press, many journalists worked in a dangerous environment. Reporters covering the various organized criminal organizations and associated corrupt public officials acknowledged practicing self-censorship, recognizing the dangers investigative journalism presented to themselves and their families. Journalists were harassed, threatened, or attacked; most threats against journalists were related to reporting on organized crime and drug trafficking. During the year two journalists and three media assistants were killed, and three disappeared. The CNDH received 84 complaints of threats to journalists during the year.

According to Reporters Without Borders, six journalists who disappeared in recent years remained missing; no investigations were being conducted, and none were expected. The Special Prosecutor for Crimes Committed Against Journalists noted that, since 1982, more than 50 journalists have been murdered or disappeared because of their profession, 28 of whom were killed since 2001.

Examples of threats, disappearances, and deaths during the year included:

- On January 20, Rodolfo Rincon Taracena, a journalist reporting on drug trafficking issues for Tabasco newspaper Hoy, disappeared in Villahermosa, Tabasco.
- On April 6, Amado Ramirez, an Acapulco-based correspondent for Televisa and Radiorama, was shot and killed. Ramirez, who had recently linked drug traffickers to the killing of two local police officers, received multiple death threats before his assassination. Authorities arrested two men in connection with this case; they were later released on bail. An investigation continued at year's end.
- The news program Al Tanto, anchored by journalist Amado Ramirez, was taken off the air on April 9 after the Acapulco station received threats following his murder.
- In April and May, the office of regional newspaper Cambio de Sonora in Hermosillo was attacked with grenades resulting in minor damage and causing the paper to close down temporarily.

On November 27, a Supreme Court commission found that Puebla State Governor Mario Marin and 29 other state officials played a role in violating the rights of journalist Lydia Cacho, who was arrested by Puebla police in 2005. However, on November 30, the Supreme Court rejected the commission's report and ruled that violations were not sufficient to warrant legal actions against Governor Marin.

There were no developments in the 2005 disappearance of Hermosillo investigative reporter Alfredo Jimenez Mota. The case remained opened at year's end.

Internet Freedom.—There were no government restrictions on access to the Internet or reports that the Government monitored e-mail or Internet chat rooms. Individuals and groups could engage in the peaceful expression of views via the Internet, including by e-mail.

Academic Freedom and Cultural Events.—There were no government restrictions on academic freedom or cultural events.

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. Groups that wish to meet in public areas must inform local police authorities in advance. Organized, peaceful demonstrations occurred frequently throughout the country. Several times during the year demonstrators clashed violently with police, and subsequent arrests led to complaints of arbitrary detention, use of excessive force, physical abuse, rape, and sometimes killings.

On July 16, APPO members in Oaxaca engaged in a violent demonstration designed to disrupt a local cultural celebration. Municipal and state police in Oaxaca injured 25 persons; 15 police officers were also injured and 60 people detained. According to a Oaxacan NGO, November 25 Liberation Committee, six individuals remained detained from the time of the first Oaxacan disturbances starting in May 2006 through the July disturbance.

c. Freedom of Religion.—The law provides for freedom of religion, and the Government generally respected this right in practice. However, poor enforcement mechanisms, local land disputes, and family traditions contributed to discrimination against some religious groups, especially in the south. Federal and local governments often failed to punish those responsible for acts of religious discrimination.

The Constitution bars members of the clergy from holding public office, advocating partisan political views, supporting political candidates, or opposing the laws or institutions of the state.

Religious associations must register with the Government to apply for official building permits, receive tax exemptions, and hold religious meetings outside of their places of worship. Although the Government may reject applications because of incomplete documentation, the registration process was routine. More than 6,600 religious associations were registered.

Societal Abuses and Discrimination.—In the central and southern regions, some leaders of predominantly Catholic indigenous communities regarded evangelical groups as unwelcome outside influences and as economic and political threats. These leaders sometimes acquiesced in or ordered the harassment or expulsion of individuals belonging chiefly to Protestant evangelical groups. Whether a group was displaced forcibly with violence or left voluntarily to avoid harassment, it often found itself living on the outskirts of another local community in circumstances even worse than the extremely poor conditions common to the region. As in previous years, village officials imposed sanctions on evangelicals for resisting participation in community festivals or refusing to work on Saturdays.

The Jewish community numbered approximately 50,000 persons. There were no reports of anti-Semitic incidents.

For a more detailed discussion, see the 2007 International Religious Freedom Report.

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons.—The law provides for freedom of movement within the country, foreign travel, emigration, and repatriation, and the Government generally respected these rights in practice.

The law does not permit forced exile, and it was not practiced.

Protection of Refugees.—The law provides for the granting of asylum or refugee status in accordance with the 1951 U.N. Convention relating to the Status of Refugees and its 1967 protocol, and the Government has established a system for providing protection to refugees. In practice, the Government provided protection against refoulement, the return of persons to a country where there is reason to believe they feared persecution. During the year the Government granted refugee status or asylum to three applicants out of 311 pending cases.

Although in many instances the National Migration Institute (INM) eventually released Cuban migrants, in some cases they were returned to Cuba. INM reported that 3,601 immigrants who entered illegally during the year were Cuban nationals; of these, 221 were returned to Cuba. The rest were released, and it was assumed the majority applied for asylum in the United States.

The Government in the past provided temporary protection to individuals who may not have qualified as refugees under the 1951 Convention and its 1967 protocol but did not do so during the year. The Government cooperated with the Office of the U.N. High Commissioner for Refugees and other humanitarian organizations in assisting refugees and asylum seekers. INM reportedly granted asylum to three Cubans 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 closely contested presidential and congressional elections of July 2006 were determined to be generally free and fair by the majority of neutral observers, including European Union representatives and local and international civil society organizations. However, PRD presidential candidate Andres Manuel Lopez Obrador vigorously disputed PAN candidate Felipe Calderon's victory in the electoral courts. The PRD also demanded a full recount of ballots nationwide. The Federal Electoral Tribunal ruled to recount approximately 9 percent of voting stations, which had a minimal impact on Calderon's 0.56 percent margin of victory. In its final decision, the tribunal ruled that while it found no evidence of fraud, it had found a number of irregularities that provided insufficient grounds to invalidate the election.

In response to the controversy over the 2006 presidential election, the Government passed a law on September 14 that prohibits all public and private funding of political advertisements on television or radio, requires placement of all political campaign advertisements through the Federal Elections Institute (IFE), and stipulates allocation of airtime among registered political parties based on their share of the vote in the most recent election. The law prohibits negative campaign messages, lowers public spending limits for presidential elections, and provides for replacing the nine IFE General Council members on a staggered basis. It also creates the position of "comptroller" within the IFE to examine political party finances. Recognition as a national political party by IFE is based on having won at least 2 percent of the vote in the last national election. IFE recognized eight national political parties during the 2006 elections.

There were 24 women in the 128-seat Senate and 116 women in the 500-seat lower house. Two female justices sat on the 11-member Supreme Court. There are seven women in the 21-member Cabinet, compared with one in the previous administration. Many state electoral codes provide that no more than 70 to 80 percent of candidates can be of the same gender. All political parties continued their efforts to increase the number of women running for elected office. Some utilized quotas requiring that a certain percentage of candidates on a party list be female.

There were no statistics available regarding minority participation in government.

The law provides for the right of indigenous people to elect representatives to local office according to "usages and customs" law, rather than Federal and state electoral law. Voter intimidation and conflict was not uncommon during elections in some indigenous communities. Traditional customs varied by village. In some villages women did not have the right to vote or hold office; in others they could vote but not hold office.

Government Corruption and Transparency.—The law provides criminal penalties for official corruption; however, corruption remained a problem at all levels of government, as some public officials continued to perpetrate bureaucratic abuses and some criminal acts with impunity. The World Bank's worldwide governance indicators reflected that government corruption was a problem. Corruption at the most basic level involved paying bribes for routine services or in lieu of fines to administrative officials and security forces, but more sophisticated and less apparent forms of corruption included overpaying for goods and services to provide payment to elected officials and political parties.

In July the chief of staff and president of Mexico's National Electoral Tribunal (TRIFE), were implicated in the misuse of public funds, and of receiving kickbacks from contractors during an office renovation project. In August both the chief of staff and president of TRIFE resigned under pressure as a result of the allegations.

Despite significant institutional and regulatory changes increasing government transparency, access to information continued to be difficult. The Government addressed procedural barriers to facilitate access to information. On July 20, the requisite number of states ratified constitutional reforms that established minimum criteria for information access at the federal, state, and local levels. Specific rules and information systems to implement these reforms were pending at year's end.

The Federal Institute of Access to Public Information (IFAI) has received over 218,000 requests for information since its creation in 2003, amounting to more than 148 requests a day.

Most of the country's progress with citizen access to public information was at the Federal level; however, several states provided a parallel service. Four state governments (Federal District, Chihuahua, Nuevo Leon, and Veracruz) signed a formal agreement with IFAI to make the information system on government operations, Infomex, available for petitions for state government information.

Section 4. Governmental Attitudes Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A wide variety of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Although Federal Government officials often were cooperative and responsive to their views, some state and municipal authorities harassed human rights defenders. U.N. agencies and other international bodies freely operated in the country and publicly criticized the Government without restriction or sanction. The Office of the U.N. High Commission on Human Rights maintained a constructive relationship with the Government.

The semiautonomous CNDH, which receives full funding from the Federal Government, has the authority to investigate allegations of human rights and did so in practice. The CNDH operated without government or party interference, received adequate resources, and enjoyed the Government's cooperation. During the year the CNDH issued 70 recommendations, although they were nonbinding and without legal weight unless formally accepted by a government entity. While some recommendations were accepted and implemented, others were rejected. The CNDH won praise from the NGO community for its wide coverage of and extensive reports on human rights abuses but has been criticized for not pressuring the Government sufficiently to comply with its recommendations.

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

The law prohibits discrimination based on race, gender, disability, or religion. While the Government continued to make progress enforcing these provisions, significant problems, particularly violence against women, persisted.

Women.—The law prohibits rape, including spousal rape, imposing penalties of up to 20 years. However, rape victims rarely filed complaints with police, in part because of ineffective and unsupportive responses by the authorities toward victims, fear of publicity, and a perception that cases were unlikely to be prosecuted.

Domestic violence was pervasive and vastly underreported. The law prohibits domestic violence, including spousal abuse, and stipulates fines equal to 30 to 180 days' pay and detention for up to 36 hours; however, actual sentences were normally lenient. On February 1, President Calderon signed a new law that obligates Federal and local authorities to prevent, punish, and eradicate violence against women.

On the state level, laws sanctioning domestic violence, if in existence, are weak. Seven states do not criminalize domestic violence, and 15 states punish family violence only when it is a repeated offense. Victims generally did not report abuse for a variety of reasons, including fear of reprisal by their spouses, fear of becoming economically destitute if their spouses are imprisoned, and the general disinterest of authorities in prosecuting such offenses. In 2006 the then special Federal prosecutor for crimes against women, Alicia Elena Perez Duarte, reported that approximately 1,600 women were killed annually, mostly from domestic violence.

Gender-based violence in Ciudad Juarez, Chihuahua, continued with 19 killings of women during the year. By year's end nine suspects had been arrested, and four others were under investigation.

In 2006 the U.N. Committee for the Elimination of Discrimination Against Women stated that there were no visible results from government efforts to prevent gender violence. In 2005 the Special Rapporteur of the U.N. Commission on Human Rights on Violence Against Women, Yakin Erturk, stated that violence against indigenous women, in particular, was often "dismissed or justified within the context of cultural specificity."

The government's cabinet-level National Institute of Women (INMUJERES) reported that its national hot line established under the National Plan for a Life without Violence received more than 30,060 calls between January 1 and December 31. Although there were some government-funded shelters, civil society organizations and women rights groups maintained the vast majority of available shelters.

Prostitution is legal for adults, and it continued to be practiced widely. While pimping and prostitution of minors under age 18 are illegal, these offenses also were practiced widely, often with the collaboration or knowledge of police. The country is a destination for sexual tourists and pedophiles, particularly from the United States. There are no specific laws against sex tourism, although Federal law criminalizes corruption of minors, which is punishable by 5 to 10 years' imprisonment. Trafficking in women and minors for prostitution remained a problem.

The law prohibits sexual harassment and provides for fines of up to 40 days' minimum salary, but victims must press charges. Reports of sexual harassment in the workplace were widespread, but victims were reluctant to come forward, and cases were difficult to prove.

The law provides that women shall have the same rights and obligations as men, and that "equal pay shall be given for equal work performed in equal jobs, hours of work, and conditions of efficiency." According to the National Institute for Geographic and Informational Statistics (INEGI), the average salary for women was 7.4 percent less than that of men, compared with 12.6 percent less in 2004. However, according to INMUJERES, in some occupations the disparity reached 50 percent.

The law provides protection for pregnant women, which some employers reportedly sought to avoid by requiring pregnancy tests in preemployment physicals and by continuing to make inquiries into a woman's reproductive status.

Children.—The Government was committed to children's rights and welfare. Although the Government maintained programs to support maternal and infant health, provide stipends for educating poor children, subsidize food, and provide social workers, problems in children's health and education remained pervasive.

Public education is offered through the university level, including advanced degrees. Nine years of education are compulsory, and parents are legally responsible for their children's attendance. The 2002 INEGI census showed that 91 percent of children between ages 6 and 14 attended school, but only 68 percent of all children entering the first grade completed all 9 years of compulsory education. In 2003 average educational attainment among the population 15 years of age and older was 7.9 years.

The Government provided numerous health care programs for boys and girls on the basis of equal access. The U.N. Children's Fund (UNICEF) reported 98 to 99 percent immunization rates for 1-year-old children.

Child marriage remained a problem. Although there were no precise statistics, 12 percent of men and 27 percent of women married between the ages of 15 and 19, according to a 2003 INEGI report.

The Government estimated that 20,000 children were sexually exploited each year. Sexual tourism and sexual exploitation of minors were significant problems in the northern border area and in resort areas. On March 27, the Government enacted a law strengthening penalties against the commercial exploitation of minors and adults.

Trafficking in Persons.—While the law prohibits aspects of trafficking in persons, persons were trafficked to, from, or within the country.

The country was a point of origin, transit, and destination for persons trafficked for sexual exploitation and labor. The vast majority of non-Mexican trafficking victims came from Central America; lesser numbers came from Brazil, Cuba, Ecuador, China, Taiwan, India, and Eastern European countries. Victims were trafficked to the United States as well as to various destinations in the country. Sexual tourism and sexual exploitation of minors were significant problems in the northern border area and in resort areas. Women and children (both boys and girls), undocumented migrants from Central America, the poor, and indigenous groups were most at risk for trafficking.

Often poor and uneducated, trafficking victims were promised employment, but once isolated from family and home, they were forced into prostitution or to work in a factory or the agriculture sector. Other young female migrants recounted being robbed, beaten, and raped by members of criminal gangs and then forced to work in table dance bars or as prostitutes under threat of further harm to them or their families. Many illegal immigrants became victims of traffickers along the Guatemalan border, where the growing presence of gangs such as Mara Salvatrucha and Barrio 18 made the area especially dangerous for undocumented and unaccompanied women and children migrating north.

On November 27, the president signed into law legislation that makes trafficking in persons a Federal crime punishable by up to 12 years' imprisonment. In addition to the new Federal law, eight states enacted antitrafficking legislation (Michoacan, Chihuahua, Guerrero, Zacatecas, Tlaxcala, Baja California, Guanajuato, and Coahuila); 21 different state and Federal laws criminalize certain aspects of trafficking.

In addition to the provisions in the new Federal antitrafficking legislation, the law criminalizes corruption of minors, exploitation of children for commercial sex, and child pornography; anyone convicted of a crime related to a minor under the age of 18 can be sentenced from 5 to 10 years' imprisonment. If the illicit activity involves a minor under age 16, the sentence is increased by one third; if it involves a minor under 12 years of age, the sentence is increased by half. Persons who direct or facilitate such illicit activity for purposes of financial gain may be imprisoned for 6 to 10 years. When physical or psychological violence is used for sexual abuse or to profit from exploitation of a minor, the penalties are increased by up to one half. The law also forbids forced or compulsory labor.

The Government faced structural inefficiencies but made notable improvements in collecting data and fostering investigations, prosecutions, and convictions of trafficking cases. Authorities disrupted smuggling operations and arrested more than six suspected traffickers during the year. The Government pursued approximately eight trafficking cases, all of which were active at year's end. The Government conducted several rescues of potential trafficking victims, issued one active state arrest warrant, and made one arrest under Federal charges of child pornography. Securing convictions remained a challenge for the Government.

In April 2006 the PGR prevailed on appeal in a significant prosecution for trafficking in persons. The seven defendants, members of the Carreto family, were convicted, fined, and received prison sentences ranging from 19 to 27 years. Carreto family members filed an appeal and were freed from custody.

On July 2006 Jean Succar Kuri was extradited to the United States on charges of corruption of minors and child pornography, among others. His trial continued at year's end.

Thomas White remained in custody at year's end facing Federal charges for corruption of minors. In November, a Jalisco court overturned a lower state court's conviction on similar charges.

The PFP, as the predominant Federal law enforcement agency, is the lead operational and coordinating agency for antitrafficking efforts. The INM, PGR, Center for Research on National Security, the CNDH, the Foreign Ministry, and the Integral Development of the Family (DIF) also played key roles in combating trafficking, protecting victims, and prosecuting traffickers. During the year PFP appointed a director general directly responsible for trafficking cases and dedicated five investigative units exclusively to such cases; two units already initiated investigations. More than 60 PFP officers received a 40-hour training course on the conduct of trafficking investigations, and 300 PFP officers attended a 4-hour module at its training academy. The Government also participated in international investigations of trafficking during the year.

There were credible reports that individual local, state, and Federal police, immigration, and customs officials were involved in facilitating trafficking. On August 16, two INM officials, Oscar Manuel Navarrete Orozco and Maria America Maldonado Alfaro, were arrested and accused by PGR of leading an organized criminal group that trafficked persons, including undocumented workers. By year's end INM reported that it issued nine humanitarian visas to allow trafficking victims to remain in the country pending investigation of their cases.

The Government supported general trafficking prevention campaigns for children and women and administered special assistance programs for children repatriated to the country. While a partial framework existed to protect and provide social services to the victims of trafficking, undocumented migrants usually were deported before they could be identified and removed from the detention system. The Government increased cooperation with NGOs and international organizations, such as the International Organization for Migration, to build a network of trafficking victims' services and to identify potential trafficking victims. PFP managed a Web-based database to track missing persons, including potential trafficking victims.

Persons with Disabilities.—Although the law prohibits discrimination against persons with physical and mental disabilities in employment, education, access to health care, and the provision of other services, the Government did not effectively enforce all these provisions. Most public buildings and facilities in Mexico City did not comply with the law requiring access for persons with disabilities. The Federal Government stated that entrances, exits, and hallways in all of its offices had been made accessible to persons with disabilities, and in 2005 it began a program to improve access in 13 airports. The education system fell short of providing special education for children with disabilities, serving approximately 400,000 students of an estimated 2 million with disabilities in 2004; only 42 percent of municipalities in the country provided special education.

Although the Government made progress in treating persons with mental health illnesses, government resources devoted to the problem remained inadequate.

The secretary of health collaborated with the secretaries of social development, labor, and public education, as well as with DIF and the Office for the Promotion and Social Integration of the Disabled, to protect the rights of persons with disabilities. The Government established offices and programs for the social integration of persons with disabilities, including a program to enhance job opportunities and launch an online portal to disseminate information and assistance.

Indigenous People.—The indigenous population has been long subject to discrimination, repression, and marginalization. Indigenous communities, located principally in the central and southern regions, represented 37 percent of the population in the

states of Oaxaca and Yucatan. These groups remained largely outside the political and economic mainstream, due to longstanding patterns of social and economic marginalization. In many cases their ability to participate in decisions affecting their lands, cultural traditions, and allocation of natural resources was negligible.

Political groups, NGOs, and indigenous community leaders continued to allege the use of excessive force against indigenous people. Many such groups considered the continued presence of military units in selected areas of Chiapas and Guerrero to be intimidating.

Chiapas state authorities, while conducting an investigation into illegal activities in the area, temporarily detained 39 Tzeltal indigenous women, men, and children evicted from the Montes Azules nature reserve in Chiapas on August 18. All individuals were released, but NGOs noted ongoing concern with a land dispute between the community and state government.

Indigenous people did not live on autonomous reservations, although some indigenous communities exercised considerable local control over economic, political, and social matters. In the state of Oaxaca, for example, 70 percent of the 570 municipalities were governed according to the indigenous regime of "usages and customs" law, which did not follow democratic norms such as the secret ballot, universal suffrage, and political affiliation. These communities applied traditional practices to resolve disputes and choose local officials. While such practices allowed communities to elect officials according to their traditions, "usages and customs" laws tended to exclude women from the political process and often infringed on other rights of women.

The law provides some protection for indigenous people, and the Government provided support for indigenous communities through social and economic assistance programs, legal provisions, and social welfare programs. Budget constraints, however, prevented these measures from meeting the needs of most indigenous communities, as severe shortages in basic infrastructure as well as health and education services persisted.

The law provides that educational instruction shall be conducted in the national language, Spanish, without prejudice to the protection and promotion of indigenous languages. However, many indigenous children spoke only their native languages, and the Government did not provide a sufficient number of native language or bilingual teachers.

The Government generally showed respect for the desire of indigenous people to retain elements of their traditional culture. During the year the CNDH investigated 173 complaints of violations of human rights among the indigenous population and concluded that 64 were credible. More than 130 NGOs were dedicated to the promotion and protection of indigenous rights.

Other Societal Abuses and Discrimination.—While homosexuals experienced a growing social acceptance, the National Center to Prevent and Control HIV/AIDS stated that discrimination persisted. Homophobic beliefs and practices were common, reflected principally in entertainment media programs and everyday attitudes. Reports of attacks against homosexuals and transsexuals were frequent.

The law prohibits several types of discrimination, including bias based on sexuality, and requires Federal agencies to promote tolerance.

There were several incidents of harassment and violent attacks against homosexuals. There were no updates on the minor arrested for the 2005 killing of Octavio Acuna, an activist for the rights of persons with HIV/AIDS.

On September 24, the SCJN ruled on the fifth case of eight soldiers who alleged discrimination by their superiors because they were summarily discharged after being tested HIV-positive. The SCJ ordered SEDENA to reinstate the soldiers in their former positions.

There were credible reports that police, immigration, and customs officials frequently violated the rights of undocumented migrants, including committing rape. In July media and human rights groups reported that military units raided migrant camps in Chiapas and abused residents. Military and government officials denied these reports, and no investigations were conducted at year's end. Undocumented migrants rarely filed charges in such cases because the authorities generally deported such persons who came to their attention. The INM has 46 detention centers around Mexico specifically for undocumented migrants in Mexico. The CNDH reportedly has an office in each of these facilities to ensure that human rights abuse is not committed against detainees.

On January 10, Jose Alejandro Solalinde, a priest, and 18 Central American migrants were beaten and detained for 7 hours by eight police officers in Ixtepec, Oaxaca. On December 13, the CNDH issued recommendations Oaxaca governor Ulises Ruiz, the PGR, and municipal police officials of Ixtepec, Oaxaca, and the case remained pending at year's end.

During the year CNDH issued more than 15 recommendations to government agencies regarding Central American migrants and received 388 complaints of violations of migrant rights by Federal and local level government officials.

Section 6. Worker Rights

a. The Right of Association.—Federal law provides workers the right to form and join trade unions of their choice, and workers exercised this right in practice. According to INEGI, there were 42.4 million workers in the workforce, with 15 million in the formal sector—those paying taxes to the Mexican Institute for Social Security (IMSS).

Approximately 25 percent of the formal sector was unionized. By law 20 workers can form an independent union with a formal registration. However, administrative procedures for registration are complex and burdensome, and government labor boards frequently rejected independent unions' registration applications on technicalities. A new union also must challenge the government-sanctioned union, if one exists, for control of the labor contract. Credible reports continued to note the use of protection contracts, which consist of an agreement whereby the company pays a monthly sum to the union in exchange for industrial peace. Workers rarely democratically chose such unions, and exclusion clauses in these protection contracts gave promanagement unions the right to demand the dismissal of certain workers.

Representation elections are traditionally open; management and officials from the existing union are present with the presiding labor board official when workers openly and individually declare their votes. Open elections sometimes resulted in intimidation of prounion workers and workers dissatisfied with their current union wishing to affiliate with a different, independent union.

b. The Right to Organize and Bargain Collectively.—The law provides for the right to organize and bargain collectively, and the Government protected this right in practice. Collective bargaining contracts covered approximately 7 percent of workers. The law provides for the right to strike in both the public and private sector, and workers exercised this right. However, only officially recognized unions can call for a strike; before a strike can be considered legal, a union must receive approval of a strike notice from the appropriate labor authorities. This results in a large backlog of strike notice requests at the state level. Although few formal strikes actually occurred, informal stoppages of work were common.

There are no special laws or exemptions from labor laws in export processing zones. Management in the maquila (in-bond export) sector and elsewhere sometimes used protection contracts to discourage workers from forming authentic unions at a company, in contravention of freedom of association principles. Such contracts were collective bargaining agreements negotiated by management and a representative of a so-called labor organization without the knowledge of the workforce, sometimes even prior to hiring a single worker in a new factory. Human Rights Watch attributed the problem to the lack of legally recognized independent unions that could negotiate strong and fair collective bargaining agreements.

On April 9, migrant farm worker organizer Rafael Santiago Cruz was beaten and killed in the Farm Labor Organizing Committee (FLOC) office in Nuevo Leon. Human rights and labor organizations alleged that Cruz was killed because of his organization's involvement in representing migrant laborers traveling to the United States. Since FLOC established its office in Monterrey in 2005, it has been the victim of attacks in the media, deportation threats, several robberies, and violent intimidation. On May 25, state authorities arrested an acquaintance of the victim, who named two additional individuals as involved in the crime. The investigation continued at year's end, and two additional suspects remained at large.

c. Prohibition of Forced or Compulsory Labor.—Although the law prohibits forced or compulsory labor, including by children, such practices commonly persisted in both rural and industrial sectors. Migrants and children were the most vulnerable. There were numerous anecdotal reports of mistreatment and exploitation of Guatemalan and other migrant workers.

d. Prohibition of Child Labor and Minimum Age for Employment.—The law protects children from exploitation in the workplace, including a prohibition of forced or compulsory labor; however, the Government did not effectively enforce such prohibitions. The law prohibits children under age 14 from working, and those between ages 14 and 16 may work only limited hours with parental permission, with no night or hazardous work. According to UNICEF's most recent statistics, 16 percent of children age 5 to 14 were involved in child labor activities. The main sectors where child labor occurred were in sexual exploitation of children and agriculture.

The Secretariat of Labor (STPS) is charged with protecting worker rights. However, the STPS specifically and publicly stated that its mandate does not extend to

the area of child labor. The Secretariats for Labor and Social Development, the Attorney General's Office, and The Family Development Institute each have responsibility for enforcement of child labor laws or intervening in cases where such laws are violated. Government enforcement was reasonably effective at large and medium-sized companies, especially in the maquila sector and other industries under Federal jurisdiction. Enforcement was inadequate at many small companies and in the agriculture and construction sectors, and it was nearly absent in the informal sector in which most children worked.

During the year STPS, the Secretariat of Social Development, and DIF carried out programs to prevent child labor abuses and promote child labor rights, including specific efforts to combat the commercial sexual exploitation of children.

It was not uncommon to find girls under the age of 15 working in prostitution. Trafficking in children for sexual exploitation was a problem.

e. Acceptable Conditions of Work.—The law provides for a daily minimum wage, which is set each December for the coming year. For the year the minimum daily wages, determined by zone, were: $4.60 (51 pesos) in Zone A (Baja California, Federal District, State of Mexico, and large cities); $4.46 (49 pesos) in Zone B (Sonora, Nuevo Leon, Tamaulipas, Veracruz, and Jalisco); and $4.33 (48 pesos) in Zone C (all other states). The minimum wage did not provide a decent standard of living for a worker and family, and only a small fraction of the workers in the formal workforce received the minimum wage. The STPS is charged with protecting worker rights, including minimum wage provisions in the law, and it did so effectively.

The law sets six 8-hour days and 48 hours per week as the legal workweek. Any work over 8 hours in a day is considered overtime, for which a worker receives double the hourly wage. After accumulating 9 hours of overtime, a worker earns triple the hourly wage, and the law prohibits compulsory overtime. However, there were labor rights disputes filed with labor boards and international labor organizations during the year with complaints that workers did not receive overtime pay they were owed.

The law requires employers to observe occupational safety and health regulations, issued jointly by the STPS and the IMSS. Legally mandated joint management and labor committees set standards and were responsible for workplace enforcement in plants and offices. Individual employees or unions may complain directly to inspectors or safety and health officials. Workers may remove themselves from hazardous situations without jeopardizing their employment. Plaintiffs may bring complaints before the Federal labor board at no cost to themselves.

While STPS and IMSS officials reported that compliance was reasonably good at most large companies, there were not enough Federal inspectors to enforce health and safety standards at smaller firms.

On March 20, a state judge implicated and formally charged five managers of Industrial Minera Mexico Sociedad Anonima and also former officials in the Fox administration in connection with the February 2006 mining accident in Coahuila State that killed 65 miners. They were accused and sentenced to prison by a state court judge for not guaranteeing minimum conditions of security for the miners killed in the explosion. The five managers paid a fine; however, the details of the fine were not publicly released.

NICARAGUA

Nicaragua is a constitutional democracy with a population of approximately 5.7 million. On January 10, Daniel Ortega of the Sandinista National Liberation Front (FSLN) was sworn in as president, following November 2006 elections that international observers characterized as generally free and fair. While civilian authorities generally maintained effective control of the security forces, there were instances in which elements of the security forces acted independently.

The most significant human rights abuses during the year included: Harsh prison conditions; arbitrary application of justice, lack of respect for the rule of law, and widespread corruption and politicization of the judiciary, the Supreme Electoral Council (SEC), and other government organs; intimidation and harassment of journalists and undermining of press freedom; intimidation of nongovernmental organizations (NGOs); politicization of the Office of Human Rights Ombudsman; domestic violence; violence against children and widespread child labor; discrimination against indigenous communities; discrimination against homosexuals and persons with HIV/AIDS; trafficking in persons; and violations of trade union rights, especially in free trade zones (FTZs).

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life.—The Government or its agents did not commit any politically motivated killings. However, NGOs, the media, and private citizens complained to the Nicaraguan national police (NNP) about alleged unlawful killings by police officers. Although the courts rarely found officers guilty, the Office of the Police Inspector General (IG), which makes determinations independently of court rulings, conducted parallel investigations and administered punishments including demotion and dismissal of officers.

On March 20, an unknown number of assailants reportedly wearing army and police uniforms fatally shot Villanueva Delgadillo Obando, the mother of three of five suspected cattle thieves tortured on January 12 in Nueva Guinea by a police and army team. On August 6, assailants also wearing army and police uniforms fatally shot Villanueva Delgadillo Obando's husband, Gilberto Artola Delgadillo. Before killing Gilberto Delgadillo, the assailants reportedly forced him to watch them rape his daughter and granddaughter. In August the Nicaraguan Center for Human Rights (CENIDH) filed a complaint regarding the killings and related abuses of the Delgadillos with the Office of the Attorney General and in September reported the matter to the Inter-American Commission on Human Rights (IACHR). In October police arrested three suspects, who were awaiting trial at year's end.

The NGO Association of the Friends of Police in Nueva Guinea reportedly financed and assisted local cattle ranchers to undertake vigilante justice killings of alleged thieves. The public prosecutor in Nueva Guinea then launched an investigation into local police involvement. At year's end there was no further information regarding the status of the case.

b. Disappearance.—There were no reports of politically motivated disappearances.

c. Torture and other Cruel, Inhuman, or Degrading Treatment or Punishment.—Although the law prohibits such practices, human rights and other NGOs received complaints that police used excessive force, causing injuries to criminal suspects during arrests. The NGO Center for the Prevention of Violence reported that police used excessive force in the arrest of adolescent boys suspected of criminal activity, including gang violence and drug trafficking. By year's end there were no comprehensive inspector general statistics on the volume of these cases.

CENIDH reported to police authorities and media that on January 12, in Nueva Guinea Department a police team, supported by two army officers, apprehended and tortured five men suspected of cattle theft. CENIDH stated that police authorities failed to seek medical treatment for the injured detainees. Between February and March the inspector general took disciplinary action against the Nueva Guinea officers suspected of involvement in the incident, which resulted in the dishonorable discharge of Officer Lidia Bermudez Gonzalez and the suspension of Nueva Guinea Chief of Police Edgardo Porfirio Coronado, Captain Misael Enoc Hurtado Aragon, and Lieutenant Jose Joaquin Gutierrez Velasquez.

Prison and Prison Detention Center Conditions.—Prison conditions remained harsh. Although the Ministry of Government acknowledged the need to upgrade and modernize the prison system, the ministry continued to lack resources to deal effectively with overcrowding; antiquated and inadequate infrastructure; and lack of sanitation, food, and medical supplies. The Government did not report statistics regarding the entire prison population but estimated that the number of inmates continued to exceed the capacity of prisons and police holding cells. Bluefields Prison in the Southern Atlantic Autonomous Region (RAAS) held 118 inmates in a facility designed for 40 prisoners.

Many prisoners received additional food, medical supplies, and medical attention from visitors and some religious and charitable organizations. Conditions in jails and holding cells remained harsh; many facilities had deteriorated infrastructure, lacked potable water, were vermin infested, and had inadequate electric and sewage systems. Holding cells were poorly ventilated, unhygienic, and overcrowded. Suspects regularly were left in holding cells during trial because budgetary shortfalls restricted the use of fuel for transfer via vehicle to distant courtrooms.

In June authorities put inmate Manuel Ignacio Lacayo, who was imprisoned for failure to pay court-ordered child support, in a cell with a convicted murderer. Media reported that authorities denied Lacayo visitors and medical attention for his heart condition. Several civil society groups asserted that Lacayo's incarceration was an act of political retribution by the Government due to Lacayo's membership in an opposition party.

According to a 2007 Bluefields Indian and Caribbean University (BICU) study, pretrial detainees were held with convicted prisoners in Bluefields Prison. There

were no special cells for juveniles; adolescent prisoners shared cells with adults. Women and men were held separately. Although conditions for female inmates reportedly were slightly better than those for male prisoners, prisons for women were overcrowded and lacked sufficient beds. The La Esperanza women's prison held 215 inmates in a facility with a capacity for 141 prisoners. In May an Association for the Defense of Women's Rights study reported that by the time they completed their sentences, a majority of female prisoners suffered serious mental and physical health problems. Although the Government permitted some prison visits by local and international human rights observers, in certain instances it restricted prisoners' access to visitors, attorneys, physicians, and human rights officials.

Civil society groups and members of opposition political parties stated that on a number of occasions authorities denied them access to prisons, prevented them from interviewing detainees, and were unresponsive to their requests for information about prisoners and access to prisons. At times the Government did not grant access to foreign government representatives to meet with their nationals in the country's prisons.

d. Arbitrary Arrest or Detention.—The law prohibits arbitrary arrest and detention, and the Government observed these prohibitions, with some exceptions.

Role of the Police and Security Apparatus.—The NNP is a single, unified force responsible for law enforcement throughout the country and is controlled by the Ministry of Government. There were 9,473 officers and civilian personnel in the NNP and 1,532 voluntary police, who filled staffing gaps in some areas. Due to lack of adequate police presence, citizens in remote parts of the country engaged in vigilante justice.

Under the joint control of the NNP and the municipal governments, municipal police are trained by the NNP, but their equipment and salaries are paid by local governments. Municipal police are charged with protecting public property directly controlled by the municipality and have legal authority to arrest and detain suspects.

Inadequate budget support for the NNP hampered efforts to improve police performance and resulted in a continuing shortage of officers. Low salaries rendered police officers susceptible to bribes, corruption, and drug trafficking, and volunteer police officers lacked training and professionalism to undertake effective law enforcement. Bluefields Provisional Court Judge Martin Henriquez Sotelo stated that the police force of the RAAS lacked the minimum resources and means to provide law enforcement to the department's remote and isolated communities. There was no physical police presence on Little Corn Island in the RAAS.

The army provided limited support in rural areas, primarily for combating drug trafficking. The IG investigated and remanded corruption cases of lower-level officers to the court system; it punished some officers through internal administrative measures. Impunity continued to be a problem within the police force.

Between January and October Police Commissioner Aminta Granera forced the retirement of 40 high-ranking NNP police officers on corruption charges.

Between January and November the Office of Internal Affairs investigated 2,190 cases of alleged police misconduct, including excessive force, searches without warrants, and unlawful use of firearms, among the professional and volunteer police force. Of these cases, 738 officers were sanctioned, including 152 who were dishonorably discharged. The office determined that of 1,286 complaints filed against police, 69 percent were human right violations, 19 percent were acts of corruption, and the remaining 11 percent were common offenses or minor infractions. Out of 1,456 police officers investigated for human rights problems, 377 were sanctioned with 21 dismissals, nine demotions, and 347 disciplinary actions.

Police trainees are required to receive human rights instruction to graduate from the police academy and become officers, and police officers must be certified annually in human rights awareness. Between January and October the police academy trained 1,141 officers and trainees in human rights principles. The authorities also taught specialized human rights courses to another 839 officers. The army included human rights training in its curriculum.

Arrest and Detention.—Persons are apprehended openly, and the law requires police to obtain a warrant from a judicial authority prior to detaining a suspect and to notify family members of the detainee's whereabouts within 24 hours. The law requires that a prosecutor accompany police making an arrest. Detainees have the right to an attorney as soon as they are arrested. Police may hold a suspect legally for 48 hours before they must bring the person before a judge to decide if charges should be brought. The judge then must order the suspect released or transferred to jail. Few prisoners were held illegally beyond the 48-hour deadline. After the initial 48 hours, the suspect has access to bail, visits from family members, and legal representation. According to the BICU study, the national police in Bluefields often

arrested suspects without informing them of their rights or of the charges against them, and denied detainees the right to contact a relative or confidant about their arrest.

Arbitrary lengthy pretrial detention was a problem.

e. Denial of Fair Public Trial.—Although the law provides for an independent judiciary, the judicial system remained susceptible to corruption and politicization and in practice did not function independently. Many judicial appointments were made based on nepotism, influence, or political affiliation. Once appointed, many judges were subject to political and economic pressures that affected their judicial independence. Human rights and lawyers' groups complained about the delay of justice caused by judicial inaction and impunity, especially regarding family violence and sexual abuse.

Trial courts continued to render controversial judgments in cases involving alleged drug traffickers. On December 14, a jury in Rivas found not guilty of wrongdoing three alleged drug traffickers suspected of killing an undercover police officer during a July ambush. The authorities freed the suspects the same day. Despite evidence against the defendants, media reported that jury members reportedly were afraid to decide in favor of convicting the suspects due to fear of retribution.

Although the Judicial Career Law requires that new judicial appointments be vetted through a procedural process, in October an ad hoc commission of the Supreme Court of Justice named four judges to the Family Court without following the vetting requirement.

In March Director of the National Penitentiary Carlos Sobalvarro relaxed the 2005 house arrest restrictions on former president Arnoldo Aleman, convicted in 2003 of money laundering, fraud, and corruption, allowing Aleman to move freely throughout the country. Legal rights experts asserted that the director's decision violated the penitentiary law, which does not contemplate the release from house arrest of convicted persons. On December 13, two Managua Court of Appeals judges rendered a final decision that upheld the 2003 conviction and returned Aleman to house arrest for medical reasons.

The judicial system comprises both civil and military courts. The 16-member Supreme Court of Justice is the system's highest court, administers the judicial system, and nominates all appellate and lower court judges. The Supreme Court of Justice is divided into specialized chambers on administrative, criminal, constitutional, and civil matters. The law requires that the attorney general investigate crimes committed by and against juveniles. The Office of the Prosecutor under the Public Ministry has the authority to investigate criminal and civil matters. The military code requires that the civilian court system try members of the military charged with common crimes.

Trial Procedures.—Trials are public and juries are used. Defendants have the right to legal counsel and are presumed innocent until proven guilty. The law provides public defenders to represent indigent defendants. Defendants can confront and question witnesses who testify against them and also have the right to appeal a conviction. The Napoleonic legal process continued to be used for some old cases, particularly those which had been on appeal many times. The law extends the above rights to all citizens regardless of gender, ethnicity, disability or other status.

The country continued to lack an effective civil law system, with the result that private litigants often filed their cases as criminal complaints to force one party to concede rather than face the prospect of detention in jail. This civil-based criminal caseload continued to divert resources from an overburdened prosecutor.

Political Prisoners and Detainees.—There were no reports of political prisoners or detainees.

Civil Judicial Procedures and Remedies.—The law provides that persons can file lawsuits seeking damages for human rights violations before civil courts. In practice many members of the judiciary did not render impartial judgments in civil matters and were not independent of political or other influence. The law also permits litigants to resolve civil claims through mediation. Due to bureaucratic inefficiencies, litigants unable to resolve claims through mediation often had to wait months or years for the courts to process their claims, including the enforcement of domestic court orders.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The law prohibits such actions, and the Government generally respected these prohibitions in practice.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech and of the press, and the Government generally respected these rights in practice;

however, several constitutional provisions potentially qualify freedom of the press. The Constitution stipulates that citizens have the right to "accurate" information, interpreted as granting the Government the right to alter information it deems inaccurate. Although the right to information cannot be subject to censorship, the law establishes retroactive liability, implying the potential for sanctions against the press. During the year the Government did not invoke these provisions.

On December 20, the attorney general created a freedom of access to information office to serve as the Government institution responsible for carrying out the freedom of access to information law.

Upon assuming office on January 10, President Ortega appointed his wife, Rosario Murillo, as director of the Communications and Citizenry Council to oversee the executive's press relations and public information. Legal rights advocacy groups claimed that the appointment violated the Constitution. Journalists complained that the Government restricted media access to information, offered preferential treatment to media loyal to the FSLN party, intimidated media outlets and journalists into self-censorship, and otherwise hampered the integrity of an independent media. On March 1, the Communications and Citizenry Council signed an agreement with the civil society group College of Journalists to convoke monthly meetings with reporters to discuss press freedom and the reallocation of state-funded publicity, upon which small- and medium-sized media depended. By year's end the council had not held any meetings or responded to journalists' appeals to distribute state-funded advertising on an equal basis among media.

There were instances of threats and acts of aggression against journalists. On December 16, political cartoonist for La Prensa Manuel Guillen and his family received anonymous death threats via electronic text message. At year's end there was no information regarding any investigation of the threats.

Media reported that Marisol McRea Quiroz, FSLN mayor of San Carlos in Rio San Juan Department, and other government officials shut down two radio programs in August for refusing to comply with government demands to stop criticizing municipal authorities.

Despite a constitutional provision providing tax exemption, in September customs authorities impounded printing materials imported by La Prensa, until the company paid import duties. La Prensa asserted that the impoundment was government harassment of large media. Two weeks later the Government returned the impounded materials.

By year's end there were no developments regarding the October 2006 complaint filed with the Public Ministry, the SEC, and the public prosecutor by journalists Miguel Figueroa Rugama, Famnuel Ubeda Henriquez, and Leonidas Rodriguez, who received death threats from a group of FSLN supporters while covering a preelection Ortega campaign caravan.

Internet Freedom.—There were no government restrictions on access to the Internet or reports that the Government monitored e-mail or Internet chat rooms. Individuals and groups could engage in the peaceful expression of views via the Internet, including by e-mail. Frequent power outages and infrastructure problems hampered citizens' access to Internet and e-mail services.

Academic Freedom and Cultural Events.—There were no government restrictions on academic freedom or cultural events.

b. Freedom of Peaceful Assembly and Association.

Freedom of Assembly.—The law recognizes the right to public assembly, demonstration, and mobilization in conformity with the law, which requires demonstrators to obtain permission for a rally or march by registering its planned size and location with the police.

The Government generally respected this right in practice.

Freedom of Association.—The law provides for this right, including the right to organize or affiliate with political parties, and the Government generally respected it in practice. The law does not permit private associations to conduct private fundraising or receive public financial support without authorization from the National Assembly.

c. Freedom of Religion.—The Constitution provides for freedom of religion, and the Government generally respected this right in practice.

All religious organizations are required to register for legal standing. The government's requirements for legal recognition of a religious group are similar to its requirements for other private associations. Following National Assembly approval, a religious organization must register with the Government as an association or a foundation and with the tax office to obtain tax-free status. The registration process was at times lengthy and bureaucratic. The Government considers foreign mis-

sionary groups seeking to engage in activities related to religious work to be temporary residents and requires them to obtain a religious worker visa, which the authorities routinely provided.

Societal Abuses and Discrimination.—There were no reports of societal abuses or discrimination, including anti-Semitic acts. The Jewish community had fewer than 50 members.

For a more detailed discussion, see the 2007 International Religious Freedom Report.

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons.—The law provides for freedom of movement within the country and freedom to travel and emigrate, and the Government generally respected these rights in practice.

Protection of Refugees.—The right of citizens to return to the country is not established in the Constitution, but the Government did not restrict its citizens' return in practice. There was no information available regarding the Government's cooperation with the Office of the U.N. High Commissioner for Refugees (UNHCR) relating to protection and assistance to internally displaced persons, refugees, returning refugees, asylum seekers, stateless persons, and other persons of concern.

The law prohibits forced exile, and the Government did not employ it. There were no reports of political violence against citizens returning from civil-war-era, self-imposed exile. The law provides for the granting of asylum or refugee status in accordance with the 1951 U.N. Convention relating to the Status of Refugees and its 1967 protocol, and the Government has established a system for providing protection to refugees. In practice the Government provided protection against refoulement, the return of persons to a country where there is reason to believe they feared persecution. There was no information available on the number of people granted refugee status or asylum by the Government during the year.

Stateless Persons.—Citizenship is derived by birth within the territory, from one's parents, or through a formal naturalization process. Many persons, especially in rural areas, had not been registered and given a birth registration certificate, which is required for demonstrating citizenship. Although there were no statistics available on the number of persons without birth registration certificates, there were reports that poor women and youth were most likely to lack certificates. Persons without citizenship documents were unable to participate in the legal economy, conduct bank transactions, and in practice were subject to other restrictions in employment, access to courts, and land ownership. There were reports that women and children lacking citizenship documents were vulnerable to sexual exploitation by traffickers.

The Government did not effectively implement laws and policies to provide citizens living outside of the country access to citizenship documents on a nondiscriminatory basis.

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

The law provides citizens 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.—On January 10, Daniel Ortega of the FSLN was sworn in as president, following November 2006 elections that international observers characterized as generally free and fair. The final results of the election were not publicly released.

There continued to be widespread concerns that the two main political parties, the FSLN and the Constitutional Liberal Party, controlled and manipulated the SEC to limit distribution of documents to all eligible citizens, and that department-level council magistrates arbitrarily denied to persons citizenship and voting registration documents.

Political opposition groups, lawyers, and civil society organizations stated that the Government's November 30 installation of the Citizen Power Councils (CPCs) under executive branch control violated the rule of law, politicized citizen participation along party lines, and established a vertical power structure that undermined civil society. Although the executive branch failed in September to obtain enough National Assembly votes, President Ortega vetoed National Assembly reforms to the Law of Citizen Participation that would have restricted the installation of the CPCs within the executive branch. On November 30, the president issued a decree declaring the formal establishment of the CPCs. On December 5, three FSLN justices and their alternates of the Constitutional Chamber of the Supreme Court of Justice upheld the presidential decree. However, Chief Justice Manuel Martinez and other justices rejected as illegal the executive decision to create the CPCs. At year's end

all CPCs operated from local FSLN offices and were chaired only by local FSLN party secretaries.

Political parties could operate without restriction or outside interference.

There were 19 women deputies in the 92-seat National Assembly, five women justices in the 16-member Supreme Court of Justice, and five women in the 13 cabinet-level posts. No specific National Assembly seats were set aside for women or minorities. Seven persons from indigenous groups in the Northern Atlantic Autonomous Region (RAAN) and the RAAS were deputies in the National Assembly.

Government Corruption and Transparency.—The law does not specify particular corruptive practices or make it a crime to cause monetary damage to the state. There was widespread public perception of corruption and political deal making in many government institutions, including the judiciary, the National Assembly, the SEC, the Office of the Comptroller General, the Office of the Human Right Ombudsman, and the Office of the National Prosecutor. The World Bank's worldwide governance indicators reflect that corruption was a serious problem. Authorities continued the 2006 investigation of Human Rights Ombudsman Omar Cabezas for using government funds for personal benefit.

There were instances in which the Government manipulated the administration of justice. Civil society organizations complained that the June 27 removal of Deputy Alejandro Bolanos Davis from the National Assembly, through a collaborative effort by the Supreme Court of Justice, the National Assembly leadership, and the CSE, violated due process and constituted political retribution. In May Bolanos had questioned publicly the legality of several real property transactions made by FSLN party officials with close ties to the executive branch.

The Office of the Comptroller is responsible for monitoring the compliance of government officials and institutions with anticorruption laws.

The law allows citizens the right to petition and access information from the Government. Some journalists and civil society representatives expressed concerns about certain provisions of the law, including a prohibition on the public release of information on the personal finances of government officials, which conflicts with another provision requiring financial disclosure by high-level officials, and a requirement that the press must "responsibly" report information obtained and "contrast it with other sources."

In May the National Assembly passed a freedom of information act that provides citizens the right to access public information. On December 20, the law entered into force.

Section 4. Governmental Attitudes Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A wide variety of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials often were uncooperative and unresponsive to their views. Some domestic human rights organizations reported experiencing increased problems when filing petitions with the courts, and believed that the comptroller and tax authorities audited and scrutinized their accounts and record keeping as a means of intimidation. Some human rights organizations reported experiencing increased problems in scheduling meetings and obtaining information from the Government and the ombudsman.

The Permanent Commission on Human Rights (CPDH), CENIDH, and other NGOs reported that government officials threatened them and sought to discredit and disband their organizations. CPDH employees and their families reported that unknown actors made death threats against them due to CPDH's involvement with the Miskito community case against President Ortega and other FSLN leaders for alleged human rights abuses committed in the 1980s. CPDH reported that police failed to investigate these incidents and that FSLN-affiliated radio stations launched a smear campaign against CPDH. NGOs also reported that the Government was sidelining organizations not affiliated with the FSLN from participating in social programs, such as Zero Hunger and Zero Usury, and instead used the CPCs to carry out these programs.

On November 22, the Public Ministry began investigating nine prominent women's rights advocates who had provided social and legal services to a 14-year-old sexual abuse victim allegedly impregnated by her stepfather. A court had sentenced the stepfather to 30 years' imprisonment for sexually abusing her. At year's end the ministry continued its investigation of the women's rights advocates. NGOs complained that the ministry launched the investigation to intimidate defenders of women's rights.

The Government provided the Office of the Human Rights Ombudsman with a modest increase to its minimal budget, which the office used primarily to augment

salaries for its high-ranking staff members. The ombudsman conducted investigations free from government interference, on topics including the education system, corporal punishment in schools, and the rights of persons with disabilities. Between January and March the ombudsman received 1,030 complaints of human rights abuses, representing a 35 percent increase from the previous year. At year's end the Government had not provided a public response to the ombudsman reports. Human rights NGOs and former ombudsman officials asserted that the ombudsman was overly politicized, influenced by partisan interests, and lacked independence to comply with its mandate.

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

The law prohibits discrimination on the basis of race, gender, disability, language, or social status. In practice the Government often did not enforce these legal protections, and aggrieved persons filed few discrimination suits or formal complaints.

There were reports of societal abuses and discrimination against persons of Afro-Caribbean descent, indigenous communities, homosexuals, and persons with HIV/AIDS.

Women.—The law criminalizes all forms of rape, regardless of the relationship between the victim and the accused. The Women's Police Commissariats reported that during the first 6 months of the year, there were 644 cases of rape, 171 cases of attempted rape, and 351 cases of statutory rape, an increase in all three categories from the same period of the previous year. There were no reliable statistics regarding the number of rape prosecutions or convictions. Women can seek to have the law against rape applied against spouses. Many women were reluctant to report abuse or file charges due to the social stigma attached to rape, fear of retribution, and loss of economic security.

By year's end the IACHR had not addressed the 2003 complaint of Zoilamerica Narvaez that the Government had denied her due process in 2002 by dropping sexual molestation, harassment, and rape charges against her stepfather, President Daniel Ortega. Narvaez continued to petition the IACHR to take her case.

The law criminalizes domestic violence and provides up to 6 years' imprisonment for those found guilty. The law also provides for the issuance of restraining orders for women who fear for their safety. NGOs indicated that the law was selectively enforced. Spousal abuse was widespread and underreported. The Supreme Court of Justice Institute of Forensic Medicine reported that as of August, there were 7,336 cases of domestic violence, which represented approximately 20 percent of reported cases of violent acts and accidents against women. Of these, 47 percent were between domestic partners, and approximately 5 percent involved domestic violence against children. The Office of the Human Rights Ombudsman and women's rights NGOs reported that 63 women were violently killed, mostly by spouses and domestic partners.

Police Commissioner Aminta Granera required police officers to complete training sponsored by the Center for the Prevention of Violence and other NGOs to improve the police's capacity to deal with domestic violence. The NNP's "Break the Silence" campaign to raise public awareness about domestic violence and help victims of domestic abuse identify themselves and denounce perpetrators led to more women filing complaints of gender-based and domestic violence.

Reports of violence against women continued to increase, a rise likely attributable to a greater public willingness to come forward to authorities. Primarily due to cultural attitudes, impunity regarding violence against women remained a problem. The law requires female victims of sexual crimes to undergo medical testing from Supreme Court of Justice forensics specialists to provide evidence necessary for proceeding with legal action against perpetrators. A lack of female forensic doctors deterred women from taking legal action against sexual offenders. Sexual abuse and rape of adolescent girls continued, including cases involving incest.

There were no government-operated shelters dedicated to female victims of violence and other forms of abuse. The Network of Women against Violence operated the only three shelters in the country that were designated solely to assist women.

There were 32 women's commissariats operating throughout the country. The commissariats provided social and legal help to women, mediated spousal conflicts, investigated and helped prosecute criminal complaints, and referred victims to other governmental and nongovernmental assistance agencies. Although they intensified public awareness campaigns to encourage women to report spousal abuse and other violence, some were in locations that were difficult to reach and lacked essential equipment and funding to undertake adequately their responsibilities.

By year's end the Women's Police Commissariats reported a 36 percent increase in societal violence against women but noted that the increase was likely not capturing the full extent of the problem. On December 18, the national police director

and the Women's Police Commissariats launched a campaign dedicated to the prevention of domestic violence, entitled "A Home Can't Be Built With Violence," with the aim of involving all family members to combat domestic violence.

Prostitution is legal for persons 14 years of age and older, but the law prohibits its promotion, including procurement. Prostitution was common; in Managua most prostitutes worked on the streets, in nightclubs and bars, or in massage parlors. The law criminalizing sex tourism imposes a penalty of 5 to 7 years' imprisonment for convicted offenders. The NNP reported no cases of sex tourism during the year.

The law prohibits sexual harassment, and those convicted face between 1 and 3 years' imprisonment, or between 3 and 5 years' imprisonment if the victim is under 18 years old. The Network of Women against Violence reported that the law was rarely enforced and that police statistics did not fully reflect the extent of the problem.

The Office of the Human Rights Ombudsman Special Prosecutor for Women and the Nicaraguan Women's Institute are the principal government entities charged with protecting the legal rights of women. However, their effectiveness was limited. The NNP Office of the Superintendent of Women is responsible for enforcing the law to protect women. According to women's advocacy NGOs, the NNP Office of the Superintendent of Women was the most effective advocate for women's rights.

Under the law women enjoy the same rights as men, including with regard to family and property matters. There were reports that the authorities discriminated in property matters against poor women who lacked birth certificates or national identity cards.

Children.—Although the Government publicly expressed its commitment to children's human rights and welfare, it did not adequately fund children's programs and primary education. Children's rights NGOs asserted that although the Government's free healthcare and education programs were positive developments, the Government's commitment to children's rights had actually receded. The Office of the Ombudsman Special Prosecutor for the Rights of Children and Adolescents complained that the rights of children were not a priority for the Government.

An unknown number of children and adolescents lacked birth certificates, were not listed in the national civil registry, and therefore lacked legal identity. As a result many children were denied public services and had to work or beg in the streets.

The law provides for free and compulsory education through the sixth grade. Despite a government prohibition instituted in January on such fees, some schools continued to solicit students and their parents to pay voluntary fees for registration, exams, and other services. According to Ministry of Education statistics, approximately 500,000 school-age children did not attend school. Pan American Health Organization data reported that 18 percent and 60 percent of primary and secondary school-age children, respectively, did not attend school. Approximately 19 percent of the population over 6 years of age was illiterate. There were no significant differences in school treatment or attendance between girls and boys.

Although medical care was often limited, boys and girls enjoyed equal access.

Violence against children remained a significant problem. According to the Center for Prevention of Violence, one of three girls and one of five boys had been the victim of sexual abuse. The NNP reported that it had received 1,464 reports of sexual abuse against children and 530 complaints of sexual exploitation of minors and children. NGOs reported an increase in forced child marriage between young girls and older men. There was no information available on government efforts to combat the problem.

Child prostitution remained a problem. The law permits juveniles 14 years of age or older to engage in prostitution.

An ombudsman study reported that approximately 25 percent of children living in Ministry of Family child protection centers were sexually, physically, or emotionally abused. The ombudsman characterized the living situation of the children at the centers as "jail-like conditions." By year's end the Office of the Ombudsman Special Prosecutor for the Rights of Children and Adolescents had asked the Ministry of Family to investigate the child protection centers.

Trafficking in Persons.—The law states that recruiting or enrolling victims for the purpose of prostitution, within or outside the country, constitutes trafficking. Although the law defines trafficking in persons as forced sexual exploitation, it does not identify forced labor exploitation as trafficking.

The Government reported that Nicaragua was primarily a country of origin and transit for trafficking in persons but that it was not a destination country for human trafficking. The country was a source for women and children trafficked for sexual exploitation primarily to El Salvador, Guatemala, Honduras and Costa Rica.

Victims were also trafficked internally. The Government did not report information on the prevalence of the problem during the year. Persons trafficked from the country to foreign destinations usually were young women and girls from rural areas and poor neighborhoods in urban centers, who were recruited ostensibly as domestic servants, nannies, and waitresses and then forced to work as prostitutes in the countries of destination. Traffickers lured, with the promise of proper travel documentation, persons lacking national identity cards.

Trafficking within the country usually involved poor rural women and girls, who were the main groups of persons at risk, drawn to major urban centers to work as prostitutes. Young women from poor areas of Managua and border towns were at greatest risk from internal and external trafficking. According to NNP and media reports, the victims of external trafficking were often approached by acquaintances who offered lucrative jobs in neighboring countries. NGOs received reports that Venezuelan traffickers lured victims with promises of scholarships in that country.

The Government and NGOs reported that trafficking was associated with organized crime. The Office of the Special Prosecutor for Children and Adolescents reported that female prostitutes and brothel owners were involved in recruitment of trafficking victims.

Many victims were trafficked using legal migration procedures. Traffickers sometimes exploited the minimal documentation requirements within El Salvador, Guatemala, Nicaragua, and Honduras to transport Nicaraguan trafficking victims through official ports of entry. Traffickers also took advantage of the low price of falsified immigration documents to move victims through the country. The NGO Casa Alianza reported that traffickers did not need to use clandestine methods to transport victims because traffickers were able to operate freely within the country using regular public and private transportation services.

Trafficking carries a sentence of between 4 and 10 years in prison. The maximum penalty is applied against perpetrators in cases where the victim is married, less than 14 years of age, or living as a concubine with the perpetrator. There is no penalty for attempted trafficking.

Labor trafficking is not criminalized, and laws against commercial sexual exploitation of minors do not protect all adolescents under 18 years old. A female Indonesian national working as a domestic servant in the home of Nicaraguan nationals in Managua reported to police and the International Organization for Migration (IOM) that she was trafficked for labor exploitation because she received no wages and was physically abused by her employer. Although law enforcement authorities removed the woman from the suspected trafficker's home, the Government did not prosecute the employer for trafficking because the law does not criminalize forced labor trafficking. An NGO assisted the woman's return to her home country. The suspected trafficker was cleared of all charges and subsequently filed a complaint with the NNP against the NGO that aided the victim.

Between January and November police apprehended 43 suspected traffickers and achieved convictions in two cases.

The Ministry of Government has primary responsibility for combating trafficking through an antitrafficking unit, which coordinates efforts with 16 ministries and autonomous government agencies as well as with national and international organizations. The Government worked with the IOM, Casa Alianza Nicaragua, and the NGO Save the Children to investigate trafficking cases and protect victims. During the year the Government transferred responsibility for handling trafficking complaints and investigations from the Police Commissariats for Women to the judicial police. The Ministry of Government is in charge of the National Coalition Against Trafficking in Persons, and the Public Ministry is charged with prosecuting trafficking cases.

Coordination problems among government ministries and law enforcement agencies, as well as lack of government funding for trafficking efforts, impeded the Government's ability to address anti-trafficking at the national level. The law does not permit the Government to extradite Nicaraguan citizens to other countries, regardless of the crime. In December the NNP disrupted an alleged ring of Central American traffickers who were trafficking children through Nicaragua and falsifying their passports and other documents. By year's end two of the suspected traffickers were under investigation.

The Government lacked resources to systematically screen vulnerable populations to identify victims.

Civil society groups asserted that Public Ministry officials, some judges, and law enforcement authorities did not provide appropriate treatment to trafficking victims. Judges often treated victims as complicit parties in trafficking cases. NGOs rather than the Government undertook most efforts to reintegrate victims into society. The Ministry of Government reported that it lacked resources to fully implement ade-

quate awareness training of judges and other government officials regarding treatment of victims.

The Ministry of the Family and Ministry of Government continued to collaborate with civil society organizations to promote the "Call and Live" public awareness campaign to prevent trafficking in persons. The ministries continued operating an emergency 24-hour hot line staffed by social workers, lawyers, and healthcare workers to encourage reporting of trafficking incidents and provided a vehicle to bring victims to safety.

The Ministry of Government reported that the NNP increased its efforts to combat and prevent trafficking in persons by disrupting operations, increasing police presence, and targeting massage parlors, nightclubs, and other suspected centers of trafficking activity. The Ministry of Government, the Department of Immigration, and the National Coalition Against Trafficking in Persons made public service announcements at immigration check points to warn people traveling outside the country about the risk of human trafficking and provided instruction on prevention, protection, and reporting of trafficking crimes.

Persons with Disabilities.—The law prohibits discrimination against persons with physical and mental disabilities, but in practice such discrimination was widespread in employment, education, access to health care, and the provision of state services. The Government did not effectively enforce the law with regard to protection of persons with disabilities and had not legislated or otherwise mandated accessibility to buildings for persons with disabilities.

There was abuse of children with disabilities at the School for Special Needs in Ocotal. Between August and September the Institute of Forensic Medicine conducted examinations revealing that at least seven girls with mental and physical disabilities had been sexually abused. On August 20, police arrested and held in an Esteli prison a teacher suspected of committing the abuses in Ocotal. The trial scheduled for November 15 was postponed to January 2008.

The Nicaraguan Institute of Statistics and Census reported that approximately 10 percent of the population had some type of disability, few of whom received adequate medical treatment. Government clinics and hospitals provided care for war veterans and other persons with disabilities, but the quality of care was generally poor. The Government continued a public relations campaign focusing on greater integration into society of persons with disabilities. The Ministry of the Family is responsible for the protection and advancement of rights for persons with disabilities.

National/Racial/Ethnic Minorities.—Various indigenous and other ethnic groups from the RAAN and RAAS at times attributed the Government's lack of resources devoted to the Atlantic Coast to discriminatory attitudes toward ethnic, racial, and religious minorities in those regions. In contrast with the rest of the country, the racial makeup of the RAAN and the RAAS was predominantly black and Amerindian.

Exclusionary treatment based on race, skin color, and ethnicity was common, especially in higher-income urban areas. Darker-skinned persons of African descent from the Atlantic Coast and foreigners who were assumed to be from those areas experienced social discrimination in the interior and Pacific areas and were denied access to private clubs and restaurants in Managua. There was no information available on government efforts to address discrimination based on skin color, race, or ethnicity.

Indigenous People.—Indigenous people constituted approximately 5 percent of the country's population and lived primarily in the RAAN and RAAS. The four major identifiable indigenous groups were the Miskito, the Sumo, the Garifuna of Afro-Amerindian origin, and the Rama.

Human rights organizations and indigenous rights groups claimed that the Government failed to protect indigenous communities' civil and political rights, including rights to land, natural resources, and local autonomy.

There were no new developments or a government response to the lawsuit CPDH filed in June 2006 with the Supreme Court of Justice on behalf of the Miskito indigenous community. The lawsuit alleged genocide and other serious human rights violations against several former leaders of the Sandinista regime for the Red Christmas operation and related actions undertaken against the Miskito and other Atlantic Coast communities during the 1980s. Those cited in the complaint included then president Daniel Ortega, his brother and former head of the Sandinista army Humberto Ortega, former Sandinista minister of the interior Tomas Borge, former Sandinista director of state security Lenin Cerna, and Omar Cabezas, former deputy at the Ministry of the Interior and current human rights ombudsman.

There were no developments during the year regarding the IACHR's request that by December 31, 2006, the Government pay indemnification to the Yatama indige-

nous organization for excluding Yatama from participation in 2004 municipal elections.

Although the law requires that the Government consult indigenous persons regarding the exploitation of their areas' resources, as in previous years some indigenous communities complained that government authorities excluded Atlantic Coast indigenous people from meaningful participation in decisions affecting their lands, cultures, traditions, and the allocation of natural resources. Representatives of autonomous regions and indigenous communities regularly complained to the government, media, and NGOs that the Government made no effort to invest in infrastructure for the benefit of resident of those regions.

Civil society groups representing indigenous communities in the RAAN complained to the National Assembly and the Office of the President about the Government's response to Hurricane Felix in September, which devastated the northern Atlantic Coastal region. These groups called for a government commission to investigate alleged human rights violations, including the failure of the Government to address the basic needs of hurricane survivors. In a letter to President Ortega, the RAAN Council of Elders stated that the Nicaraguan National Disaster and Relief Agency had mismanaged disaster relief and was negligent in its response to victims of the hurricane.

The majority of indigenous people in rural areas did not have access to modern health care, and deteriorating roads made medicine and health care almost unobtainable for many communities. These conditions worsened after the destruction caused by Hurricane Felix. The rates of unemployment, illiteracy, and absenteeism of school-age children were among the highest in the country.

Other Societal Abuses and Discrimination.—Although sexual orientation is not mentioned specifically, the Constitution states that all persons are equal before the law and have the right to equal protection. The penal code criminalizes the public encouragement of homosexual acts with a penalty of between 1 and 3 years' imprisonment, but this prohibition was not enforced. Members of the gay community complained about use of homophobic language by deputies Wilfredo Navarro and Freddy Torres during a September 14 National Assembly debate, which was publicized on television. There were allegations that a garment factory summarily fired homosexuals and that the company's management tolerated workplace violence against homosexuals.

The law provides specific protections for persons with HIV/AIDS against employment and health services discrimination. Although there were no reliable statistics, there was societal discrimination against persons based on alleged HIV/AIDS or sexual orientation status. Several NGOs worked to educate communities about HIV/AIDS discrimination issues, but persons with HIV/AIDS were often stigmatized by their communities, and there was a general lack of awareness and education among the public and health care professionals about prevention, treatment, and transmission of HIV/AIDS.

In August a woman in Jinotega Department filed a complaint with the Women's Police Commissariats against three public health professionals who in 2001 misdiagnosed her as HIV positive, denied her medical treatment, and publicized her alleged HIV/AIDS status to the community. As a result of their actions, the woman was reportedly denied work medical attention and other public services, thrown out of her house, and ostracized by her family and friends. By year's end the Institute of Legal Medicine was investigating the matter.

Section 6. Worker Rights

a. The Right of Association.—The law provides for the right of all public and private sector workers, with the exception of those in the military and police, to organize voluntarily in unions, and workers exercised this right in practice. Workers are not required to notify either the employer or the Ministry of Labor in advance of their intention to organize a union.

Although employers are legally required to reinstate workers fired for union activity, the Ministry of Labor cannot legally order employers to rehire fired workers. Formal reinstatement requires a judge's orders. The law allows employers to obtain permission from the Ministry of Labor to dismiss any employee, including union organizers, provided the employer agrees to pay double the usual severance pay. In practice employers often did not reinstate workers due to weak enforcement of the law. The International Labor Organization (ILO) Committee of Experts 2007 observations reiterated the need for government legislation to provide effective sanctions to dissuade employers from acts of interference in trade union affairs.

b. The Right to Organize and Bargain Collectively.—The law provides for the right to bargain collectively. A collective bargaining agreement cannot exceed 2 years and is automatically renewed if neither party requests its revision. The Government pro-

tected these rights and often sought to foster resolution of labor conflicts through informal negotiations rather than formal administrative or judicial processes. Companies engaged in disputes with employees must negotiate with the employees' union if the employees are organized. By law several unions, each with different demands, may coexist at any one enterprise. The law permits management to sign collective bargaining agreements with each union operating at the enterprise.

The law recognizes the right to strike but contains burdensome and lengthy conciliation procedures for calling a strike. During a strike, employers cannot hire replacement workers. If a strike continues for 30 days without resolution, the Ministry of Labor will suspend the strike and submit the matter for arbitration. The Ministry of Labor did not report information on whether any legal strikes occurred during the year.

On May 10, approximately 146 workers from the Nicaraguan Water Company (ENACAL) called a strike due to the company's failure to pay overtime in accordance with the collective bargaining agreement. On May 11, the Ministry of Labor declared the strike illegal and ordered the workers back to work within 48 hours. Management reportedly locked returning workers out of their offices and later fired them. On September 14, the National Assembly passed legislation that ordered the reinstatement of nearly 300 fired ENACAL workers and the resignation of Ruth Herrera, ENACAL's president.

Between February and May, strikes, partial work stoppages affecting thousands of students, and other labor unrest occurred throughout the country following a collective bargaining agreement that was signed on February 21 between the FSLN-affiliated teachers' labor union and the Ministry of Education without consulting the other teachers' unions. On March 30, the Ministry of Education fired 5 secondary school directors in Managua on grounds of malfeasance. On April 12, Minister of Education Miguel De Castilla cleared the directors of any wrongdoing, in exchange for their resignations.

Labor leaders complained that employers routinely violated collective bargaining agreements and labor laws. The Ministry of Labor worked to fully enforce labor rights and penalize violators. Between January and June the ministry carried out 1,137 inspections and fined 24 companies, 35 percent of which operated in the FTZs.

There were repeated allegations of violations of the right to organize, especially in the FTZs, where employers stalled negotiations and allegedly fired or harassed employees trying to form unions. There were widespread complaints that KB Manufacturing, Fortex Garment, and other unionized clothing manufacturers in the FTZs closed or threatened to close to avoid or terminate obligations to organized labor, including outstanding claims for unpaid wages and severance.

During the year FTZ garment factory Nien Hsing fired six union leaders and approximately 40 union members. Although pursuant to a February Labor Ministry order Nien Hsing rehired two labor leaders and 10 union members, it did not comply with the Ministry of Labor's order to rehire 20 other workers. Union members and others reported that Nien Hsing prohibited union activities during working hours, forbade workers to speak with union leaders, threatened to fire workers using the health clinic, and summarily fired homosexual workers.

On September 5, FTZ garment factory Everly announced the factory's merger with sister company Metro Garment and fired its 400-person workforce. On September 6, the Ministry of Labor ruled the factory closing illegal and found the company in violation of the collective bargaining agreement. Metro Garment management required former Everly workers who sought jobs at Metro Garment to sign an agreement not to form a union and threatened to close the factory if workers tried to organize.

By year's end FTZ garment company Sea-Techotex had still not complied with a 2006 Ministry of Labor order to rehire six union leaders fired after forming a union.

Between July and September the FTZ garment factory SinoNica fired 50 union workers, following May 15 negotiations for a collective bargaining agreement. At year's end there were no developments regarding the status of the fired workers.

There are no special laws or exemptions from regular labor laws in the 41 FTZs. While many workers in the FTZs were represented by one of approximately 60 union organizations associated with five labor confederations, less than 10 percent of the estimated 85,500 FTZ workers were union members. Because a high proportion of FTZ unions had fewer than 50 members, many of these organizations did not have effective collective bargaining power.

c. Prohibition of Forced or Compulsory Labor.—The law prohibits any type of forced or compulsory labor but does not specifically address forced or compulsory labor by children, and such practices occurred. The law does not prohibit the trafficking of persons for forced labor.

d. Prohibition of Child Labor and Minimum Age for Employment.—Although the law provides for the protection of children's rights and prohibits any type of economic or social exploitation of children, child labor was a widespread problem. According to a 2005 study by the National Survey of Adolescent and Child Labor, the most recent available, the number of working children under the age of 18 was approximately 239,000, of whom 36 percent were under the age of 14, and 56 percent worked in agriculture, forestry, fishing, and hunting. The majority of these children labored in coffee plantations or in subsistence activities to support their families. Approximately 60 percent did not receive direct compensation for their labor, working instead as part of a family venture or for goods in kind. Cigar factories reportedly continued to employ illegally a large number of children.

The labor law sets the minimum age for employment at 14 years and limits the workday to 6 hours. Children between 14 and 16 must have parental approval to work. Although the law imposes fines for violators and permits inspectors to close facilities employing child labor, the Ministry of Labor lacked adequate resources to effectively enforce the law except in the small formal sector.

More than half of those living in Managua's La Chureca municipal garbage dump were children. Despite interventions from faith-based organizations and other civil society groups, a large number of children continued to sort through trash at the dump, where they were exposed to toxic chemicals and other dangerous materials.

The Government took measures to incorporate working adolescents in the formal workforce by easing registration requirements for their inclusion in the in the social security system.

On June 12, the Ministry of Labor signed an accord with the Ministries of Agriculture and Environment, the Institute of Rural Development, the ILO, and several labor rights advocacy organizations to reinforce the Government's commitment to eradicate child labor. By year's end there were no concrete developments resulting from the accord.

e. Acceptable Conditions of Work.—There is no universal minimum wage. National statutory minimum wage levels are established for nine different economic sectors, are reviewed every 6 months, and are set through tripartite negotiations involving business, government, and labor. The National Assembly must approve these wage levels. On June 1, the Government implemented a new minimum wage scale, increasing the minimum wage by an average of 18 percent. Due to the increase, monthly wages ranged from $55 (1,025 cordobas) in the agricultural sector to $129 (2,381 cordobas) in the financial sector. A Central Bank review of the minimum wage adjustment reported that the minimum wage was between 25 and 67 percent below what the Government estimated an urban family needed for a basic market basket of goods. In general the minimum wage was enforced only in the formal sector.

Although the standard legal workweek is a maximum 48 hours, with 1 day of rest, this provision was often ignored by employers who claimed that workers readily volunteered for extra hours for additional pay. While the law mandates premium pay for overtime and prohibits excessive compulsory overtime, these requirements were not always effectively enforced.

The law establishes occupational health and safety standards, but the Office of Hygiene and Occupational Safety in the Ministry of Labor lacked adequate staff and resources to enforce these provisions. On April 19, the National Assembly passed a labor hygiene and safety law mandating the creation of countrywide departmental offices for the National Council of Labor Hygiene and Safety. The council is responsible for worker safety legislation, collaboration with other government agencies and civil society organizations in developing assistance programs, and developing and promoting training and prevention activities. By year's end the Government was implementing the law.

On May 15, the Ministry of Labor issued a directive clarifying employer and labor inspector responsibilities in the fair treatment of pregnant women in the workplace. The law provides workers with the right to remove themselves from dangerous workplace situations without jeopardizing continued employment, but many workers were unaware of this right. In the first half of the year, CENIDH received 244 complaints related to working conditions in various economic sectors.

Twelve lobster divers from the Miskito indigenous community died between January and September due to the failure of employers to provide appropriate occupational health and safety training and adequate diving equipment. Lobster divers in the RAAN had access to only one decompression chamber. During October approximately 22 lobster divers died in serious occupational incidents, one involving a man who suffered a coma and cerebral aneurysm.

PANAMA

Panama, a constitutional democracy with an elected executive composed of a president and two vice presidents, has a population of approximately 3 million. In 2004 national elections, which were considered by international and domestic observers to be generally free and fair, voters elected as president Martin Torrijos of the Democratic Revolutionary Party. The civilian authorities generally maintained effective control of the security forces.

Although the Government generally respected the human rights of its citizens, there continued to be serious problems in several areas. The most significant human rights problems included harsh prison conditions, with reports of abuse by prison guards; prolonged pretrial detention; corruption, ineffectiveness, and political manipulation of the judicial system; political pressure on the media; citizenship determination; discrimination and violence against women; trafficking in persons; discrimination against indigenous communities; and child labor.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life.—There were no reports that the Government or its agents committed arbitrary or unlawful killings.

At year's end the courts were reviewing cases regarding certain crimes committed during the 1968–89 military dictatorship; the Government reported that it was committed to addressing each case on an individual basis. At year's end the Inter-American Commission on Human Rights (IACHR) had not formally admitted these cases to its docket. The Office of Truth Commission Continuation continued its request to the Public Ministry to open or reopen 16 other cases and to pursue 17 other cases of killings during the 1968–89 military dictatorship.

b. Disappearance.—There were no reports of politically motivated disappearances. In September the Supreme Court of Justice ruled that the statute of limitations barred further prosecution of four of the 33 cases of persons who disappeared during the 1968–89 military dictatorship. There were no further developments regarding a number of cases for which the Office of the Truth Commission Continuation's had requested an investigation by the Office of the Attorney General. At year's end the attorney general awaited a decision from the Supreme Court of Justice to send the cases to trial or dismiss them based on the statute of limitations.

There were no new developments, and none were expected, regarding the identification of between 16 and 20 human bodies found in 2004 buried in the former penal island of Coiba. The Office of the Truth Commission Continuation and the Public Ministry continued to lack funds to conduct DNA tests to identify the remains, and the area continued to be unguarded by authorities. Due to bureaucratic delays, the Public Ministry had not disbursed assigned funds to support excavations and investigations regarding the 1971 disappearance of Colombian-born Catholic priest Hector Gallego.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Constitution prohibits treatment or punishment that harms the physical, mental, or moral integrity of persons.

Prison guards sometimes physically abused inmates. Through October the Panamanian national police (PNP) Office of Professional Responsibility (DRPO) had investigated 23 cases of prison guard abuse against inmates. The ombudsman received 17 complaints of abuse against PNP guards.

Prison and Detention Center Conditions.—Prison conditions remained harsh and, in some cases, life-threatening. Many problems within the prisons stemmed from overcrowding and lack of separation of inmates according to the type or severity of the crime committed. As of October the prison system, which had an official capacity of 7,126 persons, held 11,445 prisoners. Most prisons remained dilapidated and overcrowded. Despite the ombudsman's 2004 recommendation that the Government begin closing La Chorrera Prison due to overcrowding and very unsanitary conditions, it remained open with 471 inmates. Abuse by prison guards, mainly from PNP custodians, was a problem. DRPO investigations resulted in administrative sanctions against 3,043 agents, including 701 for failing to follow orders, and 193 for unauthorized absences. As of August the Public Ministry had opened cases against 26 officers for corruption, abuse of authority, violence, and other offences.

Prison authorities provided inadequate medical care. HIV/AIDS, tuberculosis, hepatitis B, and other communicable diseases were common among the prison population. Through August approximately 13 inmates had died at the La Joya and Joyita complex due to various causes including AIDS, heart attacks, strokes, pneu-

monia, and kidney diseases. During the year only 12 physicians served the prison system; they provided medical attention during limited morning hours. In a June survey, the nongovernmental organization (NGO) Justicia y Paz, a Catholic Church human rights monitoring group, reported that prisoners in Tinajitas and El Renacer prisons complained that authorities did not provide mental health services.

Prisoners in the La Joya and La Joyita prison complex had access to potable water only between 6 a.m and 6 p.m. daily. The national water authority IDAAN reported that this problem was due to the lack of maintenance of the water plant at the prison complex.

On January 6, six individuals wearing hoods entered the Basilio Lakas youth detention facility in Colon and fatally shot 17-year-old inmate Omar Frutos and wounded 15-year-old inmate Elicer Cuevas. The authorities reported that ineffective prison security permitted the perpetrators to enter the facility. On January 9, the authorities captured Oscar Sugotes and Franklin Francis, along with four other persons allegedly involved in the prison break in. At year's end all six persons were in custody awaiting trial.

There was no information available regarding the number of civilian correction officers whom the General Penitentiary Inspection Directorate (DGSP) discharged for corruption.

The DGSP depended on 918 PNP officers to supply both internal and perimeter security at all prisons. There were 673 custodians for the entire prison system. As in previous years the DGSP continued to use regular PNP officers, who sometimes lacked training for prison duty, to fill staffing gaps. In prisons controlled by the PNP, prisoners complained of human rights violations, such as limited time outside of cells and limited access to family visits. Civilian custodians are responsible for inmates within Nueva Esperanza, Tinajitas, El Renacer, and the central women's prisons in Panama and Chiriqui provinces. The women's prisons used only female guards. The DGSP does not have authority to discipline prison guards with criminal or civil sanctions but submitted complaints against PNP custodians to the PNP. Only the PNP disciplinary board has authority to sanction a PNP agent or a custodian.

Small jails attached to local police stations around the country sometimes held prisoners for the entire length of their sentences, but police officers who guarded them lacked the necessary custodial training to prevent abuses.

Even though conditions at women's prisons and at juvenile detention centers were noticeably better than at adult male prisons, female prisoners, especially in primary detention areas, reportedly suffered from overcrowding, poor medical care, and lack of basic supplies for personal hygiene. There were no reports of sexual or other violence in women's prisons. These prisons were administered by female directors, custodians, and secretaries.

With the exception of one modern facility near Panama City, juvenile pretrial and custodial detention centers throughout the country suffered from inadequate resources to provide for education or supervision. By June 7, approximately 104 inmates who had not been convicted remained in prison. Pretrial detainees often shared cells with convicted prisoners due to lack of space.

In April an independent human rights group reported that although prison authorities had issued it entrance permission, prison officials denied the group access to the Centro Femenino Cecilia Orillac de Chiari female prison. The corrections directorate with the Ministry of Government and Justice allowed the group access to other prisons. The ombudsman's office had an established prison visit program, and the Government generally allowed ombudsman staff to speak with prisoners without monitoring. Prisoners expressed fear of retaliation if they complained. Justicia y Paz brought prison abuses to the attention of the authorities.

d. Arbitrary Arrest or Detention.—The law prohibits arbitrary arrest and detention, and the Government generally observed these prohibitions. The law permits exceptions when an officer apprehends a person during the commission of a crime, or when an individual interferes with an officer's actions. The law provides that suspects be brought promptly before a judge; however, lack of prompt arraignment continued to be a problem. The law requires arresting officers to inform detainees immediately of the reasons for arrest or detention and of the right to immediate legal counsel. There is a functioning bail system, and detainees were allowed prompt access to family members. During the year the police arrested and detained 2,728 children for minor infractions during neighborhood sweeps.

Role of the Police and Security Apparatus.—The PNP and the Judicial Technical Police (PTJ) are the only police agencies in the country. Although its primary mission is law enforcement, the PNP was also detailed for prison and border security. The country has no army. The PNP is under the civilian authority of the Ministry

of Government and Justice. There were approximately 15,000 police officers. The PTJ, a semiautonomous body with leadership appointed by the Supreme Court of Justice, is a separate branch of law enforcement and performs criminal investigations in support of public prosecutors. The law includes specific guidelines for the use of force, including deadly force; requires that police officers respect human rights; and prohibits instigation or tolerance of torture, cruelty, or other inhuman or degrading behavior.

Corruption among police officers remained a problem. In July media reported that inmates paid prison authorities to remodel their cells and to bring into the prison televisions, fax machines, microwave ovens, and other electronic devices. The Ministry of Government and Justice dismissed corrections officers and prison directors allegedly involved in these incidents. Although PNP and PTJ directors sometimes enforced disciplinary measures against officers with proven involvement in illicit activities, in general both organizations took corrective actions only in reaction to cases of egregious abuses.

The PTJ and the PNP had offices of professional responsibility to hold officers accountable for their actions; both offices had staffs of independent investigators, administrative authority to open internal investigations, and a defined legal process. During the year the PNP appointed three additional investigators to its internal affairs staff.

The PNP's deputy director and its secretary general addressed human rights problems that arose in the police force. Through October the human rights ombudsman received 30 complaints against police officials for abuse of authority. The PTJ also recorded a number of complaints regarding police abuse of authority. In December the Ministry of Government and Justice conducted a 2-day national seminar on human rights to address human rights topics with approximately 30 leaders from various governmental security institutions, including the national police and penitentiary system.

As of August the DRPO had received 776 complaints against police, including 95 cases of abuse of office or unprofessional behavior, 117 cases of corruption, and 93 cases of physical mistreatment. Through August the DRPO dismissed 109 officers.

The PTJ received complaints from the public, and officers could make anonymous complaints of corruption and other problems. By year's end the PTJ Office of Professional Responsibility had opened 250 new cases concerning corruption and other violations. It dismissed 61 agents for various violations, including corruption and abandonment of duties.

Arrest and Detention.—The law provides for judicial review of the legality of detention, mandates the immediate release of any person detained or arrested illegally, and prohibits police from detaining suspects for more than 24 hours without bringing them before a judge. In May the Government implemented a new law that extended detention from 24 to 72 hours for minors. The preliminary investigation phase may last from 8 days to 2 months and the follow-up investigation phase another 2 to 4 months, depending on the number of suspects. The courts and the Public Ministry frequently granted extensions of time limits, leaving an accused in detention for long periods without formal charges. Court officials and other observers criticized judges and prosecutors for excessive use of this measure. While the law provides for bail, in practice judges often declined to grant it. Detainees were allowed prompt access to legal counsel and family members, and the Government provided indigent defendants with a lawyer.

Extended pretrial detention continued to be a serious problem, due in part to the use of a written inquisitorial system. According to government statistics, approximately 60 percent of prisoners were pretrial detainees. There was often prolonged pretrial detention, which at times exceeded the maximum sentence for the alleged crime.

e. Denial of Fair Public Trial.—Although the law provides for an independent judiciary, the judicial system was susceptible to corruption and outside influence, including manipulation by other branches of government. The president appoints nine Supreme Court of Justice magistrates to 10-year terms, subject to National Assembly ratification. The Supreme Court of Justice magistrates in turn appoint appellate (Superior Tribunal) judges, who appoint circuit and municipal court judges in their respective jurisdictions. Although these judicial appointments were supposed to be made under a merit-based system, certain civil society groups maintained that political influence and undue interference by higher-level judges undermined the system.

At the local level, mayors appoint corregidores (administrative judges), who exercise jurisdiction over minor civil cases and hold wide powers to arrest and impose fines or jail sentences of up to 1 year. Outside of Panama City, this system had serious shortcomings. Defendants lacked adequate procedural safeguards. Corregidores

usually were not attorneys, had not completed secondary education, and in some cases were corrupt. In practice appeal procedures were generally nonexistent. Affluent defendants often paid fines while poorer defendants went to jail, contributing to prison overcrowding.

Trial Procedures.—The law provides that all citizens charged with crimes have the right to counsel, to be presumed innocent until proven guilty, to refrain from incriminating themselves or close relatives, and to be tried only once for a given offense. If not under pretrial detention, the accused may be present with counsel during the investigative phase of the proceeding.

Trials are open to the public. The law provides for trial by jury at the defendant's election but only in cases where at least one of the charges is murder. Judges may order the presence of pretrial detainees for rendering or amplification of statements or for confronting witnesses. Trials are conducted on the basis of evidence presented by the public prosecutor. Although defendants have the right to be present and to consult with an attorney in a timely manner, the law permits trials without the accused being present under some circumstances. Defendants can confront or question witnesses against them and present witnesses and evidence on their behalf. Defendants and their attorneys have access to government-held evidence relevant to their cases. Defendants have a right of appeal.

The law obliges the Government to provide public defenders for the indigent. Many public defenders, however, were appointed late in an investigation, after the prosecutor already had evaluated the bulk of the evidence and decided to recommend trial. Public defenders' caseloads remained extremely high, averaging 370 cases per attorney per year. By year's end the public defender had hired five additional attorneys.

Political Prisoners and Detainees.—There were no reports of political prisoners or detainees.

Civil Judicial Procedures and Remedies.—The Constitution and the judicial code establish an independent judiciary in civil matters. Political manipulation, such as influence peddling, of the judicial system remained a problem, and bureaucratic delays hindered access to judicial and administrative remedies for human rights violations. There were problems in enforcing domestic court orders.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The law prohibits such actions and the Government generally respected these prohibitions; however, there were complaints that in some cases law enforcement authorities failed to follow legal requirements and conducted unauthorized searches.

In an effort to prevent unauthorized searches, the Public Ministry maintained one representative to approve searches in each PTJ division. The representative approved several searches during the year.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The law provides for freedom of speech and of the press. In practice individuals generally enjoyed freedom of expression, although there were some attempts to impede it.

The independent media were active and expressed a variety of views without restriction. The Government owned one educational television station and one radio station. The law prohibits newspapers from holding radio and television concessions and vice versa. International media operated freely in the country.

Journalists and press freedom advocacy organizations reported that the Government engaged in substantial manipulation of the free flow of information. Journalists alleged that the Government purchased advertising space to reward news organizations for publishing favorable stories and withdrew advertising funding from news organizations engaged in unfavorable coverage. Legal actions were pending against many journalists. The IACHR, the Inter-American Press Association, Reporters Without Borders, and other groups criticized these measures as efforts to censor the press.

In May the National Assembly passed penal code amendments that establish fines or arrest for journalists whom a court determines have violated the privacy of public office holders; recognize criminal libel against journalists; and permit the Government to prosecute journalists for publishing classified information with the penalty of imprisonment. NGOs asserted that these amendments threatened freedom of speech and press.

During the year the ombudsman filled the delegate position responsible for freedom of expression and access to information. Journalists characterized the staffing of this position as an important advance for press freedom. At year's end no progress had been made in 15 libel cases pending against journalists since 2005. There were no new developments, and none were expected, regarding Supreme

Court Justice Winston Spadafora's civil damage lawsuit against El Panama America journalists for defamation of character in relation to their reporting of his use of public funds to construct a road near his home.

Internet Freedom.—There were no government restrictions on access to the Internet and no reports that the Government monitored e-mail or Internet chat rooms. Individuals and groups could engage in the peaceful expression of views via the Internet, including by electronic mail.

Academic Freedom and Cultural Events.—There were no government restrictions on academic freedom or cultural events.

b. Freedom of Peaceful Assembly and Association.—The law provides for the right of freedom of assembly and association and the Government generally respected it in practice.

On August 16, hundreds of SUNTRACS unionists and members of the civil society group National Federation of Economic and Social Rights marched in Panama City to protest the August 14 fatal shooting by three Odebrecht construction company workers of a SUNTRACS member in Chilibre along the Panama-Colon highway, and the August 15 fatal shooting of another SUNTRACS member allegedly by a PNP officer at a protest on Isla San Miguel. The killings arose out of August 14 violent demonstrations by SUNTRACS against Odebrecht workers who joined the rival SITICOOP union. At year's end the three Odebrecht workers and the PNP officer were in custody awaiting trial.

c. Freedom of Religion.—The law provides for freedom of religion provided that "Christian morality and public order" are respected, and the Government generally respected this right in practice.

The law prohibits clerics from holding public office, except as related to social assistance, education, or scientific research. Roman Catholicism enjoyed certain state-sanctioned advantages over other faiths, including the teaching of Catholic theology in public schools. Parents had the right to exempt their children from religious instruction.

In contrast with previous years, the Government permitted Rastafarians to wear dreadlocks and hats in public educational facilities and workplaces. In cases where public schools or workplaces sought to prohibit Rastafarians from wearing these articles, the Rastafarian person could obtain a letter from the Ministry of Social Development (MIDES) and support from the ombudsman to rectify the problem.

Societal Abuses and Discrimination.—There were no reports of societal abuses, discrimination, or anti-Semitic acts. There was a Jewish population of approximately 10,000 persons.

For a more detailed discussion, see the 2007 International Religious Freedom Report.

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons.—The law provides for freedom of movement within the country, foreign travel, emigration, and repatriation, and the Government generally respected these rights. The Government generally cooperated with the Office of the U.N. High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to internally displaced persons, refugees, returning refugees, asylum seekers, stateless persons, and other persons of concern. A 9:00 p.m. curfew directed at unaccompanied minors in Panama City and San Miguelito remained in effect. The Government restricted the freedom of movement of Colombian nationals living in the country under temporary protected status.

The law prohibits forced exile, and there were no reports of its use.

Protection of Refugees.—The law provides for the granting of asylum or refugee status in accordance with the 1951 U.N. Convention relating to the Status of Refugees and its 1967 protocol, and the Government has established a system for providing protection to refugees. In practice the Government provided limited protection against refoulement, the return of persons to a country where there is reason to believe they feared persecution, but there was no accurate data available on the number of refoulement cases. At the Colombian and Costa Rican borders, the government's National Office for the Attention of Refugees (ONPAR) had a limited presence, and border officials at times did not have a clear understanding of their responsibilities when dealing with persons seeking asylum or refugee status. There were no firm statistics on the number of persons who approached the Government during the year to seek refugee status. At year's end the Government had granted refugee status to 45 persons. It was reported that 977 persons were living in the country as refugees, including the 45 persons who had been granted refugee status during the year. The 47 persons from the indigenous Wounaan community in Colombia, who obtained refugee status in 2006, remained in the country. The UNHCR

noted that there was no legal framework in place to grant residency to refugees. Although approximately half of the refugees had arrived in the country more than 15 years ago, the Government still had not granted them residency status. Refugees faced difficulties working in the formal sector due to lengthy bureaucratic processes to obtain work permits.

A 1998 decree grants protection to all persons entering the country due to "state persecution based on race, gender, religion, nationality, social group, or political opinion." The decree grants 2 months' temporary humanitarian protection to "displaced persons" in the case of a large influx. In practice the Government did not enforce the 2-month time limit. The 1998 decree provides for a meeting by the government's refugee commission every 3 months to determine the status of persons seeking refugee status. The commission met three times during the year and accepted 22 cases.

The Government also provided temporary protection to individuals who may not qualify as refugees under the 1951 convention and the 1967 protocol. This included the continued temporary humanitarian protection of approximately 542 displaced Afro-Colombians along with their approximately 359 dependents, some of whom were Panamanian citizens. Among these dependents were children born in Panama as a result of marriages between the displaced Colombians and Panamanian citizens. ONPAR reported that during the year, all of these children had access to basic educational and health benefits accorded to citizens. Due to geographic isolation, lack of awareness of the need to register births, and restrictive administrative practices by some government officials, however, parents often had difficulties in obtaining birth certificates for these children, which restricted the children's freedom of movement and access to higher education. The Government did not permit displaced Colombians to move or work outside of their assigned villages.

Although it was reluctant to classify displaced Colombians as refugees, the Government took some steps with the Government of Colombia and UNHCR to regularize their status under other immigration categories. Some of these persons had lived in the country for years without formal refugee status. Many of them informed the Government and UNHCR that they did not want to return to Colombia due to family and cultural ties with the local communities in Panama.

The UNHCR classified as "persons of concern" an estimated 12,000 persons living in the country who were believed to need international protection. These included persons for whom the Government had denied refugee status and persons in the country who did not apply for refugee status due to lack of knowledge or fear of deportation. Among these persons were 88 Embera indigenous community members who left Colombia in 2005, but for whom the Panamanian Government had not provided documentation or accorded legal status. The Government restricted their movement, and they remained at risk of refoulement.

UNHCR had a permanent office for the country and was generally granted access to refugees and UNHCR project sites.

Stateless Persons.—Citizenship is derived by birth within the country's territory, and the law provides that birth registration is universal. There were credible reports that approximately 108 children born in the country to the 542 displaced Colombians granted temporary protected status did not have birth certificates and therefore were de facto stateless. There were no other available figures on the number of stateless persons during the year. In remote areas some parents for economic or other reasons did not register their children at birth with the Office of Civil Registry of the Electoral Tribunal, the Government agency responsible for birth registrations. There were reports that some persons who had not been registered at birth experienced difficulties with government authorities when later seeking to obtain a birth certificate. Persons without a birth registration certificate often had problems voting or accessing government services beyond basic education and healthcare.

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 based on universal suffrage. The law provides for direct popular election every 5 years by secret ballot of the president, the vice president, legislators, and local representatives. Naturalized citizens may not hold certain categories of elective office.

Elections and Political Participation.—Democratic Revolutionary Party candidate Martin Torrijos won the presidency in 2004 national elections characterized by domestic and international observers as generally free and fair.

The law requires new political parties to meet strict membership and organizational standards to gain official recognition and participate in national campaigns.

The law also requires political parties to be structured democratically, permits independents to campaign for the National Assembly, provides for the autonomy of the Electoral Tribunal, and limits the immunity of representatives in the National Assembly by permitting the Supreme Court of Justice to prosecute criminal cases against representatives.

Women held 11 of 78 seats in the legislature. There were three women in the 13-member cabinet, and one female judge on the Supreme Court of Justice. The attorney general was a woman.

There were five seats in the 78-seat legislature designated to represent the country's recognized indigenous regions. In general deputies in the legislature, cabinet members, or members of the Supreme Court of Justice did not identify themselves as members of ethnic or racial minorities.

Government Corruption and Transparency.—The World Bank's worldwide governance indicators reflected that corruption was a problem. Weak administration and accountability among the branches of government and in rural areas, and lack of transparency in the banking sector facilitated corruption.

During the year the attorney general and the comptroller general implemented broad institutional reforms to improve their capacity to prosecute corruption through a multidisciplinary anticorruption task force. There was no information available regarding whether public officials were subject to financial disclosure laws.

The transparency law provides public access to information from and about public entities, with the exception of cabinet meeting minutes. When requests were denied, the reasons for the denial were given. Requesters can appeal access decisions to the Supreme Court of Justice.

Section 4. Governmental Attitudes Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

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

The Office of the Human Rights Ombudsman had moral but no legal authority. In June the National Assembly elected Ricardo Vargas as the new ombudsman. Between January and September the office received 1,302 complaints, 164 of which were employment-related. The ombudsman enjoyed the government's cooperation and operated without government or party interference. The office had adequate resources and was considered to be effective. It issued reports with recommendations on environmental contamination and prison conditions on which the Government took action. It enjoyed a fairly high level of public confidence.

Section 5. Discrimination, Societal Abuse, and Trafficking in Persons

The law prohibits discrimination on the basis of race, gender, disability, language, or social status, but there were allegations that these prohibitions were not always effectively enforced.

Women.—The law criminalizes rape and spousal rape with prison terms of 1 to 5 years. The law provides that in cases in which the perpetrator marries a victim who is at least age 14, the rape charge can be reduced to the charges of violence and intimidation. The majority of sexual crimes investigated by the PTJ were cases of rape; however statistics on prosecutions and convictions were not available. The PTJ reported that it investigated every case relating to rape and domestic violence it received during the year.

The law criminalizes domestic abuse and family violence and provides prison terms of 1 to 5 years. Domestic violence against women continued to be a serious problem. There were few convictions for domestic violence, except that abusers were commonly convicted of unintentional killing in cases of abuse leading to spousal death. Between January and August the PTJ registered 2,383 cases of domestic violence. During the year the PTJ registered 843 cases of rape, and 17 cases of sexual harassment. Media reported a high incidence of spousal killings, including suicides by one spouse after killing their marital partner.

A civil society coalition—the Alliance of Women Movement of Panama, the Foundation for the Promotion of Women, and the Center of Colon Women—along with other women's advocacy groups and government agencies, operated programs to assist victims of abuse and to educate women on their legal rights. The Alliance of Women Movement of Panama disseminated publicly reports on domestic violence. The Ministry of Social Development National Directorate of Women, the Government agency responsible for promoting the rights of women, campaigned throughout the country to highlight the media's role in reporting domestic violence.

The Government operated one shelter in Panama Province for victims of domestic abuse and their children. At times this facility also sheltered trafficking victims. The shelter offered social, psychological, and legal services. Between January and August it provided accommodation and social services to approximately 44 women.

The National Directorate of Women reported that in relation to previous years, there appeared to be an increase in killings of women for gender-based motives. In September the Alliance of Women Movement of Panama held a press conference during which it criticized the PNP and the Public Ministry for not taking effective action to address such killings.

Although prostitution is legal and regulated, with prostitutes required to register and carry identification cards, the majority of prostitutes were not registered. There was no accurate information available regarding the number of persons practicing prostitution in the country. Trafficking in women was a problem.

The law prohibits sexual harassment in cases of established employer/employee relations in the private sector and in teacher/student relations; violators can receive 1- to 3-year prison sentences. The extent of the problem was difficult to determine because convictions for sexual harassment were rare, and pre-employment sexual harassment was not actionable. Due to the small number of cases brought before the courts, effectiveness of law enforcement could not be determined.

The law prohibits discrimination on the basis of gender, and officially women enjoy the same rights as men, including rights under family law, property law, and the judicial penal system. Although the law recognizes joint or common property in marriages, the Government did not allocate sufficient resources to enforce the law effectively. In its 2007 report, the International Labor Organization (ILO) Committee of Experts requested that the Government consider measures to ensure that women on temporary contracts were not placed in work situations where they were vulnerable to pregnancy discrimination.

The law mandates equal pay for men and women in equivalent jobs, but in practice women on the average received wages that were 30 to 40 percent lower than those received by men. Women constituted the majority of workers in many service sector jobs, but a March household survey conducted by the Office of the Controller General found that they held only 41 percent of private-sector executive or management positions. There were some reports of irregular hiring practices based upon age and appearance, including that most employers required job seekers to submit photos of themselves in applications.

The Ministry of Social Development, through the National Directorate of Women, promoted equality of women in the workplace and equal pay for equal work, attempted to reduce sexual harassment, and advocated legal reforms. On May 5, the directorate held a meeting with the Ministry of Labor and Labor Development (MITRADEL), during which the ministry established a commission on gender and work.

Children.—The Government was committed to children's rights and welfare.

Although the law provides that citizenship is derived by birth within the country's territory, there were reports that some officials in border areas were reluctant to provide birth registration certificates to children (see Section 2.d.).

Education is compulsory through the ninth grade, and the law establishes free public education through high school. Children did not always attend school due to traditional attitudes, financial and economic constraints, lack of transportation, and scarcity of secondary schools. The problem was most extreme in Darien Province and among indigenous communities.

According to the 2000 census, the most recent available, 65 percent of persons between the ages of 15 and 19 had some schooling beyond the sixth grade. In the comarcas (indigenous administrative territories) of the Embera and Ngobe-Bugle, however, only approximately 18 percent of persons ages 15 to 19 had schooling beyond the sixth grade.

Schools did not differentiate in their treatment between boys and girls. School attendance figures were identical for boys and girls through elementary school. Beginning at the junior high level, more girls attended schools than boys (130,067 versus 126,157).

The Government furnished basic health care for boys and girls on an equal basis through local clinics run by the Ministry of Health, but clinics were difficult to reach from rural areas and often lacked medicine. Malnutrition and inadequate medical care were generalized problems and were most severe among rural indigenous communities. A central children's hospital in Panama City and a children's hospital in Chiriqui Province operated with government funds and some private donations.

Through August the PTJ registered 718 cases of child abuse and neglect. Sexual abuse, including incest, accounted for 155 of these cases. Lack of reporting remained a problem, often because of parental involvement or complicity. Sexual abuse of chil-

dren was reported in both urban and rural areas, as well as within indigenous communities.

The Ministry of Social Development (MIDES) received complaints regarding physical abuse of children. The ministry maintained a free phone line attended by psychologists, a lawyer, and social workers for children and adults to report abuses and continued implementing a television and newspaper campaign encouraging people to use it. Between January and September the phone line received 76,679 calls. A total of 22,153 calls requested information. There were 18 requests for assistance and 42 complaints. Victims were directed to police authorities, hospitals, and protection centers.

MIDES provided funding to 37 children's shelters operated by NGOs in seven provinces. Between January and August these shelters housed 1,816 children. MIDES also implemented a program that used pamphlets for schools to sensitize teachers, children, and parents about maltreatment and sexual abuse of children.

Due to inadequate government training, family courts continued to render controversial decisions, including the return of children to abusive situations. The incidence of youth gang violence continued to rise especially in poorer neighborhoods of Colon, David, and the Panama City metropolitan area. Young adult gang leaders and some organized crime elements continued recruiting minors, with recruiters focusing on procuring youth to transport narcotics and other contraband, and killing for hire. Police continued to arrest and detain youths for minor infractions during neighborhood sweeps.

Child labor and trafficking in children were problems.

Trafficking in Persons.—Although the law prohibits trafficking in persons for the purpose of sexual exploitation, there were reports that persons were trafficked to, from, and within the country. The PTJ Sex Crimes Unit reported that most victims trafficked into the country came from Colombia, the Dominican Republic, and other countries in Central America. The primary destinations for victims trafficked from the country were Jamaica and European nations. Although many Colombians came willingly to the country apparently intending to become prostitutes, anecdotal evidence suggested that some were deceived as to the actual conditions of employment, or were forced to continue as prostitutes after they sought to end their involvement. The PTJ Sex Crimes Unit reported that the vast majority of trafficking victims were women older than 18 years.

It was thought that women and children were trafficked within the country for purposes of sexual exploitation, but there were no statistics available on the magnitude of the problem.

The PTJ Sex Crimes Unit reported that the principal traffickers in the country were owners of houses of prostitution, and that most transnational trafficking occurred using valid travel documents and was conducted through official ports of entry.

The Ministry of Government and Justice is responsible for developing policies to reduce trafficking in persons. MIDES is charged with protecting victims through shelters and related services. The PTJ Sex Crimes Unit has responsibility for investigating and arresting persons involved in trafficking. The unit worked closely with the PTJ Special Section on Crimes of Sexual Exploitation and the Division of Crimes relating to Shame, Integrity, and Sexual Liberty. Approximately 40 officers specialized in sexual crimes, including 19 in the Sex Crimes Unit and four in the Special Section on Crimes of Sexual Exploitation.

The law criminalizes trafficking and pornography and proscribes the promotion of sex tourism and use of the Internet for soliciting for sexual exploitation. Persons who engage in human trafficking for purposes of sexual activity can receive 5 to 8 years in prison, or in the case of a minor, 8 to 10 years. The law permits undercover operations and the monitoring of suspects' computers in sex crime cases. As of September the PTJ Sex Crimes Unit reported one conviction and sentencing to 5 years in prison for a foreign national charged in 2005 with trafficking in persons. By year's end the defendant had appealed the case and remained free on bail.

CONAPREDES, the national committee for the prevention of sexual crime, allocated additional funding for combating trafficking and for victims' assistance via member institutions. The law requires that, to raise revenue for CONAPREDE's activities, customs authorities collect $1.00 (1.00 balboa) from each tourist leaving the country. By year's end the Government still had not distributed the collected funds to CONAPREDES. The Government cooperated through information sharing with international investigations of persons accused of trafficking, but there were no extraditions on trafficking grounds from the country during the year.

Through December the PTJ Sex Crimes Unit had investigated 13 cases of sexual trafficking, 22 cases of child pornography, and seven cases of procurement of persons for commercial sexual activities. The prosecutor initiated its own investiga-

tions. The Government and other countries shared information, but this cooperation needed to be strengthened as did coordination among the PTJ Sex Crimes Unit, the PNP, and immigration authorities.

There were no further developments, and none were expected, in the case of a foreign national who owned a club with female dancers and was charged with procurement in May 2005, or regarding the May 2005 investigation by immigration authorities and the PTJ of a massage club where Colombian workers complained that the owner seized their passports.

In many trafficking cases, defendants alleged that the purported trafficking victim could not have been trafficked because that person entered the country as a visitor and then applied for an alternadora visa. Although commonly used to facilitate prostitution, an alternadora visa only permits foreign women in the country to work in entertainment establishments, to encourage patrons to purchase beverages, and to receive commissions for the number of drinks patrons purchase. The Immigration Department continued to issue alternadora visas despite opposition from MIDES and the Ministry of Government and Justice.

The law does not hold trafficking victims criminally responsible for prostitution or immigration crimes. The law provides for indemnification of victims of trafficking, even if they return to their native country, and for costs of medical and psychological treatment, temporary housing, legal fees, and emotional suffering.

The government's consular officers in Jamaica, Guatemala, and Mexico provided assistance to Panamanian trafficking victims in those countries. MIDES continued providing shelter and other services to victims of commercial sexual exploitation, using substitute families, its own shelter, and the shelter of the NGO Hogar Malambo, which it subsidized. The Government shelter, which was located in a former prison, did not have adequate infrastructure to house trafficking victims.

The Government worked with the ILO's International Program on the Elimination of Child Labor (IPEC) on trafficking initiatives, including through producing pamphlets on sexual exploitation and trafficking for distribution to public school educators. In March CONAPREDES held awareness-raising sessions with journalism associations in the provinces of Chiriqui, Bocas del Toro, and Panama on the media's role in communicating the problems of sexual exploitation and trafficking of minors. During the same month CONAPREDES executed in three Panama City suburbs a program of action to draw attention to trafficking victims.

Persons with Disabilities.—The law prohibits discrimination based on physical or mental disability. While awareness of disability issues increased under the Torrijos administration, substantial discrimination continued against persons with disabilities in employment, education, access to health care, and other state services. Most public schools did not have adequate facilities for children with special needs. The Government took some steps, including installing ramps in schools and some mainstreaming of children with disabilities. The law mandates access to new or remodeled public buildings for persons with disabilities and requires that schools integrate children with special needs. Although approximately 59 public schools built ramps and admitted some children with mental and physical disabilities during the year, most public schools did not have adequate facilities.

Although private schools built ramps to comply with the law mandating access, few admitted children with special needs. In May the Government established a consultative committee "Let's Live without Barriers" to follow up on enforcement of laws for inclusion and access for people with disabilities. By September the ombudsman had received one complaint of violations of the rights of persons with disabilities.

Beginning May 31, the Government hosted a 3-day conference for the ministers of education from Latin American nations to discuss incorporating respect for the rights of persons with disabilities in national laws.

On June 28, the Government passed a law making the National Secretariat for the Social Integration of Persons with Disabilities (SENADIS), the Government agency responsible for protecting the rights of persons with disabilities, an autonomous entity with its own budget. In July SENADIS signed an agreement with the ombudsman to cooperate in raising public awareness regarding the rights of persons with disabilities. The Ministry of Education and MIDES share responsibilities for educating and training minors with disabilities.

MITRADEL was responsible for placing workers with disabilities in suitable jobs. In November MITRADEL held a fair to facilitate employment of workers with disabilities, but of the 100 companies invited, only eight attended. Placement remained difficult due to employer reluctance to hire workers with disabilities despite a legal requirement that at least 2 percent of personnel be persons with disabilities.

The Government continued operating the Family Businesses project to train 2,000 low-income families with members with disabilities to open microbusinesses, and

the Government disbursed financial subsidies for people with disabilities. The Government continued donating rehabilitation equipment, including crutches, wheelchairs, and cerebral palsy chairs to persons with disabilities.

National/Racial/Ethnic Minorities.—Minority groups generally have been integrated into mainstream society, but there remained problems with negative societal attitudes toward blacks, indigenous groups, and other ethnic communities. Generalized public prejudice, including ethnic slurs, against the country's newer immigrants was at times overt. Cultural differences, illegal immigration status, and language difficulties hindered a number of immigrant and first-generation Chinese from fully integrating into mainstream society.

At times Middle Eastern and Indian residents also were the subject of negative societal attitudes by the general public, in part due to reluctance by some members of these communities to integrate into mainstream society. These groups often owned major businesses or worked in the country's retail trade. A constitutional provision reserving retail trade for citizens of the country generally was not enforced.

At least 14 percent of the population identified themselves as black. The black community was underrepresented in the highest positions of political and economic power. Many blacks remained clustered in economically depressed areas of Colon and Panama City. Societal prejudices toward blacks were generally subtle. Although the law specifically prohibits discrimination involving entry to public or commercial establishments, such as restaurants, and sets fines from $250 to $1,000 (250 to 1,000 balboas) for violations, there were reports that some commercial establishments continued openly to operate a "right of admission" policy, discriminating against darker-skinned individuals or those of lower social status. Cases of discrimination were difficult to prove, with complicated, time-consuming, and costly legal remedies for victims.

There were reports of racial discrimination against various ethnic groups in the workplace. In general lighter-skinned persons were represented disproportionately in management positions and jobs that required dealing with the public, such as bank tellers and receptionists. Some of the country's lighter-skinned elite discriminated against citizens with darker skin through preferential hiring practices in the private sector and manipulation of government resources in the public sector. Employers often required job applicants to submit photographs with their resume, which they used to discriminate against persons based on appearance.

On May 30, President Torrijos announced the establishment of an office to attend to matters of importance to the black community. The Black Ethnic Committee, established by President Torrijos, selected candidates to staff the office, which due to lack of financial resources was not operating during the year.

Indigenous People.—The law affords indigenous persons the same political and legal rights as other citizens, protects their ethnic identity and native languages, and requires the Government to provide bilingual literacy programs in indigenous communities. Indigenous persons, which according to the 2000 census comprised approximately 10 percent of the population, have the legal right to take part in decisions affecting their lands, cultures, traditions, and the allocation of natural resources. There were legally designated comarcas governed by traditional community leaders for five of the country's seven indigenous groups, including the Embera-Wounaan, Ngobe-Bugle, and Kuna. The Government continued to refrain from taking action to recognize comarcas for the Bri-Bri and Naso communities.

The Ministry of Government and Justice maintained an Office of Indigenous Policy. Although Federal law is the ultimate authority on indigenous reserves, local groups maintained considerable autonomy. The Government recognized traditional Kuna marriage rites as the equivalent of a civil ceremony. Laws protect intellectual property rights of indigenous artwork and establish regulations for artisan fairs. A 2006 ILO study, the most recent available, reported that indigenous workers had greater health problems and mortality rates, suffered from lack of educational and health services, had lower life expectancy, and experienced higher levels of malnutrition in relation to nonindigenous workers. The poverty rate among the indigenous population was estimated at between 90 and 98 percent, depending on the group.

A March 7 MIDES resolution established regional offices within the Kuna Yala, Ngobe-Bugle, and Embera-Wounaan comarcas. The Government instituted these offices to promote the participation of indigenous communities in government programs with the aims of furthering social integration and poverty reduction, while respecting their cultural identity, autonomy, and indigenous rights.

By September MIDES completed a 2005 pilot program to give birth certificates to all unregistered women and children in the comarca of the Ngobe-Bugle as a means for implementing a government-funded $35 (35 balboas) monthly cash dis-

tribution to all female heads of households. The Government directed that program recipients use the supplemental funds for their children's education and healthcare. Humanitarian organizations reported that the program generally met its registration, health, and educational promotion objectives.

Because they did not have an adequate command of Spanish, many indigenous persons often misunderstood their rights and failed to employ legal channels when threatened. The Government did not provide legal tribunals in indigenous areas and failed to attend to specific indigenous property and resource use rights problems. Outside settler encroachment threatened the comarca of the Ngobe-Bugle, and the Embera-Wounaan struggled to protect their intellectual property rights concerning medicinal plants. Leaders in Kuna Yala enforced the comarca's territorial boundaries and maintained the cultural integrity of their communities.

Social and employment discrimination against indigenous people was widespread. The ILO reported that employers paid indigenous workers 32 percent less than nonindigenous workers. Employers frequently did not afford indigenous workers basic rights provided by the labor laws such as minimum wage, social security benefits, termination pay, and job security. Indigenous laborers in the country's sugar, coffee, and banana plantations continued to work under worse conditions than their nonindigenous counterparts. Employers were less likely to provide quality housing or food to indigenous migrant laborers, and the children of these workers were much more likely to work long hours of heavy farm labor than nonindigenous children.

Other Societal Abuses and Discrimination.—A law prohibiting homosexuality was not enforced. There was societal discrimination against homosexuals, and gay persons were often denied employment opportunities. The internal regulations of the PNP describe homosexuality as a "grave fault." There were reports that the PNP fired police officers because of the officers' sexual preferences, and that officers hid their sexual orientation due to fear of job termination. The director of the Office of Professional Responsibility of the Police defended the regulations policy on the basis that both physical and mental health was required of police officers.

The law prohibits discrimination against persons with HIV/AIDS in employment and education, but discrimination continued to be common due to ignorance of the law and of HIV/AIDS. The Ministry of Health and Social Security provided treatment for HIV/AIDS, but the Government had problems maintaining stocks of retroviral medication.

Section 6. Worker Rights

a. The Right of Association.—The law recognizes the right of private sector workers to form and join unions of their choice, subject to the union's registration with the government. The law prohibits public servants from forming unions or calling strikes, requires that union leaders be citizens, requires a minimum of 40 persons to form a private sector union, and permits only one union per business establishment. The law permits workers to organize under larger umbrella skill set or trade unions, so long as these have a minimum of 40 members. These umbrella unions can operate alongside employer specific unions in the same establishment.

Although the law provides that if the Government does not respond to a registration application within 15 days, the union automatically gains legal recognition, unionists asserted that such automatic registration did not occur in practice. MITRADEL reported that inadequate personnel resources, case backlogs, and incomplete or inaccurate information in applications delayed the processing of new registrations within the required time frame.

The labor code prohibits employer antiunion discrimination, including protecting workers engaged in union activities from loss of employment or discriminatory transfers. However, there was no information available regarding whether employers failed to reinstate workers for union activities, or whether the Government was effective in enforcing the law prohibiting employer antiunion acts.

Although they can form worker associations, the law does not permit public sector workers to form unions. The ILO Committee of Experts 2007 observations repeated its previous requests that the Government reduce the minimum number of 50 public servants required to form a worker association. Between 8 and 10 percent of the private sector workforce was unionized. A July law established four leadership positions for public service worker associations. The four association leaders holding these positions are protected by legal immunity from dismissal and other employer retaliatory behavior in relation to worker representation and organizing activities.

In January the Government offered $20 million (20 million balboas) as final compensation for 270 dismissed public-sector electricity and telecommunications workers in an effort to comply with a 2001 Inter-American Court of Human Rights ruling. The workers asserted that the Government offer did not fulfill the court's compensation criteria.

The Government and political parties exercised political, ideological, or financial influence over some unions.

b. The Right to Organize and Bargain Collectively.—The law provides all private sector and most public sector workers with the right to organize and bargain collectively, and private worker unions exercised this right widely. The law establishes a conciliation section in MITRADEL to resolve private labor complaints and provides a procedure for mediation.

These conciliation tribunals include representatives from the government, labor, and the private sector and address cases in which the claim in dispute is no more than $1,500 (1,500 balboas). While labor leaders favored these tribunals, some civil society groups criticized the tribunals as routes for circumventing the role of the judiciary and leaving interpretation of labor laws at the discretion of persons who might lack expertise.

On August 16, hundreds of SUNTRACS trade union members conducted marches in Panama City to protest the August 14 and 16 killings of three SUNTRACS members and the wounding of another (see Section 2.b.).

Public workers had federation consisting of 21 public worker associations, but the association did not strike or negotiate collective bargaining agreements because only approximately 1 percent of government workers were protected from arbitrary dismissal as certified career employees. The law grants some public employees a limited right to strike, except for those in areas vital to public welfare and security, including police and health workers. At least 25 percent of the workforce must continue to provide minimum services in the case of administrative workers, and 50 percent of workers providing "essential public services," such as transportation, firefighting, telecommunications, and mail, must continue to provide those services. On November 6, the National Medical Commission of Negotiation (COMENAL) launched a strike for pay increase for health workers. The strike ended on December 14, with a worker pay raise following negotiations between COMENAL, the president and other government officials.

The ILO Committee of Experts expressed continued concerns that the Government had not amended the law to permit strikes by federations, confederations, and public servants and to remove transport workers from strike restrictions in essential services.

The law governing the autonomous Panama Canal Authority prohibits the right to strike for its 9,200 employees but does allow unions to organize and to bargain collectively on such issues as hours and safety and provides for arbitration to resolve disputes.

Employers in the retail industry commonly hired temporary workers to circumvent labor code requirements for permanent workers. In lower-skilled service jobs, employers often hired employees under 3-month contracts for several years, sometimes sending such employees home for a month, and later rehiring them. Employers also circumvented the law requiring a 2-week notice for discharges by dismissing some workers 1 week before a holiday. Due to labor laws that made it difficult to fire employees who had worked 2 years or more, it was common to hire workers for 1 year and 11 months and subsequently lay them off.

The MITRADEL Manual of Labor Rights and Obligations provides that unorganized workers can petition MITRADEL regarding labor rights violations and exercise the right to strike, but that only unions can negotiate collective bargaining agreements. However, several decisions of the Supreme Court of Justice have recognized that collective agreements negotiated between employers and unorganized workers have equivalent legal status to collective bargaining agreements. By year's end there was no information available to confirm whether employers continued to negotiate collective agreements directly with unorganized workers before a union was formed or before a union had a majority presence in the workplace.

Unions and collective bargaining are permitted in export processing zones (EPZs). There was no information regarding any response by the Government to the ILO Committee of Experts 2005 request that the Government confirm whether workers in EPZs have the right to strike. The law regarding EPZs does not mention arbitration or specify procedures to resolve labor disputes in the courts.

There were approximately 1,142 employees in the country's 15 EPZs and 10,090 employees in the country's 50 call centers, which operated under the law applicable to EPZs.

c. Prohibition of Forced or Compulsory Labor.—The law prohibits forced or compulsory labor, including by adults and children, and there were no reports that such practices occurred.

d. Prohibition of Child Labor and Minimum Age for Employment.—The law contains provisions to prevent exploitation of children in the workplace. MITRADEL

has responsibility for enforcement. According to the Chief Inspector for Child Labor during the year, 54 new hires of the Ministry of Labor received training pertaining to child labor in response to increased focus on the issue. The ministry was reasonably effective in enforcing the law regarding child labor in the formal sector. As of December the ministry had performed 465 inspections to ensure compliance with child labor regulations. Child labor in agriculture and in the informal sector of the economy, however, remained a problem.

The law prohibits the employment of children under age 14, with the exception that children age 12 and over are permitted to perform light farm work for up to 6 hours per day that does not interfere with their school hours. The law prohibits the employment of minors age 15 and older if the minor has not completed primary school. Child labor was a problem in some provinces and some economic sectors.

The law provides that children under age 18 cannot work more than 6 hours per day and cannot work at night. The law prohibits the employment of minors under the age of 18 in hazardous labor. MITRADEL enforced these provisions in response to complaints and has authority to order the termination of unauthorized employment. The Government acknowledged that it was unable to enforce some child labor provisions in rural parts of the country, and due to insufficient staff it conducted only limited inspections in those areas.

Child labor violations occurred most frequently in rural areas, in subsistence and commercial agriculture, especially during the harvest of sugar cane, coffee, palm, melons, and tomatoes. Farm owners often paid according to the amount harvested, leading many laborers to bring their young children to the fields to help with the work. The problem of child labor in agricultural areas fell most heavily on indigenous families, who often migrated out of their isolated communities in search of paid work. These frequent migrations interrupted schooling.

Child domestic labor was a problem. According to the 2000 census, the most recent available, more than 6,000 children between the ages of 10 and 17 worked as domestic servants. Government enforcement of domestic labor violations was traditionally weak because the place of work was a private residence.

Many children continued laboring in the informal sector as street vendors, shoe shiners, car window washers, baggers in supermarkets, trash pickers, or beggars. A 2005 ILO survey, the most recent available, estimated that 52,000 children between the ages of 5 and 17 worked in the informal sector. There were no firm statistics available regarding the number of child laborers or the number of working children who did not attend school.

The Government provided awareness raising and training on combating child labor for its officials and civil society. IPEC gave awareness training sessions to the National Council of Journalism to enhance reporters' sensitivity to child labor, resulting in greater media coverage of the topic. The government's Network of Opportunities program focused expressly on child labor in its evaluation study.

In April the National Commission for the Prevention and Eradication of Child Labor and the Protection of Adolescent Workers held its first meeting between the Governments of Panama and Costa Rica. The meeting established joint strategies to work against child labor in indigenous communities. On June 2, the Ministry of Agriculture organized a World Day Against Child Labor conference, which was attended by participants from other government institutions and civil society.

IPEC continued executing in the comarca of the Ngobe-Bugle, in Santiago de Veraguas, and in Panama City a program to remove 750 children from exploitive rural and informal urban work and to prevent an additional 750 from involvement in these activities. With foreign government assistance, the Education Ministry and MITRADEL provided some support to local NGOs to implement four programs to reduce the number of children laboring in the commercial sugar cane, coffee, and melon production sectors, as well as in subsistence farming, with the goal of preventing the employment of approximately 3,000 children or withdrawing them from employment.

e. Acceptable Conditions of Work.—The law establishes minimum wage rates for specific regions and for most categories of labor. On December 11, the president and the labor minister signed a decree establishing new region and sector specific minimum wages. The minimum wage ranged from $1.01 (1.01 balboas) to $1.87 (1.87 balboas) per hour. The agricultural and construction sector received the lowest and highest minimum wage respectively. This wage did not provide a decent standard of living for a worker and family. Most workers formally employed in urban areas earned the minimum wage or more. Approximately 40 percent of the population, however, worked in the large informal sector and earned far below the minimum wage. This was particularly the case in most rural areas, where unskilled laborers earned from $3 to $6 (3 to 6 balboas) per day without benefits. The Government did not enforce labor laws in most rural areas.

The law establishes a standard workweek of 48 hours; provides for at least one 24-hour rest period weekly, limits the number of hours worked per week, provides for premium pay for overtime, and prohibits excessive or compulsory overtime. MITRADEL generally enforced these standards in the formal sector.

MITRADEL is responsible for setting and enforcing health and safety standards and generally did so. There was no information available regarding the number of workplace inspections undertaken by MITRADEL during the year.

Inspectors from MITRADEL and the occupational health section of the Social Security Administration conducted periodic inspections of hazardous employment sites and responded to complaints. The government, however, failed to enforce adequately health and safety standards. Construction workers and their employers were lax about conforming to basic safety measures.

The labor code requires employers to provide a safe workplace environment, including the provision of protective clothing and equipment for workers, but does not specifically recognize the right of a worker to leave a dangerous work situation without jeopardy to continued employment. In practice workers removed themselves from situations that presented an immediate health or safety hazard without jeopardizing their employment.

PARAGUAY

Paraguay is a constitutional republic with a population of approximately 6.7 million. The president is the head of government and head of state. In 2003 voters elected Nicanor Duarte Frutos of the Colorado Party as president in generally free and fair elections. The country has a multiparty electoral system, but the Colorado Party has governed for 60 years. The civilian authorities generally maintained nominal control of the security forces.

Although the Government generally respected the human rights of its citizens, there were serious abuses in some areas. There were reports of killings by the police and military, which the Government investigated but rarely prosecuted. Some convicted prisoners, other detainees, and conscripts were subject to torture and abuse by government authorities. Prisons were routinely overcrowded and violent. Corruption, inefficiency, and external interference in the judiciary were routine problems, as was lengthy pretrial detention. Journalists were occasionally harassed and intimidated. Government corruption was a serious problem. Violence and discrimination against women and indigenous persons continued, as did trafficking in persons, discrimination against persons with disabilities, and discrimination based on sexual orientation or against persons with HIV/AIDS. Protections for worker rights and laws regulating child labor were inadequately enforced.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life.—The Government or its agents did not commit any politically motivated killings; however, security forces killed several persons while in custody or acting outside the scope of their duties using unwarranted or excessive force.

On May 6, police officers acting under the authority of Anti-Kidnapping Prosecutor Rogelio Ortuzar Bareiro killed Nancy Martinez, Cesar Gonzalez, Christian Delfino Morales, Rildo Ramirez, and Alfonso Leguizamon and his 16-year-old son, Mario Leguizamon, during a police raid in Minga Guazu, Alto Parana Department. Police alleged the victims were involved in kidnapping four persons who were released on April 20 after paying a $138,000 (690 million guaranies) ransom. A Public Ministry investigation was pending at year's end.

Members of the National Commission for Citizen Security (CONASEG), which coordinates the public security efforts of government ministries, agencies, and civil groups, have been accused of killings, robberies, assaults, and protecting traffickers. Several members were under investigation for killings; however, none had been prosecuted by year's end.

There were no developments in the cases of the alleged 2006 police killings of Agustin Cristaldo, Miguel Angel Benitez, and Alberto Escobar Silvero or in the alleged 2006 killings of Josais Adan Valiente Ovelar and Luis Martinez by CONASEG members.

There were no developments in the 2005 cases of alleged police killings of Lucio Luis Vera, Angel Cristaldo, and Leopoldo Torres. The 2005 case of three killings re-

portedly ordered by Police Subcommissioner Francisco Ramon Rojas Aveiro remained pending.

b. Disappearance.—There were no reports of politically motivated disappearances.

Enrique Galeano, host of a news and music program on the Horqueta-based Radio Azotey, disappeared in February 2006 near the city of Yby Yau, Concepcion Department. On July 16, Galeano appeared in Sao Paulo, Brazil, and claimed that Brazilian drug trafficker Luis da Rocha, with support from Colorado Deputy Magdaleno Silva and police officer Osvaldo Nunez, forced him to leave the country after kidnapping him, abusing him, and threatening his family. On July 6, Uruguay granted Galeano political asylum. Galeano alleged that his disappearance was related to his public criticism of powerful political figures for corruption and involvement in narcotics trafficking.

In November 2006 a judge convicted 12 members of a militant faction of the Free Fatherland Party on charges related to the 2004 kidnapping and 2005 killing of Cecilia Cubas, daughter of former president Raul Cubas, and issued sentences between 5 and 35 years' imprisonment. Six escaped to Argentina, one of whom subsequently fled to Bolivia after the others were captured, and were awaiting the possibility of extradition. Two escaped to Bolivia and extradition was pending. An additional nine individuals remained at large and were under investigation.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—Although the law prohibits such practices, there were reports that some government officials continued to employ them. The Paraguayan Human Rights Coordinator (CODEHUPY) comprising 37 nongovernmental organizations (NGOs), civic organizations, and trade unions, and the local NGO Committee of Churches for Emergency Aid (CIPAE) reported several cases of police torture and other abuses, including of women and children, designed to extract confessions, punish escape attempts, or intimidate detainees.

There were several reports of police officers harassing and beating civilians. On April 18, police officers in Guayaibi, San Pedro Department, allegedly beat 11-year-old Blas Argana, whose father was wanted by police for growing marijuana. San Pedro police officers also reportedly beat marijuana growers Derlis Martinez, Valentin Cabral, Juan Blas Martinez, Eliodoro Martinez, and Teodoro Jimenez. On September 18, agents in Ciudad del Este's Crimes Investigation Unit allegedly put Juan Dolores Colman Espinola in a polyethylene bag and beat him severely to extract a confession. On September 20, Ciudad del Este police commissioner Major Wenceslao Recalde acknowledged that police engaged in torture. On November 1, Ciudad del Este police reportedly beat brothers Ramon, age 12, and Isidro Benitez, age 23, after arresting them in Hernandarias, Alto Parana Department, on suspicion of robbery. On November 7, Felipe Benitez Cano claimed he was beaten by Ciudad del Este police after he stopped paying police a $100 (500,000 guaranies) monthly extortion fee.

There were no developments in the cases of the 2005 arrest and torture of Marcial Martinez Amarilla or the 2005 police beating of Juan Carlos Silvero Medina.

CODEHUPY reported that torture and other inhumane acts remained a significant problem in prisons, and police or prison guards enjoyed impunity. U.N. Special Rapporteur on Torture Manfred Nowak stated in November 2006 that torture was widely practiced during the first days of police custody. He reported: "The use of torture to obtain confessions is a standard practice in Ciudad del Este and other regions, where the methods used include beatings, stripping detainees naked, placing plastic bags over their heads, and squeezing their testicles." The rapporteur cited impunity as one of the most important reasons for the continuing practice of torture and abuse.

The law mandates that the Truth and Justice Commission (CVJ) gather information for cases of human rights abuses during the 1954–89 Stroessner regime. The law also requires that the ombudsman investigate and work with the prosecutor general, who reports directly to the president, to seek monetary compensation in these cases. Since his appointment in 2001, the ombudsman ruled that more than 1,200 victims who filed petitions were entitled to reparations. More than 400 victims (or family members) received payments totaling $20 million (100 billion guaranies). The CVJ, whose 5-year mandate expires in 2008, estimated that as many as 12,000 Stroessner-era abuse cases may have been filed.

In May the CVJ examined the armed forces archives to clear up possible abuses during the Stroessner regime; however, the commission did not find any evidence of Stroessner-era human rights abuses or disappearances by the armed forces or any evidence of Stroessner-era abuses in the national police archives. On December 22, the Supreme Court opened the Terror Archives, a collection of Stroessner-era secret police documents, to the public and made them available online.

In September 2006 the Inter-American Court on Human Rights found the Government culpable in the case of the 1977 disappearance of Agustin Goiburu and 26 others and stated that the Government should pay $633,000 (3.17 billion guaranies) in reparations to these victims of Operation Condor who were tortured or killed under the Stroessner regime; the Government's response was pending at year's end.

On September 7, the ombudsman awarded pro-Nazi activist Ramon Dart Castelluccio $20,000 (100 million guaranies) for abuses against him when he spent more than 1 year in jail during the Stroessner regime. On September 12, the Supreme Court ordered the Government to pay $400,000 (2 billion guaranies) to the widow of Antonio Maidana, former secretary-general of the Paraguayan Communist Party who was incarcerated for 19 years and killed in 1980.

Special rapporteur Nowak noted in November 2006 that he had received allegations of beating and degrading treatment of military conscripts, such as a form of hazing known as "descuereo," which involves forcing individuals to carry out extreme forms of exercise as punishment. In January, 17-year-old Air Force recruits Cristian Recalde and Victor Jose Coronel complained about this form of punishment; as a result, the military eliminated a special provision allowing recruits aged 17 to serve with parental consent and required that recruits be 18 years of age.

In February the Government authorized the ombudsman to monitor conditions at the Mariscal Francisco Solano Lopez Military Academy in Capiata, Central Department; the ombudsman reported no allegations of torture, rape, or assault. There were no developments in the case of the May 2006 alleged rape and sexual assault of several female cadets at the academy by senior military officers.

Prison and Detention Center Conditions.—The Ministry of Justice and Labor manages the country's prisons, including 20 penitentiaries and correctional centers holding approximately 6,100 inmates, 38 percent more than their capacity of 3,800. Tacumbu Prison in Asuncion, designed to hold approximately 900 inmates, held an average of 3,000 prisoners.

Prison and detention center conditions generally did not meet international standards. Overcrowding, insufficient infrastructure, unsanitary living conditions, and mistreatment were the most serious problems affecting all prisoners. Most prisons needed additional prison guards, required maintenance, and ignored serious health concerns. CODEHUPY noted increased overcrowding, violence, and deterioration in food safety and medical care in prisons. In August 2006 the Senate Committee on Prisons found that prisons generally remained in "deplorable" conditions. In particular, Special Rapporteur Nowak found the maximum security wing of the Ciudad del Este Regional Penitentiary in an extremely overcrowded condition without light, ventilation, or basic hygiene. Security was a problem throughout the prison system. Inmates frequently had weapons. Escapes and escape attempts were frequent; corruption among prison guards and judicial officials remained a problem. However, the Esperanza Industrial Penitentiary, which opened in 2005 and held approximately 300 male prisoners, represented a model for prison reform.

Regional penitentiaries in the departments of Paraguari, Canindeyu, Concepcion, Itapua, Caaguazu, and Misiones held prisoners of both sexes in separate wings. A 2006 report by the Senate Committee on Prisons questioned the practice of co-locating male and female prisoners, but the Government did not change the practice. On December 10, CIPAE noted that prison guards at San Juan Bautista Regional Center raped several female inmates, including one who was hospitalized for internal injuries. Although the ministry assigned minors convicted of juvenile crimes in Asuncion, Concepcion, and Encarnacion to youth detention centers, juvenile offenders elsewhere served their sentences in adult penitentiaries. Living conditions in juvenile facilities were generally better than in adult prisons. Prison administrators frequently separated prisoners based on their ability to pay for better living conditions.

The Government permitted independent monitoring of prison conditions by human rights organizations and granted Amnesty International and diplomatic representatives limited access to prisons for announced and unannounced visits. Observers found prison conditions extremely poor. During sensitive periods following prison unrest, some prison directors required the human rights and diplomatic representatives to obtain permission from the Ministry of Justice and Labor before visiting prisons.

d. Arbitrary Arrest or Detention.—The law prohibits arrest and detention without an arrest warrant signed by a judge. The law also stipulates that persons arrested must appear before a judge within 24 hours to make a statement. The police may arrest without warrant persons apprehended in the act of committing a crime, and persons may be detained up to 6 hours by the Public Ministry. In practice there were reports of arbitrary arrest and detention of persons without a warrant.

Role of the Police and Security Apparatus.—The national police, military, CONASEG, the Anti-Narcotics Secretariat (SENAD), and the Anti-Terrorism Secretariat (SEPRINTE) are responsible for law enforcement and maintenance of order. The structure of the security forces is decentralized, and security forces did not effectively coordinate law enforcement efforts. Corruption and impunity were severe problems in the national police. Civilian authorities maintained nominal control over the security forces. Although the Government has mechanisms to investigate and punish abuse and corruption, there were reports of abuses and corruption involving the security forces that went unpunished.

The national police, under the authority of the Interior Ministry, has responsibility for law enforcement and internal security. The 15,000-member police force was inadequately funded, poorly trained, and generally corrupt. On February 15, the Government took steps to enhance urban law enforcement and assigned 295 officers of the new Urban Specialized Police unit to patrol Asuncion. CONASEG members supported the national police. Although they could not arrest suspects or use weapons, CONASEG members acted as police officers in local communities.

The Government took steps to control and punish human rights violations committed by police officers; however, the police officers enjoyed impunity for many of their actions. Although the national police trained officers in human rights, there were incidents of police involvement in homicide, arms and narcotics trafficking, car theft, robbery, extortion, and kidnapping. Despite the Senate's 2005 rejection of his promotion to national police commissioner (due to his connections to narcotics traffickers) and his forced retirement in 2006, Aristides Cabral was appointed as the Interior Ministry's national intelligence director on November 20.

The 12,000-member military, under the authority of the Defense Ministry, is responsible for external security but also has some limited domestic security responsibilities. There were isolated cases of military corruption.

SENAD, under the president's authority, is responsible for enforcing laws related to drugs and drug trafficking. SEPRINTE, also under the president's authority, combats terrorism. SENAD and SEPRINTE were effective in their antinarcotics and antiterrorism efforts.

Arrest and Detention.—The law provides that, after making an arrest, police have up to 6 hours to notify the prosecutor's office, at which point the prosecutor's office has up to 24 hours to notify a judge that it intends to prosecute the case.

The law provides detainees with the right to a prompt judicial determination regarding the legality of the detention, and authorities appeared to respect this right and to inform detainees promptly of the charges against them. The average time from arrest to trial was approximately 240 days. Pretrial detainees constituted approximately 70 percent of the prison population. The law permits detention without trial until the accused completes the minimum sentence for the alleged crime, which often occurred in practice.

The law allows judges to utilize "substitute measures," such as house arrest, in place of bail for most crimes; however, judges frequently set relatively high bail, and many accused persons were unable to post bond.

The law grants accused criminals the right to counsel, and the Government provides counsel and representation to poor defendants. The Government permitted defendants to hire attorneys at their own expense. Inmates were allowed regular visits from family members, including conjugal visits.

e. Denial of Fair Public Trial.—While the law provides for an independent judiciary, courts remained inefficient and routinely subject to corruption and political influence.

Politicians and other powerful, interested parties blocked or delayed investigations and often pressured judges. Although the judiciary was not formally allied with any political group, approximately 62 percent of judges were members of the Colorado Party while 11 percent were Liberals.

The nine-member Supreme Court appoints lower court judges and magistrates based on recommendations of the eight-member Magistrate's Council; the Council also nominates for Senate approval a slate of three candidates for Supreme Court vacancies.

There are five types of appellate tribunals: Civil and commercial, criminal, labor, administrative, and juvenile. Minor courts and justices of the peace handle civil and commercial, criminal, labor, and juvenile cases. The military has its own judicial system, and the Supreme Court of Military Justice oversees military cases. The Superior Electoral Court (TSJE) oversees the electoral process and settles election disputes. The Supreme Court has final appellate jurisdiction over decisions of the Supreme Court of Military Justice, the TSJE, and appellate courts.

On July 16, a civilian three-judge panel determined that the Government violated habeas corpus by holding former general Lino Oviedo for more than 3 years without trial on charges stemming from the 1999 assassination of Vice President Luis Argana and subsequent killings of seven student protesters. On September 5, the Supreme Court of Military Justice released Oviedo on parole, after determining that, while incarcerated at Vinas Cue military prison and detained in Brazil, he had served more than half his 10-year sentence for a 1996 coup attempt. On October 30, just hours before the deadline for Oviedo to register to vote (and thus be permitted to run) in the 2008 national election, the Supreme Court reinstated Oviedo's full civil and political rights. These military and civilian court rulings spurred widespread complaints of executive interference in the judicial system.

On March 14, the Government complied with the Inter-American Court of Human Rights' 2004 ruling by fully compensating former presidential candidate Ricardo Canese for imprisoning him after he criticized former president Carlos Wasmosy during the 1993 election campaign.

Trial Procedures.—The law provides for the right to a fair trial, and an independent judiciary generally enforced this right. In practice groups such as women and indigenous persons were denied this right.

All trials are open to the public. The law stipulates that all defendants have the right to an attorney and to consult with that attorney in a timely manner, at public expense if necessary. The law requires prosecutors to bring charges against accused persons within 180 days of arrest. The 200 public defenders in country, including 49 in Asuncion, lacked the resources to perform their jobs adequately. Defendants enjoy a presumption of innocence, and defendants and prosecutors may present the written testimony of witnesses as well as other evidence. Defendants and their attorneys have access to government-held evidence relevant to their cases.

Juries are not used. In most cases a three-judge panel determines guilt or innocence and decides punishment. A majority opinion is required to convict. One judge presides in misdemeanor cases when the maximum punishment does not exceed 2 years in prison. A convicted defendant has the right to appeal, and the Supreme Court has final appellate jurisdiction over constitutional questions. In practice the Supreme Court considered many cases not related to constitutional questions, further delaying the judicial process.

Political Prisoners and Detainees.—There were no reports of political prisoners or detainees.

Civil Judicial Procedures and Remedies.—Citizens have access to the courts to bring lawsuits seeking damages for, or cessation of, human rights violations. While the justice system provides for an independent civil and commercial judiciary, courts remained inefficient and subject to corruption and political influence. Politicians and other interested parties had considerable influence and often pressured judges.

Property Restitution.—The Government generally enforces court orders with respect to seizure, restitution, or compensation for taking private property. However, systemic failures occurred. In 2005 the Government expropriated approximately 319,000 acres of land in Puerto Casado owned by Reverend Sun Myung Moon's Unification Church. On May 23, the Supreme Court ruled the Government's expropriation unconstitutional. On August 10, Congress and the Unification Church agreed to a donation of 74,130 acres for distribution to local farmers. Thereafter, the church had access to its remaining landholdings.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The law prohibits police entry into private homes except to prevent a crime in progress or when the police possess a judicial warrant. While the Government and its security forces generally did not interfere in the private lives of citizens, human rights activists claimed that local officials and police officers abused their authority by entering homes and businesses without warrants and harassing private citizens. There were credible allegations that some government officials occasionally spied on individuals and monitored communications for partisan or personal reasons.

On November 1, a prosecutor indicted Colonel Heriberto Galeano, former commander of the Presidential Escort Regiment and the First Infantry Division, as part of an investigation into his involvement in illegal telephone tapping operations from his home. Galeano posted bail and remained free while awaiting trial; the military suspended him and placed him on leave without pay.

There were no developments in the 2005 robbery and assault case of Norma Silva Centurion or in the 2005 case of Marcial Martinez Amarilla, who was arrested without a warrant.

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. Individuals criticized the Government publicly or privately generally without reprisal, and the Government generally did not impede criticism. After August, however, President Duarte and senior members of the Colorado Party repeatedly criticized the press during political speeches, accusing the media of partisanship and inaccurate reporting. On November 22, the president called for a press law that would require the registration of journalists and control the content and ownership of media outlets.

Harassment and intimidation of journalists by government agents occurred. On several occasions, politicians and prosecutors publicly threatened journalists who revealed embarrassing information about them, typically related to corruption. Political figures used police or private security agents to threaten or intimidate journalists.

On March 4, 12 illegal log traffickers attacked and briefly took hostage journalist Alberto Nunez in the Capiibary National Forest Reserve, San Pedro Department. The traffickers beat Nunez and threatened his life for taking photographs. On August 13, Nunez also received death threats after local news media broadcast videos showing the daughter of a local councilman involved in a sexual act. On September 13, Ciudad del Este police beat Channel 13 Cameraman Luis Carlos Ayala Davalos after he took pictures of a local family whose child was crushed to death by a falling wall.

On August 22, unknown assailants killed Chilean radio journalist Tito Alberto Palma in Mayor Otono, Itapua Department, following numerous death threats associated with his reporting. Although investigators identified members of Palma's family as potential suspects in the case, they have not ruled out possible government involvement in his death. Palma reported on organized crime and political corruption on the Mayor Otano radio station and on Radio Chaco Boreal in Asuncion.

On July 16, disappeared journalist Enrique Galeano appeared in Sao Paulo (see Section 1.b.). There were no developments in the case of the December 2006 killing of Colorado mayoral candidate and journalist Julio Benitez Ruiz Diaz.

The independent media were active and expressed a wide variety of views with few legal restrictions. The media frequently criticized the Government and freely discussed opposition viewpoints without censorship or content restriction. Many media outlets reflected personal business or political interests, and ethical and professional standards were low. Political officials often retaliated against media criticism by using the misinterpreted libel law. Judges were biased toward officials and frequently ruled in their favor.

Internet Freedom.—There were no government restrictions on basic access to the Internet or reports that the Government monitored e-mail or Internet chat rooms. Individuals and groups could engage in the peaceful expression of views via the Internet, including by e-mail. Internet access was available to and used by citizens, albeit limited by insufficient infrastructure. Additionally, the government-owned COPACO telephone company used monopoly status to attempt to block access to Voice-over Internet Protocol (VoIP) telephony to enrich particular interests. On October 3, COPACO president Juan Ramon Ibarra stepped down after 10 months as chief executive amid allegations that officials profited from $40 million (200 billion guaranies) paid to a German company for international telephone access.

Academic Freedom and Cultural Events.—There were no government restrictions on academic freedom or cultural events.

b. Freedom of Peaceful Assembly and Association.

Freedom of Assembly.—The law provides for freedom of assembly and association, and the Government generally respected these rights in practice. The Government generally protected demonstrators from indiscriminate violence.

The law restricts demonstrations to certain times and places and specifically prohibits meetings or demonstrations in front of specified government buildings. The law prohibits closing roads as a form of protest, but demonstrators did so on many occasions during the year. Police sometimes forcibly removed protesters.

Court decisions in the case of the 2004 Ycua Bolanos Supermarket fire prompted protests that police dispersed with force. In December 2006 demonstrations broke out following involuntary manslaughter convictions (vice murder) in that case. More than 50 judges recused themselves from participating in the trial for fear of public retaliation. On August 8, protesters and police clashed again following the court's decision to retry the case. In response to an appellate court's September 7 decision conditionally releasing the owners of Ycua Bolanos, approximately 120 family members and victims protested; police used water cannons and rocks to disperse them.

Several farmers' groups blocked national highways and occupied numerous rural properties to call attention to farmers' issues, including land reform. On March 27, police used force, including rubber bullets, to break up an illegal protest by 2,000 members of the landless movement. The police resorted to force when protesters attempted to converge on the president's residence.

Freedom of Association.—The Constitution provides for the right of citizens to free association, and the Government generally respected it in practice.

c. Freedom of Religion.—The Constitution provides for freedom of religion, and the Government generally respected this right in practice. The Government required all religious groups to register with the Ministry of Education and Culture but imposed no controls on these groups, and many unregistered churches existed.

Jehovah's Witnesses who refused to give permission for blood transfusions reported that authorities challenged what the group considered a "right to bodily self determination." On September 10, police arrested Jehovah's Witnesses Jose Ortega and Asuncion Bernarda Ortega Gaona for refusing to allow doctors to give their daughter blood transfusions. They were released from prison; their case remained under investigation.

Societal Abuses and Discrimination.—There were occasional reports of violence, harassment, and discrimination against members of religious groups.

In the second half of the year, President Duarte made repeated discriminatory remarks against members of the Catholic clergy in an attempt to discredit the presidential candidacy of Fernando Lugo, the former bishop of San Pedro Department who submitted his resignation from the clergy in December 2006.

There were an estimated 1,000 Jews in country. Anti-Semitic and pro-Nazi messages and symbols, including graffiti, appeared sporadically. On July 5, the newspaper ABC Color published anti-Semitic comments in an article. Representatives of B'nai B'rith met with the publisher to express their concern.

For a more detailed discussion, see the 2007 International Religious Freedom Report.

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons.—The law provides for freedom of movement within the country, foreign travel, emigration, and repatriation, and the Government generally respected these rights in practice. However, authorities frequently prohibited those accused of crimes from leaving the country and, on occasion, barred those convicted of crimes from traveling abroad after completing their sentences. The law expressly prohibits forced exile, and the Government did not use it. However, at a November 22 political rally, President Duarte accused large landholders of exploiting and killing their workers and of not supporting continued Colorado Party rule. Singling some out by name, the president declared "they should be expelled from Paraguay."

Protection of Refugees.—The law provides for the granting of asylum or refugee status in accordance with the 1951 U.N. Convention relating to the Status of Refugees and its 1967 protocol, and the Government has established a system for providing protection to refugees. In practice the Government provided protection against refoulement, the return of persons to a country where there is reason to believe they feared persecution.

The Government granted asylum to five of six Colombians seeking protection during the year; the sixth was expelled. The Government provided temporary protection to 14 Cubans who entered the country during the year and did not qualify as refugees under the 1951 convention or the 1967 protocol. The Government granted asylum to one Cuban, denied another, and was reviewing the remaining 12 cases at year's end.

The Government cooperated with the Office of the U.N. High Commissioner for Refugees (UNHCR), the International Organization for Migration (IOM), and other humanitarian organizations in assisting refugees and asylum seekers. CIPAE acted as the U.N.'s legal representative. On May 2, the Government agreed to join the UNHCR's regional resettlement program.

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. The law mandates general elections every 5 years with voting by secret ballot.

Elections and Political Participation.—In the April 2003 multiparty general elections, Nicanor Duarte Frutos of the Colorado Party won the presidency. Observers from the Organization of American States characterized the elections as generally free and fair. There were no reports of systematic nationwide irregularities, al-

though the NGO Transparency Paraguay cited irregularities at several polling stations.

The Government prohibits unelected public officials from political campaigning and the use of public resources to benefit political parties; however, in the run-up to the April 2008 national elections, many public officials used public resources to further political campaigns.

Although political parties could operate without restriction or outside interference, the Government must approve their participation in elections. The Government prohibits unregistered parties, including those with military wings, and independent candidates from participating in elections.

There are no legal impediments to women's participation in government and politics. There were 11 women in Congress (four of 45 senators and seven of 80 national deputies), one woman on the Supreme Court, one woman elected as a departmental governor, one woman heading a Cabinet ministry, and six women holding ministerial rank. The Electoral Code requires that at least 20 percent of each party's candidates in their internal primaries for elective office be women.

Although there were no legal impediments to indigenous groups' participation in government and politics, there were no indigenous members of government. In November 2006 several candidates from the National Indigenous Movement ran for office in municipal elections, but none were elected. Members of some indigenous communities reported they were threatened and prohibited from fully exercising their political rights, and indigenous persons continued to protest limits on their political and human rights.

Government Corruption and Transparency.—The law provides criminal penalties for official corruption; however, the Government did not implement the law effectively, and officials frequently engaged in corrupt practices with impunity. According to the World Bank's worldwide governance indicators, corruption was a serious problem.

The Public Ministry under the authority of the attorney general commissioned several units of attorneys to combat corruption. The Ministry of Industry and Commerce's Secretariat on Money Laundering referred eight cases to the Public Ministry for prosecution during the year.

A December 2006 National University of Asuncion report indicated that corruption cases experienced delays often exceeding legal timeframes. The report found that approximately 77 percent of all cases expired under the statute of limitations and indicated that wealthy or well-connected defendants received impunity by filing motions that slowed legal progress.

Government prosecutors pursued high-profile corruption cases. On May 21, prosecutors arrested former foreign minister Ruben Melgarejo Lanzoni and Prosecutor Juan Claudio Goana for attempting to extort $50,000 (250 million guaranies) from a French businessman. The case remained pending at year's end.I11On June 21, Colorado Deputy Victor Bogado stepped down as president of the House of Deputies. Deputy Bogado remained under investigation by prosecutors for, among other acts, spending an estimated $125,000 (800 million guaranies) in public funds to finance his wedding. His case remained pending while he retained congressional immunity.

On August 7, prosecutors arrested Environment Ministry official Jorge Colonel, Boqueron Department, for soliciting a $20,000 (100 million guaranies) bribe from a British mining company.

On November 12, prosecutors opened an investigation against Itaipu Binational Authority Director Victor Bernal Garay for allegedly using public funds generated by the public utility company jointly owned by Paraguay and Brazil to purchase personal properties.

On December 6, prosecutors indicted 37 officials from the Paraguayan Customs Investigative Unit for falsifying travel vouchers totaling $27,200 (128.8 million guaranies).

There were no developments in former president Luis Angel Gonzalez Macchi's appeal of his 2006 conviction and 6-year prison sentence for involvement in the illegal transfer in 2000 of $16 million (800 billion guaranies) from the liquidated Oriental Bank and Union Bank.

Elected officials are required to disclose their finances prior to running for office; however, not all did so, engaging in corrupt practices with impunity and using political immunity to avoid prosecution.

Although the law provides for public access to government information, citizens and noncitizens, including foreign media, had limited access to government information. Efforts to hide corruption and insufficient infrastructure hindered access to information; however, the Government improved transparency by publishing information publicly via the Internet.

Section 4. Governmental Attitudes Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

Nearly 50 domestic and international human rights groups, including the IOM, International Labor Organization (ILO), and U.N. Children's Fund (UNICEF), operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were somewhat cooperative and responsive to the views of domestic and international NGOs.

Ombudsman Manuel Paez Monges was the country's primary human rights advocate. The ombudsman employed approximately 160 lawyers and support personnel, including 70 who worked in municipal offices outside Asuncion. The ombudsman's office worked closely with the CVJ to process Stroessner-era abuse cases. The ombudsman's offices and the commission generally operated without government interference; however, budgetary constraints hindered their operations.

The Ministry of Justice and Labor's director general of human rights chaired the National Commission on Human Rights. The director general's office did not have subpoena or prosecutorial power, but the commission forwarded information concerning human rights abuses to the Public Ministry for action.

The human rights office in the Ministry of Foreign Affairs organized an interministerial roundtable on human rights and trafficking in persons that met periodically. It served as a forum for human rights officials from the Government and domestic and international NGOs.

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

While the law prohibits discrimination based on race, gender, disability, language, or social status, certain groups, such as indigenous persons, faced significant discrimination in practice.

Women.—The law criminalizes rape, including spousal rape, and provides penalties of up to 6 years in prison. According to the Public Ministry, rape was a significant problem. The Government generally prosecuted rape allegations and often obtained convictions; however, many rapes went unreported.

Domestic violence was very common, and thousands of women were treated annually for injuries sustained in domestic altercations. Through November the Secretariat of Women's Affairs (SMPR) registered 14,330 domestic violence complaints in Asuncion by women who contacted the SMPR (1,390), national police (11,690), and the NGO Kuna Aty (1,250). Also through November the Public Ministry investigated four cases of domestic violence filed by 13 women.

Although the law criminalizes spousal abuse, it stipulates that the abuse must be habitual before it is considered criminal. Those convicted are typically fined. Despite increased reports of domestic violence, such complaints were often withdrawn soon after filing due to spousal reconciliation or family pressure. The courts allowed mediation of some family violence cases. The SMPR received reports on domestic violence and coordinated victim assistance efforts with the national police, health care units, the Public Ministry, and NGOs. NGOs provided health and psychological assistance, including shelter, to victims. The SMPR also conducted training courses for the police, health care workers, prosecutors, and others in assisting victims of trafficking and domestic violence. The SMPR and NGOs Kuna Aty and Women's November 25th Collective offered services to abused women in Asuncion. Kuna Roga offered services to abused women in Encarnacion.

The law prohibits the sexual exploitation of women, but the authorities did not enforce the prohibition effectively. Prostitution is legal for persons over the age of 18, and exploitation and trafficking of women, particularly underage prostitutes, remained a serious problem.

The law prohibits but does not criminalize sexual harassment, and it remained a problem for many women in the workplace. While there are no specific penalties for harassment, related violations such as abuse are punishable by fines and up to 3 months' imprisonment. Claims of abuse were filed with the courts and the Ministries of Justice and Labor; however, harassment was difficult to prove, and most complaints were settled privately.

Although women generally enjoyed the same legal status and rights as men, gender-related economic discrimination was widespread and widely tolerated. Women often were paid significantly less than men for the same work. According to the General Directorate of Statistics, Surveys, and Censuses, the unemployment rate for women in November 2006 was 16.7 percent, compared with 7.6 percent for men. Women generally were employed as domestic workers, secretaries, and customer service representatives. The SMPR combated discrimination by sponsoring programs intended to give women equal access to employment, social security, housing, ownership of land, and business opportunities.

Children.—The law protects certain children's rights and stipulates that parents and the state should care for, feed, educate, and support children.

The government's failure to register births resulted in some discrimination, including the denial of public services. In 2006 the Secretariat for Children and Adolescents (SNNA) registered more than 25,000 children not previously included in the Civil Registry; the SNNA estimated that more than 600,000 children remained unregistered.

Primary education was compulsory, free, and universal, and public schooling was provided for 4 hours per day, 20 hours per week, through the age of 17 and was compulsory until age 14. According to an ILO study published in August, 14.5 percent of children between the ages of 5 and 17 did not attend school. The law entitles boys and girls to equal educational access, and their enrollment rates were approximately equivalent; overall enrollment rates for children ages 5 to 17 in urban areas (90 percent) were higher than in rural areas (80 percent).

Boys and girls generally had equal access to state-provided medical care. The Government provided free consultation for children under the age of 5, but medical services required payment by the parent or guardian. According to UNICEF, 48 percent of children age 14 or younger lived in poverty with limited or no access to medical care, and 11 percent of those suffered from chronic malnutrition.

Violence and abuse of children was a serious problem. The National Commission to Prevent and Eradicate the Exploitation of Children (CONAETI) assisted abused and neglected children and educated the public on preventing child abuse. The Ministry of Health and Social Welfare operated three homes for abused children and orphans in Asuncion and placed many other abused children in foster homes. The Paraguayan Network for Human Development (REPADEH) chaired by First Lady Gloria Penayo operated two children's homes in Asuncion. The NGO Children's and Adolescents' Care and Assistance Center (CEAPRA), managed a shelter in Ciudad del Este, and the Catholic Church operated a home in Encarnacion. The NGO Integral Adolescent Attention Service began assisting abused children in Villarrica, Guaira Department. The SNNA and NGOs also organized programs to combat child abuse and child labor. In many cities, the Municipal Council for Children's Rights (CODENI) assisted abused and neglected children.

Sexual exploitation of children, principally in prostitution, was a serious problem. According to the SNNA, many underage children forced to work as domestic servants were sexually abused. UNICEF reported that two-thirds of persons in prostitution were minors; the commercial exploitation of a majority of these minors typically began between the ages of 12 and 13. There were reports of trafficking in girls for the purpose of sexual exploitation. On November 29, the Argentine organization High Coalition of Trafficking, Sexual Exploitation, and Infant Commerce reported that, between October 2006 and October 2007, Argentine authorities took more than 160 Paraguayan girls under age 18 into protective custody.

Trafficking in Persons.—Although the law prohibits most forms of trafficking in persons, the country was a source for internationally trafficked persons, and internal trafficking was a serious problem.

Most trafficking occurred to exploit victims for the purposes of prostitution, domestic servitude, and manual labor. Anecdotal evidence suggested that several hundred women and children, the groups most at risk for trafficking, were trafficked abroad annually. In October the ILO reported that traffickers coerced hundreds of males under the age of 18 to become transgendered prostitutes (taxi boys). Most persons were trafficked to transit points in Argentina and Brazil, or for exploitation in the Tri-Border Area. The most significant foreign destinations were Argentina and Spain; smaller numbers of victims went to Brazil, Italy, and Bolivia. Domestically, most victims were trafficked to Asuncion and Ciudad del Este.

The principal traffickers were organized criminal syndicates based in Argentina and Brazil with operations in the Tri-Border Area. The trafficking of women and children for sexual exploitation was a high-profit, low-risk activity for traffickers who traveled covertly at nonrecognized or unmonitored border crossing points. Most victims came from the rural, eastern interior of the country, where international crime syndicates operated. Government and NGO studies showed that most of the girls trafficked were working as street vendors when traffickers targeted them and that 70 percent of victims had drug addictions. Traffickers falsely promised the girls jobs in the retail industry. In some cases, the parents were fully aware that their daughters planned to work in other cities or countries but were unaware of the exploitative conditions.

The law punishes trafficking in persons with up to 10 years' imprisonment. The law also forbids compelling anyone to travel outside the country or to enter the country for the purpose of sex tourism or compelling a minor under 18 to work as a prostitute. A specific law prohibiting internal human trafficking does not exist, al-

though other provisions of the penal code can be used to prosecute trafficking-related activity within the country. There were 34 persons in prison on trafficking-related offenses; 11 of these individuals had been convicted of trafficking and associated crimes, 23 were charged with these crimes, and five were in restrictive custody. The Public Ministry, with the assistance from the SMPR, opened five trafficking cases on behalf of 11 women. The ministry prosecuted 26 total trafficking cases filed from 2005 through 2007 on behalf of 66 women, including nine minors. The Government also assisted with international investigations and extradited citizens who were accused of trafficking in other countries. On November 10, Spanish police arrested three nuns from Boqueron Department for trafficking women to Spain.

There were no developments in the cases of the 2006 arrests of Bolivian citizens Antonio Cortes Villena and Ramiro Noquer Garcia and Paraguayan citizens Juana Rocio Adorno Silguero and Jorge Kraufer Gimenez for recruiting girls to work as prostitutes; or of Spaniards Claudia Lorena Martinez and Andres Eligio Ponce for trafficking children to Spain.

There were reports that government officials, including border guards, police, prosecutors, judges, Members of Congress, or other officials, participated in, facilitated, or condoned human trafficking. There were also reports that officials accepted bribes directly or indirectly to facilitate trafficking in persons. The Public Ministry supported the efforts of the SMPR and SNNA to combat trafficking. However, the ministry failed to prosecute officials involved in trafficking or remove them because it focused on combating trafficking syndicates and lacked the resources and political will to prosecute government officials.

The Public Ministry, SMPR, and SNNA were responsible for combating trafficking, and the Secretariat for the Repatriated had a mandate to assist victims who were trafficked abroad; however, their small budgets limited their effectiveness. Foreign governments and NGOs provided additional assistance. On December 21, the Ministry of Foreign Affairs, Public Ministry, SMPR, SNNA, and the Secretariat for the Repatriated instituted the first nationwide trafficking in persons database connecting these agencies with the national police, allowing them jointly to manage cases of trafficking in persons.

Resource constraints also limited government assistance to trafficking victims, and the Government did not screen vulnerable population groups to identify trafficking victims. Victims received limited legal, medical, and psychological support. The government's primary focus in protecting victims was the repatriation of its own citizens. Scarcity of funds limited physical and mental health services for those repatriated, their transportation home, and follow-up after repatriation. Authorities encouraged victims to file complaints; however, repatriated victims faced societal discrimination as a result of their experience.

Efforts to prevent trafficking included interministerial roundtables organized by the Ministry of Foreign Affairs to discuss trafficking in persons. A national communications campaign, organized by the SMPR with foreign government and NGO support, sought to prevent women and girls from becoming trafficking victims. On December 12, the SMPR inaugurated the first shelter for female trafficking victims. The Itaipu Binational Authority and SNNA supported CEAPRA's shelter for child trafficking victims in Ciudad del Este.

Persons with Disabilities.—The law prohibits discrimination against persons with physical and mental disabilities in employment, education, access to health care, or the provision of other state services. The law does not mandate accessibility for persons with disabilities, and most of the country's public and private buildings were inaccessible. Many persons with disabilities faced significant discrimination in employment; others were unable to seek employment because of a lack of accessible public transportation. The Ministry of Health noted that half of all children with disabilities did not attend school because public buses could not accommodate them.

Conditions for the more than 400 residents at the country's principal health care center for persons with disabilities, Neuropsychiatric Hospital in Asuncion, remained substandard. Parasitic and skin infections were widespread. Children continued to be housed in the institution despite the Government's pledge to place them in the community.

Indigenous People.—The law provides indigenous people with the right to participate in the economic, social, political, and cultural life of the country; however, the indigenous population (officially estimated at more than 90,000) was unassimilated and politically underrepresented. The law protecting the property interests of indigenous people was not respected in practice. The law allows public ministry officials to represent indigenous people in matters involving the protection of life and property.

Indigenous fishermen and farmers suffered from activities of nonindigenous people who illegally harvested fish or deforested indigenous lands through logging or soy cultivation. Lack of access to sufficient land hindered indigenous groups' ability to progress economically and maintain their cultural identity. There was insufficient police and judicial protection from persons encroaching on indigenous lands, and many indigenous people found it difficult to travel to the capital to solicit land titles from the Government's Institute of the Indigenous (INDI). In September more than 370 persons from the Mbya and Chupapou groups won government land concessions of more than 5,000 acres after a 4-month occupation of Asuncion's two most popular parks. On November 5, the Office of the Coordinator for the Self-Determination of Indigenous Peoples reported that the Government had abused, insufficiently protected, or withheld land from the Ava, Totobiegosode Ayoreo, Mbya, Samhoyamaxa, and Yakye Axa indigenous groups.

Indigenous people faced discrimination with respect to employment, education, housing, and health services. Indigenous workers, who generally worked as laborers on ranches, earned low wages, worked long hours, were paid infrequently or not at all, and lacked job security and benefits. Indigenous people often lacked shelter and medical care.

INDI promoted indigenous rights and assisted indigenous groups. The ombudsman handled complaints involving violations of indigenous rights, but scarce resources and limited government attention slowed progress in dealing with these problems. On November 28, the ombudsman reported that the Government paid $12,000 of an $18,000 March 2006 Inter-American Court of Human Rights ruling in favor of the Sawhoyamaxa community. On June 1, the Government fully compensated the Yakye Axa community pursuant to a 2005 Inter-American Court of Human Rights ruling. On July 24, the court agreed to hear a case against the Government submitted by the Kelyenmagategma community.

Other Societal Abuses and Discrimination.—There was societal discrimination based on sexual orientation or against persons with HIV/AIDS. The Public Ministry was responsible for investigating these cases; however, police or other government agents perpetrated or condoned such discrimination. In May the Ministry of Health and Welfare reported 5,358 cases of HIV/AIDS, including 642 new cases in the first 10 months of 2006; 61 percent of all cases were male and 39 percent female.

Section 6. Worker Rights

a. The Right of Association.—The law allows both private and public sector workers (with the exception of the armed forces and the police) to form and join unions. Workers exercised this right in practice. The law contains provisions that protect fundamental worker rights, including an antidiscrimination clause, provisions for employment tenure, severance pay for unjustified firings, collective bargaining, and the right to strike. Approximately 121,000 (15 percent) of workers were organized in approximately 1,600 unions. These numbers excluded the informal sector, which represented a significant segment of the economy. Given legal restrictions on union rights, more than half the workforce was unable to join unions.

There are no legal or practical restrictions on the right to form or dissolve a union. All unions must register with the Ministry of Justice and Labor. Although the official registration process could take more than a year, the ministry issued provisional registrations within weeks of application to allow new unions to operate. Employers who opposed forming a union could delay union recognition by filing a writ; however, almost all unions requesting recognition eventually received it.

The law prohibits antiunion discrimination, but it was not always enforced. Some union organizers and private sector leaders experienced harassment; however, the Government generally respected the civil liberties and human rights of union leaders. Legal mechanisms to combat antiunion discrimination were ineffective. Union leaders and workers fired for union activities sought redress in the courts, which tended to favor employees in labor disputes. However, judicial backlogs delayed many cases for several years. In some cases, when judges ordered the reinstatement of discharged workers, employers continued to disregard the court order with impunity. Employers occasionally dismissed workers before they had been employed long enough to be protected by the law. There were also complaints that management created parallel or "factory" unions to compete with independently formed unions. In several cases, workers allegedly chose not to protest from fear of reprisal or anticipation of government inaction.

b. The Right to Organize and Bargain Collectively.—The law allows unions to conduct their activities without interference, and the Government protected this right. The law provides for collective bargaining, and this provision generally was respected in practice. According to the Ministry of Justice and Labor, there were approximately 30 collective bargaining agreements in place, covering approximately 10

percent of private sector employees and 60 percent of public sector employees. These labor and wage agreements did little more than reaffirm minimum legal standards.

The law provides for the right to strike, bans binding arbitration, and prohibits retribution against strikers and leaders carrying out routine union business; however, the Government failed to prevent retaliation by employers who took action against strikers and union leaders. The courts provided due process through mechanisms such as voluntary arbitration. There were numerous strikes related to management violations of a collective contract, management efforts to prevent the free association of workers, or demands for benefits such as paying minimum wages or contributing to the social security system.

There were no export processing zones. Factories that assembled imported parts for re-export (maquiladoras) operated in the eastern part of the country. The Mercosur trade association accepted the country's re-export factories into its automotive regime. The country's labor laws applied to their operators.

c. Prohibition of Forced or Compulsory Labor.—The law prohibits forced or compulsory labor, including by children; however, there were reports that such practices occurred (see Section 5, Trafficking).

d. Prohibition of Child Labor and Minimum Age for Employment.—The law protects children from exploitation in the workplace and prohibits forced or compulsory labor. The Government did not enforce minimum working age regulations, and child labor was a problem in the country's formal and informal economies.

The law prohibits work by children under age 14 and permits minors between 15 and 18 years of age to work only with parental authorization and in conditions that are not dangerous or unhealthy. Children over 14 years of age may work only in family enterprises, agriculture, or apprenticeships.

An August ILO study reported that 970,000 (53 percent) of children between the ages of 5 and 17, worked more than 1 hour per day, and 862,000 worked at least 14 hours per week, primarily in domestic jobs as childcare providers, housekeepers, or cooks, or in laundries. According to the ILO, rural children worked primarily in agriculture, including family farms, community services, restaurants and hotels, industrial manufacturing, and on the street.

In addition to prostitution and domestic servitude, the worst forms of child labor occurred in the services sector, where most children worked as vendors or laborers. In supermarkets, boys as young as age 7 bagged and carried groceries for tips. Thousands of urban children were engaged in informal employment, on behalf of their parents or as orphans, such as selling newspapers and sundries and cleaning car windows. Many of the children who worked on the streets suffered from malnutrition, disease, and sexual abuse, lacked access to education, and faced severe health and safety risks from vehicle exhaust and solicitations from traffickers. In rural areas, children as young as five often worked beside their parents in the fields.

The Ministry of Justice and Labor is responsible for enforcing child labor laws, and the Public Ministry prosecutes violators. The Government took some steps to eliminate child labor through CONAETI, including funding the SNNA, REPADEH, and NGOs such as CEAPRA and Kuna Aty. Municipalities funded CODENI to assist victims of child labor and other abuses. However, these efforts were not accompanied by strong public institutions and programs nor translated into changes in social practices.

e. Acceptable Conditions of Work.—The Ministry of Justice and Labor established a mandatory national private sector minimum wage, approximately $268 per month (1.34 million guaranies), sufficient to maintain a minimally adequate standard of living for a worker and family. The minimum salary is adjusted whenever annual inflation exceeds 10 percent. However, the ministry did not enforce the minimum wage and estimated that 50 percent of government workers and 48 percent of private-sector workers earned less than the minimum. An economic think tank, Foundation for Sustainable Development (FSD), reported that the monthly median wage in the formal economy was $165.45 (893,430 guaranies) and in the informal sector $36.36 (196,344 guaranies). FSD estimated that 80 percent of workers were employed in the informal sector with urban poverty rates on the rise. The law requires that domestic workers be paid at least 40 percent of the minimum wage and allows them to work up to a 12-hour day.

There was no public sector minimum wage. Most government agencies paid government workers on an hourly basis at a rate comparable to the private sector minimum wage.

The law provides for a standard legal workweek of 48 hours (42 hours for night work), with 1 day of rest. The law also allows an annual bonus of 1 month's salary and a minimum of 6 vacation days a year. The law requires overtime payment for hours in excess of the standard; however, many employers violated these provisions.

There are no prohibitions or exceptions on excessive compulsory overtime. Workers in the transportation sector routinely staged strikes to demand that their employers comply with the law's provisions on working hours, overtime, and minimum wage payments.

The law sets occupational health and safety standards stipulating conditions of safety, hygiene, and comfort. The Government did not allocate sufficient resources to enable the Ministry of Justice and Labor and the Ministry of Health to enforce these provisions effectively. Workers have the right to remove themselves from situations that endanger their health or safety without jeopardy to their continued employment, but they may not do so until the Ministries of Justice and Labor and Health recognize such conditions. While laws protect workers who file complaints about such conditions, many employers took disciplinary action against these workers.

PERU

Peru is a multiparty republic with a population estimated at 28.7 million. In June 2006 Alan Garcia of the Popular Revolutionary Party Alliance (APRA) won the presidency in elections that were generally free and fair. The civilian authorities generally maintained effective control of the security forces.

The Government generally respected the human rights of its citizens. The following human rights problems were reported: Abuse of detainees and inmates by police and prison security forces; harsh prison conditions, lengthy pretrial detention and inordinate delays of trials; attacks on the media by local authorities; governmental corruption; violence and discrimination against women; violence against children, including sexual abuse; trafficking in persons; discrimination against indigenous people and minorities; failure to apply or enforce labor laws; and child labor in the informal sector.

The terrorist organization Shining Path (Sendero Luminoso) linked to narcotics trafficking was responsible for killings and other human rights abuses.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life.—There were no reports that the Government or its agents committed arbitrary or unlawful killings.

On March 17, assailants in Jaen, Cajamarca, shot and killed journalist Miguel Perez Julca. Judicial proceedings were pending against three persons arrested in connection with the killing. The Inter American Press Association noted reports of irregularities in the police investigation and the possible participation of national police officers in the killing.

On September 9, the Public Ministry began investigating 10 police officers involved in the death of one inmate and the beating of another at Jesus Maria police station, after a fire forced the removal of prisoners from the building.

On October 2, inmates from warring factions took control of the Miguel Castro Castro Prison in Lima. During a 4-hour gun battle, inmates took three guards hostage; the guards were eventually rescued, but one inmate was killed.

There were no new developments at year's end in the 2006 cases of Luis Alberto Saravia (killed by police officers) and Peter Vasquez Chavez (killed by military officers).

On July 18, the National Penal Court sentenced Flovio Roberto Vasquez Burga and Walter Ochoa Magallanes to 8 years' and 4 years' imprisonment, respectively, for their role in the death of Ricardo Huaringa Felix, who died in police custody in 2004.

On January 7, the Second Public Prosecutor's Office charged four military officers with torture in the 2004 death of army Corporal Edgar Ledesma Lopez. Oral proceedings began October 29 in the National Penal Court of Lima and continued at year's end.

Homicide charges against two military officers in the 2004 case of Peter Vasquez Chavez, a recruit found dead at the Cangari-Huanta Military Base in Ayacucho, were dropped when the victim's parents accepted monetary compensation from the army.

In September 2006 Superior Public Prosecutor Martin Retamozo requested 20 years of jail for former Intelligence Service Director Vladimiro Montesinos and reduced sentences for former armed services chief general Nicolas Hermoza, colonel Roberto Huaman, and colonel Jesus Zamudio Montesinos on charges of extrajudicial

killings in the 1997 rescue of 74 hostages at the Japanese ambassador's residence. Oral proceedings began on May 18 and continued at year's end.

On March 16, the Inter-American Commission on Human Rights ruled that the "La Cantuta" case be presented to the anticorruption court and asked that army officers be retried.

On September 22, Chile extradited former president Alberto Fujimori to face an array of charges relating to corruption and human rights violations during his presidency. The most serious charges concerned Fujimori's involvement in the 1991 Barrios Altos and 1992 La Cantuta killings. On December 11, a court convicted Fujimori and sentenced him to 6 years in prison for ordering an illegal search. At year's end Fujimori was in jail and being tried on charges that carried prison terms up to 10 years for corruption and 30 years for human rights violations.

In August 2006 the Second Supranational Court began investigating charges that Fujimori ordered the killing of 41 members of Shining Path in May 1992 at the Miguel Castro Castro Penitentiary. These charges were not included as part of the extradition, and the investigation continued at year's end.

In August 2006 authorities charged opposition leader Ollanta Humala with participating in disappearances, torture, and murder at the Madre Mia military base in 1992 and forbade him to leave the country. The Court's investigation continued at year's end.

The First Supraprovincial Court continued investigating responsibility for the 1986 El Fronton prison massacre. In May Superior public prosecutor Edgar Chirinos ordered provincial public prosecutor Mario Gonzales to reopen the investigation against Alan Garcia, who was president at the time, and all members of his 1986 cabinet for their alleged responsibility in the killing.

In April former army officers Telmo Ricardo Hurtado Hurtado and Juan Manuel Rivera-Rondon, who were implicated in the 1985 massacre of 69 villagers during a military raid in the village of Accomarca, were arrested and detained in a foreign country pending the outcome of extradition proceedings.

On April 26, oral proceedings began in the National Criminal Court in the 1980 case of eight peasants in Chuschi, whom soldiers reportedly tortured and killed. In September the National Terrorism Court sentenced Lieutenant Collins Collantes to 14 years in prison and police officer Luis Juarez to 6 years. Both were fined civil reparations of $161,000 (480,000 soles).

At year's end the Public Ministry continued investigating the mass grave discovered in northern Cusco in June 2006. The grave contained the remains of 80 bodies; 10 of 25 bodies exhumed were identified.

In July 2006 a superior prosecutor, Luz Ibanez Carranza, announced an intention to investigate 516 cases of human rights violations that the Government allegedly committed during the preceding 20 years. There were no known developments in the investigation.

Narcotics traffickers and Shining Path terrorists killed several police officers during the year. On January 11, they attacked a police vehicle in Churcacampa, Huancavelica, killing one officer and injuring another, and on November 1, they killed one police officer and injured three others in an assault on a police station in Ocobamba, Apurimac. On December 27, alleged Shining Path terrorists killed two police officers in Ayacucho.

Societal violence outside Lima remained a serious problem, often as a result of a lack of police presence.

b. Disappearance.—There were no reports of politically motivated disappearances.

The Public Defender's Office continued its investigations into approximately 1,000 disappearance cases from 1980 to 2000, some of which were considered politically motivated.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—Although the law prohibits such practices, there were reports that security officials used excessive force. Unlike in the previous year, there were no credible allegations of torture. The authorities seldom punished those who committed abuses.

Allegations of abuse most often arose immediately following an arrest, when families were prohibited from visiting suspects and when attorneys had limited access to detainees.

In some cases, police and security forces allegedly threatened or harassed victims, their relatives, and witnesses to prevent them from filing charges of human rights violations. According to Human Rights Commission (COMISEDH), a nongovernmental organization (NGO), some victims were reluctant to pursue judicial proceedings for fear that abusers would be released without being charged. COMISEDH reported 10 cases of aggravated torture by security forces. No victims died from their injuries. The Peruvian national police (PNP) were involved in five

cases, while municipal security units, penitentiary guards, and military units were involved in the other five cases. In December the Ombudsman's Office reported that, between August 2006 and September 2007, it registered 139 cases of presumed torture and cruel or degrading treatment committed by the PNP and the armed forces; 106 of the abuses were ascribed to the PNP and 33 to the armed forces.

The Fifth Penal Prosecutor of Lima continued its investigation into the case of Cristhian Rolangelo Contreras Atco who charged that three policemen had beaten him unconscious in April 2006. The Public Prosecutor's Office closed its investigation characterizing the case as a common crime, not human rights related.

The 2005 case of the alleged police beating of Wilmer Cubas Carranza continued in the Supraprovincial Court of Lima at year's end.

The Public Defender's Office investigation into the May 2006 riot at La Asuncion Prison in Junin continued at year's end. Guards were accused of beating prisoners after the riot.

The Fifth Prosecutor's Office of Callao continued its investigation of the alleged beating in July 2006 of inmate Samuel David Flores Valdivia by Sarita Colonia Prison director Manuel Vazquez.

The Supreme Court upheld the National Penal Court decision absolving a policeman in the 2002 beating of Jair Martin Rodriguez and his brother.

Prison and Detention Center Conditions.—Prison conditions were harsh. Prisoners with money had access to cell phones, illicit drugs, and meals prepared outside the prison. But conditions were poor to extremely harsh in all facilities for prisoners lacking funds. Overcrowding, poor sanitation, and inadequate nutrition and health care were serious problems. Inmates had intermittent access to running water; bathing facilities were inadequate; kitchen facilities were unhygienic; and prisoners slept in hallways and common areas for lack of cell space. Illegal drugs were available in many prisons, and tuberculosis and HIV/AIDS were reportedly at near epidemic levels. Prison authorities budgeted approximately $1.00 (3.00 soles) per prisoner per day for food. In Lima's San Juan de Lurigancho men's prison (the country's largest), more than 9,000 prisoners lived in a facility built for 1,500. According to the National Penitentiary Institute (INPE), only 4 percent of prison facilities were considered in good condition. INPE, with support from the Red Cross and the NGO Doctors Without Borders, provided diagnostic equipment and updated technology to improve health care services provided to inmates.

INPE runs 55 of the country's 84 prisons; the PNP controls the rest. INPE hired 200 additional prison guards and reactivated 200 others but did not construct the six additional prisons authorized by Congress in 2006.

The International Committee of the Red Cross (ICRC) reported a shortage of trained medical personnel, inadequate legal representation for prisoners, a lack of social workers and psychologists, and a disorganized system of administration.

Conditions were especially harsh in maximum-security facilities located at high altitudes. The high-security prison in Iquitos was in poor condition, with the physical infrastructure of the building near collapse. The prison facility in Maynas was in such disrepair that rubble prevented guards from reaching some watchtowers.

Prison guards and fellow inmates routinely abused prisoners. There were deaths of inmates in prisons, most attributed to fellow inmates but some due to negligence by guards. Guards received little or no training or supervision. Corruption was a serious problem, and some guards cooperated with criminal bosses, who oversaw the smuggling of guns and drugs into prison facilities.

There were approximately 40,000 prisoners of whom 13,000 had been sentenced. Detainees were held temporarily in pretrial detention centers located at police stations, judiciary buildings, and the Ministry of Justice. In most cases, pretrial detainees were held with convicted prisoners.

The Anti-Corruption Court completed its investigation of Jose Gamboa Mendoza, director of the Piedras Gordas Penitentiary, who was tape recorded negotiating bribes in June 2006. Gamboa was in prison awaiting trial at year's end.

On January 28, a riot in Miguel Castro Castro Prison left one person dead and five wounded. Detention of various leaders among the inmates reportedly provoked the riot.

On January 31, INPE's prison system chief, Rosa Mavila, resigned to protest unsafe prison conditions after three inmates died in 1 week.

On March 6, after 31 days in office, Benedicto Jimenez resigned as head of the INPE following publication of e-mails he allegedly sent to convicted drug trafficker Fernando Zevallos.

In September INPE reported that 38 of the country's 84 jail facilities had poor conditions, overcrowding, and an overall lack of infrastructure, as well as corruption. In recent years INPE investigated and sanctioned 31 administrative agents for

allowing inmates to escape; smuggling drugs, alcohol, and cell phones to inmates; and granting privileges to gang leaders.

Anticorruption Judge Rafael Vela Barba ordered Cesar Orozco Barrios, director of Piedras Gordas Penitentiary, along with three other civil employees, to remain in the country while charges against them of accepting money from inmates were investigated.

The Government permitted prison visits by independent human rights observers, including the ICRC. The ICRC made 32 unannounced visits to inmates in 18 different prisons and detention centers.

d. Arbitrary Arrest or Detention.—The Constitution, criminal code, and antiterrorist statutes prohibit arbitrary arrest and detention, although the law permits police to detain persons for investigative purposes. The law requires a written judicial warrant for an arrest unless the perpetrator of a crime is caught in the act. Only judges may authorize detentions, including in corruption cases. Authorities are required to arraign arrested persons within 24 hours, except in cases of terrorism, drug trafficking, or espionage, in which arraignment must take place within 30 days. Military authorities must turn over persons they detain to the police within 24 hours; in remote areas, arraignment must take place as soon as practicable.

Role of the Police and Security Apparatus.—The PNP, with a force of approximately 92,000, was responsible for all areas of law enforcement and internal security and functioned under the authority of the minister of the interior. The PNP's personnel structure follows that of the military, with an officer corps and enlisted personnel. The organizational structure is a mixture of directorates that specialize in specific areas (such as kidnapping, counternarcotics, and terrorism) and local police units. Each department, province, city, and town has a PNP presence.

The armed forces, with approximately 100,000 personnel, is responsible, under the authority of the Defense Ministry, for external security, but it also has limited domestic security responsibilities.

Observers noted that the PNP was undermanned and suffered from a lack of training, professionalism. Corruption and impunity remained problems. There were also several reports of military corruption, impunity, and resistance to provide information on its personnel under investigation for human rights abuses committed during the country's armed conflict.

The PNP is charged with witness protection but lacked resources to provide training for officers, conceal identities, or offer logistical support to witnesses. Officers assigned to witness protection cases often brought witnesses into their homes to live. COMISEDH was processing some cases of serious threats against witnesses, lawyers, and human rights activists.

Arrest and Detention.—The law requires police to file a report with the Public Ministry within 24 hours after an arrest. The Public Ministry, in turn, must issue its own assessment of the legality of the police action in the arrest. The law also provides for the right to prompt judicial action. The time between an arrest and an appearance before a judge averaged 20 hours. Judges have 24 hours to decide whether to release a suspect or continue detention. A functioning bail system exists, but many poor defendants lacked the means to post bail. By law, detainees are allowed access to a lawyer and to family members. The Justice Ministry provided indigent persons with access to an attorney at no cost. Persons detained for espionage, drug trafficking, corruption, and terrorism may be held for up to 30 days. Police may detain suspected terrorists incommunicado for 10 days. The public ministry oversees the detention centers, which are also monitored by the ombudsman's office.

Lengthy pretrial detention was a problem. According to a study prepared by the Technical Secretary of the Special Commission for Integral Reform of the Justice System, only 32 percent of the persons in prison had been sentenced, with 68 percent awaiting trial, the majority for between 1 to 2 years. If prisoners are held more than 18 months without being sentenced—36 months in complex cases—under law they must be released.

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary, and the Government generally respected this provision in practice. Nonetheless, significant problems affected this branch, which was a frequent target of reform efforts.

The three-tier court structure consists of lower courts, superior courts, and a Supreme Court of Justice of 30 judges. Supranational courts execute judgments made by courts, such as the Inter-American Court of Human Rights, outside the domestic judicial system. A seven-person constitutional tribunal operates independently of the judicial branch. The independent and autonomous National Judicial Council (CNM) appoints, disciplines, and evaluates all judges and prosecutors who have served in

their position for at least 7 years (excluding those chosen by popular election). Lack of certification from the CNM permanently disqualifies a judge or prosecutor.

Trial Procedures.—The justice system is based on the Napoleonic Code. The prosecutor investigates cases and submits an opinion to a first instance judge, who determines if sufficient evidence exists to open legal proceedings. The judge conducts an investigation, evaluates facts, determines guilt or innocence, and issues a sentence. All defendants are presumed innocent; they have the right to be present at trial, to call witnesses, and to be represented by counsel, although in practice the public defender system often failed to provide indigent defendants with qualified attorneys. Although citizens have the right to be judged in their own language, language services for non Spanish-speakers were sometimes unavailable. Defendants may appeal verdicts to the superior court and then to the Supreme Court of Justice. The Constitutional Court decides cases involving such issues as habeas corpus. The Ombudsman cited cases of 188 inmates who had been waiting more than 10 years to be sentenced.

Under the military justice system, judges in the lower courts must pass judgment and sentence within 10 days of the opening of trial. Defendants can appeal convictions to the Superior Military Council, which has 10 days to issue a decision. A final appeal may be made to the Supreme Council of Military Justice, which must issue a ruling within 5 days. At the Superior Military Council and Supreme Council levels, a significant number of judges were active-duty officers with little or no professional legal training.

The Special Terrorism Court, in accordance with decisions of both the Inter-American Court of Human Rights and the Constitutional Tribunal, continued to retry defendants previously convicted by military tribunals. The National Penal Court found 791 persons guilty and absolved 257 persons. Approximately 20 cases remained pending, and 1,000 persons remained imprisoned for acts of terrorism.

The National Penal Court continued investigations into cases involving allegations of human rights abuses by security forces during the war against Shining Path in the 1980s and 1990s. The court still had some cases referred by the Truth and Reconciliation Commission, but only a few involved active investigations.

The NGO Institute for Legal Defense continued efforts to reduce the large case backlog involving those officially sought for acts of terrorism.

Political Prisoners and Detainees.—There were no reports of political prisoners or detainees.

Civil Judicial Procedures and Remedies.—The country has an independent judiciary that enables citizens to bring lawsuits for violations of their rights; however, court cases often dragged on for years, making it difficult for some plaintiffs, particularly those of limited economic means, to pursue legal redress. In addition, press reports, NGO sources, and others alleged that judges were frequently subject to corruption or influence by powerful outside actors.

f. Arbitrary Interference with Privacy, Family, Home or Correspondence.—The law prohibits such actions, and the Government generally respected these prohibitions, although reports surfaced that authorities did not always obtain warrants before entering private dwellings.

Unlike the preceding year, there were no reports that Shining Path engaged in forcible recruitment of indigenous persons.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech and of the press, and the Government generally respected these rights in practice. There was, however, widespread harassment of the press by provincial authorities, the police, and private groups such as coca growers (cocaleros). Harassment took the form of attacks on journalists, illegal arrests, and threats.

The independent media were active and expressed a variety of views. All media outlets were privately owned except for one government-owned daily newspaper, two television networks, and one radio station.

Journalists and media outlets suffered intimidation. Through September the National Journalists Association reported 160 cases of harassment and the Press and Society Institute issued 90 alerts; both numbers were higher than for the comparable period in 2006. Most incidents took the form of violent attacks, threats, judicial pressure, illegal arrests, and theft of broadcasting equipment and journalists' files. Many cases were attributable to a lack of an effective government presence in some parts of the country. Government authorities reportedly harassed reporters in approximately 40 incidents.

On January 20, Jose Luis Zafra and Mazzi Soto, officials of Lima's municipality of Chosica, allegedly threatened and beat Elizabeth Salinas, a reporter with the

radio program Satelite Noticias, and Cinthia Florez, a photographer with Cono Este magazine, for investigating the administration of Mayor Luis Bueno. On January 22, the offenders filed a complaint against the reporters; the legal process continued at year's end.

On March 22, unknown persons threw a tear gas canister at the home of reporter Hermes Rivera, after he commented on the killing of reporter Miguel Perez Julca.

On April 11, Chimbote reporter Sandor Revilla, director of the news program Punto 31, received death threats after broadcasting a video showing policemen shooting protesters during the Ancash regional strike.

On May 15, Nueva Cajamarca's California radio station reporter Danilo Bautista received death threats after uncovering irregularities in a water supply contract signed by the municipality of Nueva Cajamarca.

On May 22, Antero Duenas, the mayor of Cajaruro, Amazonas, beat Luis Cumpa, correspondent of a local television channel, for covering the mayor's trial on corruption charges.

On June 13, Alberto Nunez, a reporter with Lider radio station and HTV Channel 4 in Arequipa, charged that eight policemen hit him for reporting corrupt acts by PNP General Bernabe Garavito.

On September 4, Edward Vizcarra, the mayor of Wari, Ancash, burned many copies of the local daily La Primera because the newspaper had criticized Vizcarra for corruption.

On September 14, INPE personnel, who worked at Chimbote's jail, shot pellets at six reporters covering a hunger strike.

Internet Freedom.—There were no government restrictions on access to the Internet or reports that the Government monitored e-mail or Internet chat rooms. Individuals and groups engaged in the free expression of views via the Internet, including by e-mail. The chief impediment to Internet access was a lack of infrastructure.

Academic Freedom and Cultural Events.—There were no government restrictions on academic freedom.

On June 21, Piero Quijano withdrew his painting show "Drawings in Press 1900–2007" from Mariategui Museum, because National Institute of Culture officers objected to some of his works after the Ministry of Defense had earlier sent a letter protesting a poster based on a previously published cartoon. Museum director Armando Williams resigned in protest.

b. Freedom of Peaceful Assembly and Association.

Freedom of Assembly.—The Constitution provides for the right of freedom of assembly, and the Government generally respected this right in practice. The law does not require a permit for public demonstrations, but organizers must inform the Interior Ministry's political authority (prefect) about the type of demonstration and its location. Demonstrations may be prohibited for reasons of public safety or health. The police used tear gas and occasional force to disperse protesters in various demonstrations. Although most demonstrations were peaceful, protests in some areas turned violent.

Freedom of Association.—The law provides for freedom of association, and the Government generally respected this right in practice.

c. Freedom of Religion.—The law provides for freedom of religion, and the Government generally respected this right in practice.

The Constitution establishes separation of church and state, but laws favoring the Roman Catholic Church remain in force. The Catholic Church and clergy received preferential treatment in education, tax benefits, and other areas. By law the military may hire only Catholic clergy as chaplains, and Catholicism is the only recognized religion for military personnel. The education ministry requires that Catholic religion courses be taught in all public and private primary and secondary schools; however, many non-Catholic private schools were granted exemptions. Additionally, parents may request an exemption by writing to the school principal.

Churches may register voluntarily with the Office of Interconfessional Affairs in the Ministry of Justice to receive tax benefits and exemption from import duties on religious materials.

Societal Abuses and Discrimination.—There were no reports of societal abuses, discrimination, or anti-Semitic acts.

There were approximately 4,000 members of the Jewish community.

For a more detailed discussion, see the 2007 International Religious Freedom Report.

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons.—The law provides for the right of free movement within the country, foreign travel, emigration, and repatriation, and the Government generally re-

spected these rights in practice. Authorities may restrict persons with pending criminal cases or civil charges from leaving the country, and police have the right to check documents at control points throughout the country.

Narcotics traffickers and Shining Path at times interrupted the free movement of persons by establishing roadblocks in sections of the Upper Huallaga, Apurimac, and Ene River valleys. Farmers occasionally blocked roads in an attempt to pressure the Government to purchase surplus crops.

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

Protection of Refugees.—The law provides for the granting of asylum or refugee status in accordance with the 1951 U.N. Convention relating to the Status of Refugees and its 1967 protocol, and the Government has established a system for providing protection to refugees. In practice the Government also provided protection against refoulement, the return of persons to a country where there is reason to believe they feared prosecution, and laws allow individuals to apply for refugee status or asylum.

The Government cooperated with the Office of the U.N. High Commissioner for Refugees and recognized the Catholic Migration Commission (CMC) as the official provider of technical assistance to refugees. The CMC also advised citizens who feared persecution and sought asylum abroad. The Government provided protection to refugees on a renewable, year-to-year basis, in accordance with CMC recommendations. The CMC granted refugee status to 93 persons.

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

The law provides for the right of citizens to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections held on the basis of mandatory voting and universal suffrage.

Elections and Political Participation.—In July 2006 Alan Garcia Perez assumed the presidency after two rounds of presidential elections that were considered free and fair. In the June 2006 elections, the president's APRA party won 36 seats (second to the Union for Peru Party's 45 seats) in the 120-seat unicameral Congress.

Nationwide municipal elections were held in November 2006; domestic and international observer delegations declared the elections to be fair and transparent, despite a few localized incidents of violence.

Registration of a new political party requires the signature of 1 percent of the voters who participated in the past election. Presidential and congressional terms are 5 years, and the law prohibits the immediate reelection of a president. Groups that advocate the violent overthrow of government are barred from participating in the political process.

There were 34 women in the 120-member Congress, including the president and a vice-president. There were seven women in the cabinet and one woman on the Supreme Court. The Law on Political Parties mandates that at least 30 percent of candidates on the party lists be women. While parties abided by the legislation, many women candidates were included at the bottom of the party lists, reducing their likelihood of winning seats on regional and municipal councils.

Indigenous persons comprise approximately 33 percent of the population. There were 23 Quechua, one Aymara, and one Chipivo speakers in Congress. There was also one member of the Afro-Peruvian minority (estimated at 3 to 5 percent of the population) in Congress.

Government Corruption and Transparency.—The law criminalizes official corruption; however, the Government did not implement the law effectively. The World Bank's worldwide governance indicators reflect that government corruption was a serious problem. There was a widespread public perception that corruption was pervasive in all branches of government.

A nationwide poll conducted during the year found that 30 percent of respondents claimed to have been victims of corruption. In another national poll conducted in August, 58 percent of respondents expressed mistrust of the national police, while a similar study performed by Pontificia Universidad Catolica del Peru showed that 77 percent of respondents doubted the honesty of PNP agents.

Extradited former president Alberto Fujimori faced an array of charges including corruption. Human rights activists and civil society actors noted that the law permits 36 months of detention without sentencing, opening the possibility that some of those accused could be freed unless their cases were handled promptly.

On February 9, the Office of Control of Magistrates suspended and sanctioned Lima Superior Court President Angel Romero for "illegal" acts he committed as

judge, notably for awarding a controversial multimillion dollar indemnity to a group of former Central Bank employees.

Public officials are subject to financial disclosure laws; government agencies responsible for combating government corruption are the General Comptroller's Office and the Office of Anti-Corruption created in November.

The law provides for public access to government information, and most ministries and central offices provided key information on web pages. Implementation of the law was incomplete, particularly in rural areas, where few citizens exercised or understood their right to information. The ombudsman's office encouraged regional governments to adopt more transparent practices for releasing information and monitored the compliance of regional governments with a law that requires public hearings at least twice a year.

In an effort to make the judicial system more transparent, 65 judges began publishing their cases on the Internet through a program developed by the Andean Commission of Jurists.

Section 4. Governmental Attitudes Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A large number of domestic and international human rights groups operated without government restriction, investigating and publishing their findings on human rights cases. Government officials generally were cooperative and responsive to their views. There was considerable controversy surrounding a law, signed by President Garcia in December 2006, which required all NGOs to register with the Government and to provide an annual financial statement listing sources of income and how funds were spent. The law also contained loosely worded provisions that could require NGOs to align their development programs with those of the Government and gave the Government wide discretion in imposing sanctions. On September 9, the Constitutional Tribunal ruled that articles one and nine, which established tighter controls over private funding of NGOs and stiffened penalties for NGOs violating regulations, were unconstitutional.

According to COMISEDH, military commanders continued to deny human rights observers access to military facilities. To obtain information about activities in those areas, NGOs had to work through the ombudsman's office.

The National Council for Reparations, created in 2006 to assist persons who had suffered during the conflict with Shining Path between 1980 and 2000, compiled a Unique Registry of Victims of the conflict, both individuals and communities. The registry included 440 communities eligible to receive future reparations benefits.

A Human Rights Ombudsman's Office exists and operated without government or party interference and was considered to be effective.

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

The law prohibits discrimination based on race, gender, disability, language, or social status, but enforcement lagged, and discrimination against women, persons with disabilities, indigenous people, and racial and ethnic minorities persisted.

Women.—Violence against women and girls, including rape, spousal abuse, and sexual, physical, and mental abuse was a problem. Abuses were aggravated by insensitivity on the part of law enforcement and judicial authorities toward female victims.

The law criminalizes rape, including spousal rape, but enforcement was not effective. There were approximately 10 reports of rape daily; however, there were no reports on the numbers of abusers prosecuted, convicted, or punished.

The law prohibits domestic violence, and penalties range from 1 month to 6 years in prison. The law authorizes judges and prosecutors to prevent the convicted spouse or parent from returning to the family's home and authorizes the victim's relatives and unrelated persons living in the home to file complaints of domestic violence. It also allows health professionals to document injuries. The law requires police investigation of domestic violence to take place within 5 days and obliges authorities to extend protection to women and children who are victims of domestic violence.

The Ministry of Women and Social Development (MIMDES) created 14 new assistance centers, for a total of 62. The centers reported 30,788 cases of domestic violence and helped an average of 3,000 men and women per month. MIMDES also operated a toll-free hot line, which handled 9,768 requests for assistance regarding family disturbances.

Many domestic abuse cases went unreported, and NGO sources stated that the majority of reported cases did not result in formal charges because of fear of retaliation or the expense of filing a complaint. The protections offered were limited because of legal delays, ambiguities in the law, and the lack of shelters for victims.

MIMDES ran the Women's Emergency Program, which sought to address the legal, psychological, and medical problems facing victims of domestic violence. MIMDES operated centers that brought together police, prosecutors, counselors, and public welfare agents to help victims of domestic abuse.

MIMDES continued efforts to sensitize government employees and the citizenry to domestic violence, but the ombudsman's office continued to complain that police officers reacted indifferently to charges of domestic violence, despite legal requirements to investigate the complaints.

Prostitution is legal for women over 18 years of age if they register with municipal authorities and carry a health certificate. In practice the vast majority of prostitutes worked in the informal sector where they lacked health protection. NGOs reported that traffickers lured increasing numbers of underage women into prostitution. The law, which was not effectively enforced, provides penalties for those who derive financial benefits from trafficking in persons, Internet child pornography, and sexual tourism involving children. Penalties for pimps and clients of underage prostitutes range from 4 to 8 years in prison. There was no information on the number of cases reported, prosecuted, or convicted.

Sexual harassment was a problem. The law defines sexual harassment as a labor rights violation subject to administrative punishment. Punishments differ depending on the professional situation where the violation took place.

The law provides for equality between men and women and prohibits discrimination against women with regard to marriage, divorce, and property rights, and women from the upper and upper-middle classes assumed leadership roles in companies and government agencies. Racial and sexual discrimination in employment or educational advertisements was prohibited, although in practice discrimination continued. The law prohibits the arbitrary dismissal of pregnant women.

The law stipulates that women should receive equal pay for equal work. But societal prejudice and discrimination led to disproportionate poverty and unemployment rates for women. Women on average were paid 46 percent less than men, usually worked in less secure occupations as maids, in factories, or as street vendors, and were more likely to be illiterate through a lack of formal education.

Children.—The Government was committed to the welfare and rights of children.

Education was free and compulsory through secondary school and generally was available throughout the country, although a shortage existed of qualified teachers, primarily in the jungle regions. The Ministry of Education provides books to all public schools. Children living in poverty averaged 7.8 years of education, compared with 9.4 years for those living above the poverty line. National Institute for Statistical Information data in 2005 reported school attendance rates of 55 percent for children 3 to 5 years old, 92 percent for those 6 to 11 years old, and 69 percent for those between ages 12 and 16. The Ministry of Education operated night schools for working adolescents and offered a tutorial program where teachers provided extra help to working students.

The government's health security program continued to offer poor mothers and infants, as well as school-age children, access to basic health care. The program includes children not attending school. Boys and girls had equal access to health services under this system.

Violence against children and the sexual abuse of children were serious problems. MIMDES reported 923 cases of violence or sexual abuse of children 5 years of age and under and 2,309 cases of children ages 6 to 11.

Many abuse cases went unreported because societal norms viewed such abuse as a family problem that should be resolved privately. The Women's Emergency Program worked to help children who were victims of violence.

MIMDES' Children's Bureau coordinated government policies and programs for children and adolescents. At the grassroots level, 1,312 children's rights and welfare protection offices resolved complaints ranging from physical and sexual abuse of children to abandonment and failure to pay child support. Provincial or district governments operated approximately 46 percent of these offices, while schools, churches, and NGOs ran the others. Law students staffed most of the units, particularly in rural districts. When these offices could not resolve disputes, officials usually referred cases to the local prosecutors' offices of the Public Ministry whose adjudications were legally binding and had the same force as judgments entered by a court of law.

Trafficking of children and child labor were problems.

Trafficking in Persons.—The law prohibits trafficking in persons; however, there were reports that persons were trafficked from and primarily within the country.

No authoritative estimates existed on the extent of trafficking, but evidence indicated that persons were trafficked to Spain and particularly to Japan through orga-

nized criminal networks. NGOs and international organizations reported that significant domestic trafficking occurred, particularly in districts located in the highlands or in the Amazon jungle, to bring underage girls into cities to work as prostitutes or domestics. According to the International Labor Organization (ILO), there were nine zones in Iquitos and 40 nightclubs in Cajamarca that permitted illegal sexual exploitation of children.

Traffickers' methods often combined emotional manipulation and coercion. Victims were recruited through newspaper ads or street posters offering employment. In February an ILO study reported that 69 percent of minors trafficked for commercial sexual exploitation were recruited by friends or by people who befriended them on the street. Local employment agencies also played a role in recruiting trafficking victims, for instance, by offering poor young women from rural areas relatively well paid "restaurant work" in cities like Lima and Cusco and, in some cases, abroad. Traffickers usually transported their victims by road, while a smaller percentage traveled by air or river transport. The families of the victims wittingly or unwittingly facilitated the trafficking by trusting a "friend" or a distant relative who promised a job.

The law provides penalties from 5 to 12 years' imprisonment for those who move a person, either within the country or to an area outside the country, for the purposes of sexual exploitation (including prostitution, sexual slavery, or pornography). If the victim is less than 18 years old, the punishment is 10 to 15 years' imprisonment. Laws prohibiting kidnapping, sexual abuse, and illegal employment of minors also were enforced and used to punish those who trafficked persons.

On January 12, Congress enacted a comprehensive law that more clearly defines trafficking in persons, strengthens penalties, and provides protection for trafficking victims and witnesses. The law's implementing regulations were awaiting ministerial approval at year's end.

The PNP repeatedly raided clandestine brothels and rescued a number of young women who were returned to their families. However, the raids resulted in few arrests for trafficking crimes. Most persons were charged for pimping and related crimes. The PNP unit that investigates trafficking-related crimes reported 64 cases. The police station of Juliaca in Puno investigated and registered 10 cases between January and August.

In August authorities arrested Leydi Elisa Machaca Coaquira and Norm Gomez Gomez for trafficking in persons for kidnapping and forcing a girl to work for 3 years in Puno.

In December 2006 a court sentenced Edwin Alberto Sanchez Aguilar to 10 years' imprisonment for trafficking in persons with aims of sexual exploitation; the court also sentenced him to pay $1,667 (5,000 soles) to each of three female victims.

In July 2006 the PNP arrested Carlos Arturo Yong Chong and 20 others for trafficking infants to France. In November prosecutor Patricia Benavides Vargas requested the maximum sentence of 12 years in prison for Carlos Arturo Yong Chong; the case remained pending at year's end.

The Government coordinated its protection and assistance to victims with NGOs. A Catholic order, the Sisters of Adoration, operated three programs for underage female prostitutes: A live-in center for approximately 75 girls (and 20 children of the victims) in Callao and two drop-in centers—one each in Lima and Chiclayo. All facilities offered medical attention, job training, and self-esteem workshops designed to keep underage girls from the streets. The Government provided the building in Callao and paid for upkeep, utilities, and food.

The Ministry of Interior's Office of Human Rights maintained a toll-free trafficking hot line, which received an average of 1,000 calls per month, approximately one-sixth of them trafficking related. The hot line staff received support from the International Organization for Migration, which assisted in informational campaigns and training government officials in trafficking issues. The Ministry of Foreign Affairs produced and distributed antitrafficking materials to domestic passport offices and overseas consular posts.

Persons with Disabilities.—The law prohibits discrimination against persons with disabilities and provides for "protection, care, rehabilitation, and security." The law also mandates that public spaces be free of barriers and accessible to the disabled. The law provides for the appointment of a disability rights specialist in the ombudsman's office; the government, however, devoted limited resources to enforcement and training, and many persons with physical disabilities remained economically and socially marginalized.

The Government made little effort to ensure access to public buildings. There were no interpreters for the deaf in government offices and no access to recordings or to Braille for the blind.

According to officials of the Institute for Social Security, less than 1 percent of persons with severe physical disabilities were employed. Some private companies operated programs to hire and train persons with physical disabilities, and a private foundation provided small loans to persons with physical disabilities to start businesses. Nevertheless, discrimination remained a problem.

Persons with mental disabilities faced significant challenges as well. The law deems the state responsible for safeguarding and attending to persons with mental health problems in situations of social abandonment, but this is not enforced.

According to the NGOs Mental Disability Rights International and Asociacion Pro Derechos Humanos, there were serious shortcomings in protecting the rights of persons with mental illnesses, including inhuman treatment of institutionalized patients, discrimination in the provision of health and social services, failure to ensure informed consent, and violation of the right to community integration. The 443 medical personnel in psychiatric institutions were insufficient; as a result, in some cases, patients cared for each other. An Ombudsman's report found that 343 patients were left completely abandoned in these hospitals.

National/Racial/Ethnic Minorities.—The law provides all citizens equality before the law and forbids discrimination on the basis of race, national origin, or language.

The population includes large minorities of persons of Asian and African descent. Afro-Peruvians faced discrimination and social prejudice and were among the poorest groups in the country. Afro-Peruvians generally did not hold leadership positions in government, business, or the military, although one Afro-Peruvian woman was elected to Congress. Few Afro-Peruvians served as officers in either the navy or the air force. Although the law prohibits mentioning race in job advertisements, NGOs alleged that employers often found ways to refuse Afro-Peruvians jobs or relegate them to low-paying service positions. Employers, for example, often required applicants to submit photos. Afro-Peruvians often were portrayed in the media as stereotypes.

Indigenous People.—The law prohibits discrimination based on race and provides for the right of all citizens to speak their native language. Spanish and Quechua are the official languages; the Government also recognizes 49 other indigenous languages.

Most indigenous persons and those with indigenous features faced pervasive societal discrimination and prejudice. Several factors impeded their ability to participate fully in the political process, including language barriers and inadequate infrastructure in indigenous communities; however, Alejandro Toledo of indigenous descent served as president from 2001 to 2006. Many indigenous persons lacked identity documents and could not exercise basic rights.

The geographic isolation of highland and Amazon jungle communities also disadvantaged indigenous persons. The U.N. Children's Fund reported that indigenous persons in rural areas often did not have access to public services, particularly health care and education. Ninety percent lived in poverty, and only 39 percent had completed primary school. Child mortality rates were higher in indigenous areas, and only 20 percent of births took place in public health centers.

People with indigenous features were often derogatorily referred to as "cholos" and were subjected to illegal discrimination in restaurants and clubs. The government, however, began stronger enforcement of antidiscrimination laws. For instance, on June 12, authorities fined a bar in the affluent Miraflores district $21,700 (69,000 soles) for discrimination and on July 7, closed one of the most prominent restaurants in Miraflores for 30 days and fined it for discriminatory practices.

The indigenous population of the Amazon region, estimated at 200,000 to 300,000 persons, faced discrimination. Local culture and tradition rejected the idea of land as a marketable commodity. Although local communities retain the legal right of "unassignability," which prevents the title of indigenous lands from being reassigned to nonindigenous tenants, in practice the marketing and sale of the lands took place. Indigenous groups continued to resist encroachment on their native lands but often lacked legal title to the land. Mineral or other subsoil rights belong to the state, a situation that often caused conflict between mining interests and indigenous communities.

The Constitution provides that all citizens "have the right to use their own language before any authority by means of an interpreter."

In Congress native speakers of Quechua conducted some debate in Quechua (translators were available for non-Quechua speakers). The National Program of Mobilization for Literacy taught basic literacy and mathematics to more than 10,000 poor men and women in the mountainous and jungle regions of Junin.

Other Societal Abuses and Discrimination.—While homosexuals and persons with HIV/AIDS faced extensive discrimination, there were efforts to combat it. The Min-

istry of Health created public policies to combat discrimination based on sexual orientation, including a 4-year (2007–11) strategic plan for the prevention and control of HIV and AIDS. In 2006 the Ministry of the Interior adopted the Handbook of Human Rights Applied to the Civil Police, which stipulates that the police must respect human rights, especially of the most vulnerable groups; it refers explicitly to lesbians, gays, and transvestites. On July 7, hundreds of persons, including public officials, union leaders, lesbians, homosexuals, and bisexuals, marched in downtown Lima.

The law provides all citizens with the right to a name, nationality, and legal recognition and guarantees other civil, political, economic, and social rights; however, more than 1 million citizens, including at least 312,000 women, lacked identity documents and could not fully exercise these rights. An estimated 15 percent of births were unregistered. Poor indigenous women and children in rural areas were disproportionately represented among those lacking identity documents. Undocumented citizens were marginalized socially and politically and faced barriers in accessing government services, including running for public office, or holding title to land.

Obtaining a National Identity Document requires a birth certificate, but many births in rural areas take place at home. In an effort to lower infant mortality rates, the health ministry fines women who do not give birth in clinics or hospitals, but poor women often cannot pay the fines and cannot register their children retroactively.

The NGO CARE continued working with local authorities in the Department of Huancavelica in a project designed to help the rural population obtain identity documents and to increase local participation in the political process. More than 1,500 persons received identity documents as a result of the program.

The ombudsman's office investigated complaints about the unlawful practice of charging fees to issue identity documents and facilitated refunds when such fees had been paid. The ombudsman's office also helped citizens obtain documents quickly.

Section 6. Worker Rights

a. The Right of Association.—The law provides for the right of association. Regulations allow workers to form unions on the basis of their occupation, employer affiliation, or geographic territory. Workers are not required to seek authorization prior to forming a trade union, and employers cannot prevent employment because of union membership. Judges, prosecutors, and members of the police and military are not permitted to form or join unions. More than 70 percent of the 13-million-member labor force worked in the economy's informal sector. Approximately 9 percent of the labor force was unionized.

Many businesses hired temporary or contract workers who were legally not permitted to participate in those firms' unions. Although the law forbids businesses from hiring temporary workers to perform core functions, employers circumvented these restrictions in a number of ways. Businesses in export processing zones (EPZs), for example, had more flexibility under the law in hiring temporary labor.

While the law establishes fundamental rights for domestic workers, the Ministry of Labor possessed limited ability to enforce these provisions.

b. The Right to Organize and Bargain Collectively.—The law recognizes the right of public and private sector workers to organize and bargain collectively but specifies that this right must be exercised in harmony with broader social objectives. A union must represent at least 20 workers to become an official collective bargaining agent. Union representatives have the right to participate in collective bargaining negotiations and establish negotiating timetables.

Although a conciliation and arbitration system exists, union officials complained that the high cost of arbitration makes it difficult to use. A 2006 presidential decree capped arbitrators' fees and prohibited employers from unilaterally changing previous collective bargaining agreements. This decree increased the speed of arbitration because the process does not include the judiciary, and the number of workers using arbitration increased.

The Constitution provides the right to strike but aims to balance this right with broader economic objectives. Unions in essential public services, as determined by the government, must provide a sufficient number of workers during a strike to maintain operations. The law bans government unions in essential public services from striking. It also requires strikers to notify the Ministry of Labor before carrying out a job action. According to the labor ministry, one legal strike and 65 illegal strikes took place during the year. According to labor leaders, permission to strike was difficult to obtain, in part because the labor ministry feared harming the econ-

omy. The Ministry of Labor justified its decisions by citing unions' failure to fulfill the legal requirements necessary to strike.

On April 30, the National Federation of Mining, Metallurgy, and Steel Workers called a strike demanding that companies put contract workers on the payroll and that an 18-month salary limit for profit sharing be lifted. The strike ended May 4 after the union deemed the Ministry of Labor's response "satisfactory."

There are no recognized unions in the four EPZs. All labor in the EPZs was subcontracted, and no profit-sharing mechanisms existed.

c. Prohibition of Forced or Compulsory Labor.—The law prohibits forced or compulsory labor, including labor by children; however, there were reports such practices occurred.

In May 2006 the ILO reported that nearly 30,000 persons were involved in forced labor, particularly in the logging industry located in the Amazon provinces; there were no reported changes in the situation during the year. The National Commission for the Fight against Forced Labor (including members from 13 ministries and organizations) was established to coordinate forced labor policies. The commission created the National Plan against Forced Labor, which was approved in May by Supreme Decree. The plan stipulates the qualification of the authorities, inspectors, police, and public prosecutors in detecting forced labor; it also identifies health and education services to the groups vulnerable to forced labor, specifically indigenous communities living near illegal logging zones.

d. Prohibition of Child Labor and Minimum Age for Employment.—Laws exist to protect children from exploitation in the workplace and prohibit forced or compulsory labor. The legal minimum age for employment is 14; however, children between the ages of 12 and 14 may work in certain jobs for up to 4 hours per day, and adolescents between ages 15 to 17 may work up to 6 hours per day if they obtain special permission from the Ministry of Labor and certify that they are attending school. In practice child labor remained a serious problem, and the laws were violated routinely in the informal sector.

In certain sectors of the economy, higher minimum ages were in force: Age 15 in industrial, commercial, or mining and age 16 in fishing. The law prohibits children from engaging in certain types of employment, such as working underground, lifting or carrying heavy weights, accepting responsibility for the safety of others, or working at night. The law prohibits work that jeopardizes the health of children and adolescents, puts their physical, mental, and emotional development at risk, or prevents regular attendance at school.

The Ministry of Labor's Office of Labor Protection for Minors (PMT) may issue permits authorizing persons under age 18 to work legally, and during the year granted 703 such permits, the majority of which went to children between ages 16 and 17. Parents must apply for the permits, and employers must have a permit on file to hire a child. The PMT conducted on-site inspections to ensure compliance with the legal codes.

The Committee for Prevention and Eradication of Child Labor estimated that 2.5 million children were working, most of whom were under age 14.

Forms of child labor varied. In rural areas, many children worked on small farms with their parents, in the artisanal and mining sectors, or as domestics. In urban areas, children often scavenged in municipal dumps or worked on the streets—selling candy, begging, or shining shoes. Children on the outskirts of Lima also worked in brick making, which the Government labeled one of the worst forms of child labor. The Government worked with the private sector to return hundreds of children working in brick making to schools in metropolitan Lima.

The companies that illegally employed more than 500 underage laborers as bricklayers in Huachipa were not sanctioned because they successfully argued that they had a contractual relationship only with the parents and could not control parents who put their children to work.

Narcotics traffickers and Shining Path terrorists continued to hold indigenous families captive in remote areas, using their labor—including child labor—to grow food crops and coca. In 2004 the National Commission for Development and Life Without Drugs estimated that 5,000 children were employed in the illegal narcotics industry, work that exposed them to a variety of toxic chemicals, with effects ranging from blisters and burns to permanent damage to the nervous system and even death.

NGOs and other observers maintained that the country suffered a serious problem with adolescent prostitution, although no reliable statistics existed.

The Ministry of Labor is responsible for enforcing child labor laws, and its inspectors may investigate reports of illegal child labor. Inspectors conducted routine visits

without notice to areas where child labor problems were reported. Firms found violating labor laws were fined and had operations suspended.

Inspectors maintained contact with a wide variety of local NGOs, church officials, law enforcement officials, and school officials. There were 331 labor inspectors, with 247 working in Lima, whose inspections focused on the formal sector.

The Ombudsman for Children and Adolescents (DEMUNA) worked with the Ministry of Labor to document complaints regarding violations of child labor laws. There were more than 1,000 DEMUNA offices in communities throughout the country. DEMUNA also operated a decentralized child labor reporting and tracking system. MIMDES administered a program that sent specialized teachers to the streets to provide education and support to minors involved in begging and other kinds of work.

e. Acceptable Conditions of Work.—The law states that workers should receive a just and sufficient wage determined by the Government in consultation with labor and business representatives, as well as adequate protection against arbitrary dismissal. On October 1, the Government increased the statutory monthly minimum wage by 10 percent to $176 (550 soles). The wage did not provide a decent standard of living for many families. The Government estimated the poverty line to be approximately $65 (207 soles) a month per person, a figure that varied by region. A 2006 INEI survey placed the poverty line at $86 (281 soles) a month per person in Lima, compared with $50 (163 soles) for the rural regions in the Amazon jungle. The Ministry of Labor enforced the minimum wage only in the formal sector, which employed about 20 percent of the labor force, and many workers in the unregulated informal sector, most of whom were self-employed, received less. Employers frequently required long hours from domestics and paid wages as low as $20 to $30 (75 to 105 soles) per month.

The law provides for a 48-hour workweek and 1 day of rest and requires companies to pay overtime for more than 8 hours of work per day and additional compensation for work at night. Labor, business, and the Government reported that the majority of companies in the formal sector complied with the law.

Occupational health and safety standards exist, and the Government attempted to enforce them. Nevertheless, the Government often lacked the resources, capacity, or authority to enforce compliance with labor laws. Labor sources claimed that many inspectors were forced to pay for transportation to sites and were often harassed or refused entry by businesses. Many fines went uncollected, in part because the Ministry of Labor lacked an efficient tracking system.

Labor inspectors made 29,449 visits to work sites and levied 2,467 fines for violations of labor laws, including child labor laws. With regard to health and safety violations, inspectors made approximately 2,505 visits and levied fines against 210 firms.

In cases of industrial accidents, an agreement between the employer and worker usually determined compensation. The worker did not need to prove an employer's culpability in order to obtain compensation for work-related injuries. No provisions exist for workers to remove themselves from potentially dangerous situations without jeopardizing employment.

SAINT KITTS AND NEVIS

Saint Kitts and Nevis is a multiparty, parliamentary democracy and federation, with a population of approximately 39,200. In the 2004 national elections, Prime Minister Denzil Douglas's Saint Kitts and Nevis Labour Party (SKNLP) won seven seats in the 11-seat legislature. International observers considered the electoral process flawed. The Constitution provides the smaller island of Nevis considerable self-government under a premier, as well as the right to secede from the federation in accordance with certain enumerated procedures. In July 2006 voters in Nevis elected Joseph Parry of the Nevis Reformation Party (NRP) as premier. The civilian authorities generally maintained effective control of the security forces.

Although the Government generally respected the human rights of its citizens, problems included poor prison conditions, corruption, and violence against women.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life.—The Government or its agents did not commit any politically motivated killings; however, security forces shot and killed two persons in two separate incidents.

On March 8, police shot and killed Philmore "Kiddy" Seaton when he allegedly assaulted a police officer with a firearm. The case remained under investigation and awaited a coroner's inquest at year's end.

On August 2, police shot and killed Clyde Williams in Old Road, Saint Kitts. According to police, an investigation was under way at year's end.

Authorities completed their investigation into the police killing of Nigel Langley Sweeney in October 2006 after he killed one officer; the matter was with the police commissioner at year's end.

A coroner's inquest began into the 2005 police shooting of Rechalieu Henry, who had escaped from custody, but it was not completed by year's end. Similarly, a coroner's inquest was held in Nevis regarding the 2005 police killing of Garnet Tyson.

b. Disappearance.—There were no reports of politically motivated disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Constitution prohibits such practices, and there were no reports that government officials employed them. Corporal punishment is legal and is an accepted measure for juveniles in schools and the justice system; a court can order that an accused person receive lashes if found guilty.

On June 1, police shot and wounded Alister Henderson, who reportedly attacked a police officer who was trying to stop Henderson from throwing rocks at another man. On October 11, police shot and wounded Ivan James, when he attempted to run from them when they attempted to arrest him on a larceny charge. Both cases were under investigation at year's end.

In November a court sentenced a 12-year-old boy found guilty of possessing an illegal firearm to receive 10 lashes as punishment.

In December the Police Disciplinary Tribunal found Constable Alister Huggins guilty of "discreditable conduct" for stealing money during a search at a Rastafarian community. The tribunal sentenced Huggins to be confined to barracks for 28 days, and he faced criminal charges at year's end.

In the July robbery trial of four defendants, the accused alleged that they were beaten in police custody in 2005. According to their testimony, after they were arrested for multiple armed robberies, police officer Dexter Jacobs beat them, although they gave other evidence indicating the abuse was suffered at the hands of the armed forces. The police denied the allegations, and the case was deferred to the 2008 court session due to a hung jury.

In June a 15-year-old boy claimed that soldiers forcibly removed him from his school and took him to Camp Springfield, where for 3 days soldiers beat him and forced him to perform constant exercise. The Sun newspaper cited a defense force source who alleged that a recently established security force unit was involved in many beatings and warned parents not to seek the help of soldiers in punishing their children or to send them to Camp Springfield to be disciplined.

Prison and Detention Center Conditions.—Prisons were overcrowded, and resources remained limited. The prison on Saint Kitts had a capacity intended for 150 prisoners but held 182 prisoners as of October 31, including two women; some prisoners slept on mats on the floor. There were separate facilities for men and women. A low-security prison on Nevis held 44 inmates. The prison staff periodically received training in human rights.

The Government permitted prison visits by independent human rights observers, although no such visits were known to have occurred during the year.

d. Arbitrary Arrest or Detention.—The Constitution prohibits arbitrary arrest and detention, and the Government generally observed these prohibitions.

Role of the Police and Security Apparatus.—The security forces consist of a 400-officer police force, including a paramilitary Special Services Unit, a coast guard, and a small defense force. Military forces patrolled jointly with the police. The military and the police report to the Ministry for National Security, Justice, and Labor.

Senior police officers investigated 170 complaints against members of the police force. They referred three cases to an internal disciplinary tribunal that subsequently dismissed them; gave warnings to the officers involved in 35 cases; closed 12 cases as false or unproven, and had 20 cases pending action. Four cases were withdrawn, and the remaining 96 cases were under consideration at year's end.

Arrest and Detention.—Police may arrest a person without a warrant based on the suspicion of criminal activity. The law requires that persons detained be charged within 48 hours or be released. If charged, a detainee must be brought before a court within 72 hours. There was a functioning system of bail. Family members, attorneys, and clergy were permitted to visit detainees regularly.

There were 26 prisoners in pretrial detention and 34 waiting a preliminary inquiry at year's end. Detainees may be held for a maximum of 7 days awaiting a

bail hearing. Those accused of serious offenses are remanded to custody to await trial, while those accused of minor infractions are released on their own recognizance.

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary, and the Government generally respected this provision in practice.

The court system includes the High Court and four magistrate's courts at the local level, with the right of appeal to the Eastern Caribbean Court of Appeal. Final appeal may be made to the Privy Council in the United Kingdom.

Trial Procedures.—The Constitution provides for a fair, speedy, and public trial, and these requirements generally were observed. Defendants have the right to be present and to consult with counsel in a timely manner. There is a presumption of innocence, and defendants may question or confront witnesses. Juries are used at the High Court level for criminal matters only. Free legal assistance was available for indigent defendants in capital cases only.

Political Prisoners and Detainees.—There were no reports of political prisoners or detainees.

Civil Judicial Procedures and Remedies.—There is an independent and impartial judiciary for civil matters, including lawsuits regarding alleged civil rights violations.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The Constitution prohibits such practices, and the Government generally respected these prohibitions in practice.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech and of the press, and the Government generally respected these rights in practice. An independent press, an effective judiciary, and a functioning democratic political system combined to ensure freedom of speech and of the press.

Internet Freedom.—There were no government restrictions on access to the Internet or reports that the Government monitored e-mail or Internet chat rooms. Individuals and groups could engage in the peaceful expression of views via the Internet, including by e-mail.

Academic Freedom and Cultural Events.—There were no government restrictions on academic freedom or cultural events.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for freedom of assembly and association, and the Government generally respected these rights in practice.

c. Freedom of Religion.—The Constitution provides for freedom of religion, and the Government generally respected this right in practice.

Societal Abuses and Discrimination.—Rastafarians complained of discrimination, especially in hiring and in schools. There were no other reports of societal abuses or discrimination, including anti-Semitic acts. There was no organized Jewish community.

For a more detailed discussion, see the 2007 International Religious Freedom Report.

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons.—The Constitution and the law provide for freedom of movement within the country, foreign travel, emigration, and repatriation, and the Government generally respected these rights in practice.

The law does not address forced exile, but the Government did not use it.

Protection of Refugees.—The country is signatory to the 1951 U.N. Convention relating to the Status of Refugees, but not to its 1967 protocol. The Government has not established a system for providing protection to refugees or asylum seekers. In practice the Government provided protection against refoulement, the return of persons to a country where there was reason to believe they feared persecution, but did not routinely grant refugee status or asylum.

Although no known cases occurred, the Government was prepared to cooperate with the Office of the U.N. High Commissioner for Refugees (UNHCR) and other humanitarian organizations in assisting refugees and asylum seekers.

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

The Constitution provides citizens the right to change their government peacefully, and citizens exercised this right in practice through periodic elections held on the basis of universal suffrage.

Elections and Political Participation.—There is a multiparty political system, in which political parties were free to conduct their activities.

In the October 2004 general elections, Prime Minister Denzil Douglas's SKNLP was returned to office after winning seven of eight Saint Kitts-assigned seats in the 11-seat National Assembly. The People's Action Movement (PAM) party won one seat after nearly 5 years without representation. The Concerned Citizens Movement party won two of the three assembly seats assigned to Nevis. The Commonwealth observer team categorized the electoral rules as "followed but flawed," and there were reports of vote fraud, intimidation, and foreign influence.

In December Parliament passed electoral reform legislation, one aspect of which allows nationals living abroad to return to the country to vote. Although the entire reform package was meant to address the PAM's allegations of corrupt electoral practices by the ruling SKNLP, the final legislation did not address all such concerns, especially safeguards against persons voting multiple times. There are no campaign finance regulations or prohibitions on political parties paying for the transportation of overseas nationals to return to the country to vote.

The island of Nevis exercises considerable self-government, with its own premier and legislature. In 2006 voters in Nevis ousted incumbent Vance Amory and elected Joseph Parry of the NRP as premier.

The governor general appoints three senators, two on the recommendation of the prime minister and one on the recommendation of the leader of the opposition. There were no women in the Parliament or the cabinet; three of four magistrates were women, the court registrar was a woman, and six of 11 permanent secretaries were women. In Nevis one elected member of the House of Assembly, the (appointed) president of the House of Assembly, and the island's resident judge were women.

Government Corruption and Transparency.—The law provides criminal penalties for official corruption, and the Government generally implemented these laws effectively. There were isolated reports of government corruption during the year. The opposition PAM party continued to allege corrupt electoral practices by the ruling SKNLP as well as possible misconduct on the part of government officials.

Public officials were not subject to financial disclosure laws, and there is no agency responsible for combating government corruption. The leader of the opposition PAM party disclosed his personal finances publicly and called for the prime minister to do the same.

While no laws provide for public access to government information, the Government maintained a Web site with limited information concerning government actions.

Section 4. Governmental Attitudes Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

While there are no governmental restrictions on human rights groups, no local human rights groups operated in the country. There were no requests for investigations or visits by international human rights groups during the year.

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

The Constitution prohibits discrimination based on race, place of origin, birth out of wedlock, political opinion or affiliation, color, gender, or creed, and the Government generally respected these prohibitions in practice.

Women.—The law prohibits rape, but it does not address spousal rape. Penalties for rape range from 2 years' imprisonment for incest between minors to life imprisonment for statutory rape or incest with someone under 16. Indecent assault has a maximum penalty of 7 years' imprisonment. Incest with a person 16 or older carries a penalty of 20 years' imprisonment. During the year police investigated 14 cases of rape and 20 cases of indecent assault. None of the rape cases had gone to trial by year's end.

Violence against women was a problem. The law criminalizes domestic violence, including emotional abuse, and provides penalties of up to $5,000 (EC$13,500) or 6 months in prison. Although many women were reluctant to file complaints or pursue them in the courts, the Ministry of Gender Affairs reported 25 cases of domestic violence during the year, commensurate with the recent annual average of 25 to 30 reports. The director believed that the true number was higher, but that due to the nature of the crime, many women did not feel comfortable reporting it or asking for a protection order. There were no prosecutions or convictions for domestic violence during the year.

The ministry offered counseling for victims of abuse and conducted training on domestic violence and gender violence for officials in the police and fire departments, nurses, school guidance counselors, and other government employees. In addition

the ministry's permanent secretary participated in a weekly radio program to discuss gender issues, including domestic violence. Several NGOs worked to raise awareness of domestic violence, and in November one called Men Underpinning Saint Kitts hosted a domestic violence symposium with the police force, nurses, the Ministry of Gender Affairs, and others.

Prostitution is illegal and was not considered to be a problem.

The law does not specifically address sexual harassment, and it remained a problem.

The role of women in society is not restricted by law but was circumscribed by culture and tradition. There was no overt societal discrimination against women in employment, although analyses suggested that women did not occupy as many senior positions as men. The ministry conducted programs addressing poverty and health and promoting institutional mechanisms to advance the status of women and attain leadership positions for women. Although there was no legislation requiring equal pay for equal work, women and men generally received equal salaries for the same jobs.

Children.—The Government was committed to children's rights and welfare. Education is compulsory, free, and universal, up to the age of 16. More than 98 percent of children completed secondary school. Girls had equal access to education and tended to outnumber boys at the secondary and tertiary levels.

The Government provided free medical care for children.

Child abuse remained a major problem. The law sets the age of consent at 16. Authorities brought charges in six cases involving alleged sexual activity with minors (indecent assault). In addition to those charges, the Ministry of Gender Affairs received 24 reports of sexual assaults against children during the year, an increase from the 11 cases reported in 2006.

In February and in November, the Sun newspaper reported that authorities arrested two juvenile boys for "unlawful carnal knowledge" in two separate incidents.

In November a former police officer in Nevis was tried for incest, but the matter was rescheduled to April 2008 when the jury could not reach a decision.

Trafficking in Persons.—While no laws address trafficking in persons specifically, there were no confirmed reports that persons were trafficked to, from, or within the country. The UNHCR representative noted that labor trafficking was known to occur, especially in the form of importing foreign nationals from Guyana and other countries to work on construction projects for lower wages.

Persons with Disabilities.—While the law prohibits discrimination, it does not specifically cite discrimination against persons with disabilities. There was no reported discrimination against persons with disabilities in employment, education, access to health care, or in the provision of other state services. The law does not mandate access to buildings for persons with disabilities.

Persons who are mentally ill and deemed a menace to society can be incarcerated for life; there were six such persons in the prison. Ministry of Health nurses in the various district health centers deal with persons with mental illness, and the General Hospital has a wing dedicated to caring for patients with mental illness.

Other Societal Abuses and Discrimination.—There are no laws that prohibit discrimination against a person on the basis of sexual orientation. Although no statistics were available, anecdotal evidence suggested that societal discrimination against homosexuals and persons with HIV/AIDS occurred.

Section 6. Worker Rights

a. The Right of Association.—Workers exercised their legal right to form and join trade unions. Employers were not bound legally to recognize a union, but in practice employers did so if a majority of workers polled wished to organize. Approximately 10 percent of the workforce was unionized. The law permits the police, civil service, and other organizations to organize associations that serve as unions. The major labor union, the Saint Kitts Trades and Labour Union, was associated closely with the SKNLP and was active in all sectors of the economy. The Saint Kitts dock workers formed a new union late in the year.

The law prohibits antiunion discrimination but does not require employers found guilty of such action to rehire employees fired for union activities. However, the employer must pay lost wages and severance pay to employees who had worked at least 1 year, based upon their length of service.

b. The Right to Organize and Bargain Collectively.—Labor unions have the legal right to organize and to negotiate better wages and benefits for union members, and the Government protected these rights in practice. A union that obtains membership of more than 50 percent of employees at a company can apply to be recognized by the employer for collective bargaining.

There are no export processing zones.

The right to strike, while not specified by law, is well established and respected in practice. Restrictions on strikes by workers who provide essential services, such as the police and civil servants, were enforced by established practice and custom, but not by law.

c. Prohibition of Forced or Compulsory Labor.—The Constitution prohibits forced or compulsory labor, including by children, and there were no reports that such practices occurred.

d. Prohibition of Child Labor and Minimum Age for Employment.—The Constitution prohibits slavery, servitude, and forced labor of children, and the Department of Labor effectively enforced this law in practice. There were no reported complaints of child labor during the year. The minimum legal working age is 16 years. The Department of Labor relied heavily on school truancy officers and the Community Affairs Division to monitor compliance, which they generally did effectively.

Juveniles worked in agriculture, domestic service, and illicit activities. In rural areas where families engaged in livestock farming and vegetable production, children often were required to assist as part of family efforts at subsistence. Girls often engaged in domestic service. Such labor included family-oriented work where children were required to look after younger siblings or ailing parents and grandparents at the expense of their schooling. Children often worked in other households as domestic servants or babysitters. In general society did not consider domestic work exploitive child labor.

e. Acceptable Conditions of Work.—Minimum wage rates for various categories of workers, such as domestic servants, retail employees, casino workers, and skilled workers, were last updated in 1994, and manufacturing sector wages were revised in 1996. The minimum wage for full-time domestic workers was $56 (EC$150) per week and $74 (EC$200) per week for skilled workers. However, average wages were considerably higher in these and all other categories, and there was no need to enforce the outdated legal minimum wages, which would not provide a decent standard of living for a worker and family. The Labor Commission undertook regular wage inspections and special investigations when it received complaints; it required employers found in violation to pay back wages.

The law provides for a 40- to 44-hour workweek, but the common practice was 40 hours in 5 days. Although not required by law, workers receive at least one 24-hour rest period per week. The law provides for premium pay for work above the standard workweek. There was no legal prohibition of excessive or compulsory overtime, although local custom dictated that a worker could not be forced to work overtime.

While there were no specific health and safety regulations, the law provides general health and safety guidance to Department of Labor inspectors. The Labor Commission settles disputes about safety conditions. Workers have the right to report unsafe work environments without jeopardy to continued employment; inspectors then investigate such claims, and workers may leave such locations without jeopardy to their continued employment.

SAINT LUCIA

Saint Lucia is a multiparty, parliamentary democracy with a population of approximately 168,000. In generally free and fair elections in December 2006, former prime minister Sir John Compton returned to power when his United Workers Party (UWP) defeated the previously ruling Saint Lucia Labour Party (SLP), winning 11 seats in the 17-member House of Assembly. On September 11, Stephenson King was appointed prime minister following Compton's death 2 days earlier. The civilian authorities generally maintained effective control of the security forces.

While the Government generally respected the human rights of its citizens, there were problems in a few areas, primarily abuse of suspects and prisoners by the police, long delays in trials and sentencing, violence against women, and child abuse.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life.—The Government or its agents did not commit any politically motivated killings; however, security forces killed one person during the year.

On September 17, police shot Fitzroy Stanislaus in the leg. Stanislaus, who was allegedly drunk and causing disturbances at the time of the shooting, bled to death

shortly after. At year's end authorities concluded the police investigation and sent the case to the Director of Public Prosecutions (DPP).

The inquest requested by the DPP into the September 2006 police killing of 20-year-old Troy Jn Jacques was before the magistrate's court at year's end.

At year's end the October 2006 manslaughter case against an officer who fired upon a commuter bus, killing 70-year-old Maurison Flavius, was still before the courts. The two other officers involved with the incident were under administrative disciplinary action.

On March 5, the DPP ruled that the November 2006 police killing of escaped convict Perry Jules in a gun battle was justified in the line of duty.

During the year the Criminal Investigations Department completed investigations on all four police killings that occurred in 2005, the results of which were awaiting inquest with the DPP at year's end.

b. Disappearance.—There were no reports of politically motivated disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Constitution prohibits such practices; however, prisoners and suspects regularly complained of physical abuse by police and prison officers. During the year citizens filed 200 complaints against the police, 93 of which were for assault, 23 for neglect of duty, 22 for threats, 18 for abuse of authority, 11 for insulting words, and 33 for other reasons. Authorities did not consider any of the complaints serious enough to warrant suspending or arresting any of the officers.

On April 3, police shot a 16-year-old boy in the head while the boy, who had escaped from the Boy's Training Center, was fleeing from them. The boy recovered from the incident, and on October 15, a police investigation concluded the shooting was justified.

On August 24, members of the police Special Services Unit shot Andre Halls in the leg; police said he was evading arrest for attempted murder.

The investigation into the September 2006 police officer shooting of a 17-year-old boy who was causing a disturbance resulted in the officer being charged with harm and assault. The case was still before the courts at year's end.

Prison and Detention Center Conditions.—Prison conditions generally met minimum international standards at the 4-year-old Bordelais Correctional Facility, which had a capacity of 500 prisoners and held approximately that number. Some prisoners and family members complained about treatment of prisoners at the facility.

The Boys Training Center, a facility for boys charged with criminal offenses or suffering from domestic or other social problems, operated separately from the prison. The boys in the program normally stay for 2 years and receive vocational training while enrolled. There were allegations of poor conditions and harsh treatment of the juveniles at the facility, including beatings by police officers.

The Government permitted prison visits by independent human rights observers, but no such visits took place during the year.

d. Arbitrary Arrest or Detention.—The Constitution prohibits arbitrary arrest and detention, and the Government generally observed these prohibitions.

Role of the Police and Security Apparatus.—The Royal Saint Lucia Police numbered 826 officers, which included a Special Services Unit with some paramilitary training and a coast guard unit. The police force reports to the Ministry of Home Affairs and Internal Security, a portfolio held by the prime minister. The acting police commissioner is one of eight retired police officers contracted from the United Kingdom to enhance intelligence capacity, strengthen research and development capability, and improve management systems and processes.

Although there was little definitive evidence, it was widely believed that corruption was pervasive in the police force. The contracted senior officers implemented procedures to increase force professionalism, including a change in the promotion system from one largely based on seniority and personal loyalties to a merit-based system.

The police force's internal complaints unit received and investigated complaints made by the public against police officers. The complaint unit's findings were sent to the Police Complaints Commission, a civilian body, which reviewed the cases and made recommendations for internal disciplinary action to the police commissioner.

Arrest and Detention.—The Constitution stipulates that persons must be apprehended openly with warrants issued by a judicial authority and requires a court hearing within 72 hours of detention. Detainees were allowed prompt access to counsel and family. There is a functioning bail system.

Prolonged pretrial detention continued to be a problem; 150 of the prisoners at Bordelais Correctional Facility were on remand awaiting trial. Those charged with serious crimes spent an estimated 6 months to 4 years in pretrial detention.

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary, and the Government generally respected judicial independence in practice.

The court system includes magistrate's courts and the High Court, both of which have civil and criminal jurisdiction. The lower courts accept civil claims up to approximately $1,850 (EC$5,000) and criminal cases generally classified as "petty." The High Court has unlimited authority in both civil and criminal cases. All cases may be appealed to the Eastern Caribbean Court of Appeal. Cases also may be appealed to the Privy Council in the United Kingdom as the final court of appeal. A family court handles child custody, maintenance, support, domestic violence, juvenile affairs, and related matters.

Trial Procedures.—The Constitution provides for the right to a fair trial, and an independent judiciary generally enforced this right.

Trials can be by jury, are public, and, in cases involving capital punishment, legal counsel is provided for those who cannot afford a defense attorney. Defendants are entitled to select their own representation, are presumed innocent until proven guilty in court, and have the right of appeal. Defendants have the right to confront or question witnesses.

Political Prisoners and Detainees.—There were no reports of political prisoners or detainees.

Civil Judicial Procedures and Remedies.—There is an independent, impartial judiciary in civil matters where one can bring lawsuits seeking damages for a human rights violation.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The Constitution prohibits such actions, and the Government generally respected these prohibitions in practice.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech and of the press, and the Government generally respected these rights in practice. An independent press, an effective judiciary, and a functioning democratic political system combined to ensure freedom of speech and of the press.

Internet Freedom.—There were no government restrictions on access to the Internet or reports that the Government monitored e-mail or Internet chat rooms. Individuals and groups could engage in the peaceful expression of views via the Internet, including by e-mail. The Internet was largely available in homes, offices, and Internet cafes in urban areas; infrastructure limitations restricted Internet access in some villages.

Academic Freedom and Cultural Events.—There were no government restrictions on academic freedom or cultural events.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for freedom of assembly and association, and the Government generally respected these rights in practice.

c. Freedom of Religion.—The Constitution provides for freedom of religion, and the Government generally respected this right in practice.

The Government continued a suspension on all applications for official registration by faith-based organizations while it revised its policy on registration. This moratorium affected the Muslim community, the Church of Jesus Christ of Latter-day Saints, and approximately 10 other organizations. While awaiting registration, religious groups had the freedom to meet and worship according to their beliefs.

Societal Abuses and Discrimination.—Rastafarians complained of societal discrimination, especially in hiring. There was no organized Jewish community, and there were no reports of anti-Semitic acts.

For a more detailed discussion, see the 2007 International Religious Freedom Report.

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons.—The Constitution and the law provide for freedom of movement within the country, foreign travel, emigration, and repatriation, and the Government generally respected these rights in practice.

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

Protection of Refugees.—The country is not a signatory to the 1951 U.N. Convention relating to the Status of Refugees or its 1967 protocol, and no formal government policy toward refugee or asylum requests existed. In practice the Government

provided protection against refoulement, the return of persons to a country where there is reason to believe they feared persecution.

Although no known cases occurred, the Government was prepared to cooperate with the Office of the U.N. High Commissioner for Refugees and other humanitarian organizations in assisting refugees and asylum seekers.

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

The Constitution provides citizens with the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections based on universal suffrage.

Elections and Political Participation.—In December 2006 Sir John Compton's UWP defeated Kenny Anthony's SLP by winning 11 of 17 parliamentary seats. According to electoral observer missions from both the Organization of American States and the Caribbean Community, the elections were generally considered free and fair. In accordance with the Constitution, the governor general appointed Stephenson King, the person who commanded the majority in the House of Assembly, as prime minister following Compton's death on September 7.

Political parties could operate without restrictions.

Four women competed in the December 2006 elections in a field of 38 candidates for 17 seats, but none were elected to the House of Assembly. In a November 26 by-election, a woman defeated three male candidates, making her the only woman elected to the house. The appointed speaker of the house was a woman. There were three women in the 11-member appointed Senate; one served as president of the Senate, and one served as the sole female member of the 14-person cabinet. The governor general was a woman.

Government Corruption and Transparency.—The law provides criminal penalties for official corruption, and the Government generally implemented the law effectively.

Although there were no reports of government corruption during the year, authorities questioned Housing Minister Richard Frederick twice concerning alleged involvement in customs duty evasion. The case involved the importation of personal vehicles and occurred before Frederick was in office. At year's end authorities continued their investigation but had placed no charges against Frederick.

High-level government officials, including elected officials, are subject to annual disclosure of their financial assets to the Integrity Commission, a constitutionally established commission. The parliamentary commissioner, auditor general, and the Public Services Commission are government agencies established to help combat corruption. Parliament can also appoint a special committee to investigate specific allegations of corruption.

The law provides for public access to information, and parliamentary debates are open to the public. The Government Information Service disseminated public information on a daily basis, operated an extensive Web site, and published a number of official periodicals.

Section 4. Governmental Attitudes Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

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

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

The Constitution prohibits discrimination, but there was no specific legislation addressing discrimination in employment or against persons with disabilities. However, government policy was nondiscriminatory in the areas of housing, jobs, education, and opportunity for advancement.

Women.—Rape, including spousal rape, is a crime punishable by 14 years' to life imprisonment. Police and courts enforced laws to protect women against rape, although many victims were reluctant to report cases of rape or to press charges. During the year the DPP's office received 21 rape files from police investigators, including one case of attempted rape. Of these cases, four went to trial, two of which resulted in a guilty verdict. Only nine of the 21 cases involved offenses committed during the year.

Violence against women was recognized as a serious problem. The Government prosecuted crimes of violence against women only when the victim pressed charges. The family court heard cases of domestic violence and crimes against women and children, and the Castries office filed 366 cases by year's end (there was an additional family court in Vieux Fort). The Ministry of Health Wellness, Family Affairs,

National Mobilization, Human Services, and Gender Relations assisted victims. Most of the cases were referred to a counselor, and the police facilitated the issuance of court protection orders in some cases. Police caught and charged perpetrators in a number of domestic violence cases.

The police force created a Vulnerable Persons Unit designed to handle cases involving violence against women and children, which increased police responsiveness to these cases. As a result, the police reported a 24 percent increase in the reporting of sexual crimes against women and children during the first half of the year. This unit worked closely with the Family Court and the ministry's Gender Relations and Human Services Divisions.

The Gender Relations Division also ran the Women's Support Center, which provided a shelter, counseling, residential services, a 24-hour hot line, and assistance in finding employment. The center assisted 20 women and 25 children and took 206 calls during the year. Various nongovernmental organizations, such as the Saint Lucia Crisis Center and the National Organization of Women, also provided counseling, referral, educational, and empowerment services. The crisis center assisted in 87 cases of physical violence, incest, nonpayment of child support, alcohol and drug abuse, homelessness, custody, and visitation rights. From May to August, the center provided craft skills, small business management, and personal development training to 15 of its clients.

The law allows a judge to issue a protection order prohibiting an abuser from entering or remaining in the place where the victim is living. It also allows the judge to issue occupation orders, which remove an abuser's name from housing leases or rental agreements, revoking the right of the abuser to live in the same residence as the victim.

Prostitution is illegal, but it was a growing problem. More common than formal prostitution, many women participated in transactional sex, an informal relationship that occurred privately and not through a brothel, club, or other formal arrangement.

The criminal code prohibits sexual harassment, but it remained a problem. The Gender Relations Division continued an awareness program through which it provided training opportunities in workplaces and assisted establishments in creating policies and procedures on how to handle sexual harassment. As a result, most cases of sexual harassment were handled in the workplace rather than being prosecuted under the criminal code.

Women generally enjoyed equal rights, including in economic, family, property, and judicial matters. Women's affairs were under the jurisdiction of the Gender Relations Division, whose parent ministry was responsible for protecting women's rights in domestic violence cases and preventing discrimination against women, including ensuring equal treatment in employment.

Children.—The Government was generally committed to children's rights and welfare, as indicated by its provisions for education and health care. However, there was insufficient assistance for abused or neglected children.

Education was compulsory from age 5 through 15; registration fees were required at most schools. The Ministry of Education reported attendance rates of 92 percent for primary school-age children and 84 percent for secondary school-age children. In 2006 the Government initiated universal secondary education. Girls had equal access to education and tended to have lower drop-out rates than boys.

Government clinics provided prenatal care, immunization, child health care, and health education services. Boys and girls had equal access to medical care.

Child abuse remained a problem. Through June the Division of Human Services reported 141 cases of child abuse, consisting of 56 cases of child sexual abuse, 45 cases of physical abuse, 24 cases of neglect and abandonment, and 16 cases of psychological abuse.

Since there was no welfare system, parents of sexually abused children sometimes declined to press sexual assault charges against the abuser in exchange for financial contributions toward the welfare of children born of such abuse. Nonetheless, courts heard some child sexual abuse cases and convicted and sentenced offenders.

At year's end investigation continued in a June 2006 case in which a 14-year-old girl had been repeatedly and severely abused by her police officer father and stepmother. Neighbors contacted the Caribbean Association for Feminist Research and Action (CAFRA) for assistance, and the girl was placed in her aunt's custody while authorities investigated her father and stepmother.

The Division of Human Services provided a number of services to victims of child abuse, including counseling, facilitating medical intervention, finding foster care, providing family support services, and supporting the child while working with the police and attending court. The division was also involved with public outreach in schools, church organizations, and community groups. CAFRA operated a hot line

for families suffering from different forms of abuse; however, there was no shelter for abused children, resulting in the return of many children to the homes in which they were abused.

Although there was little evidence of formalized child prostitution, transactional sex with minors was a common occurrence.

Trafficking in Persons.—The law does not prohibit all forms of trafficking in persons, and there were reports that persons were trafficked to or within the country. Although there are laws prohibiting slavery, forced labor, forced imprisonment, or kidnapping that could be used to prosecute alleged traffickers, there were no reports of such prosecutions during the year.

There were reports of trafficking but a lack of concrete evidence. The majority of strip clubs and brothels were staffed with women from the Dominican Republic. Anecdotal evidence suggested that while many of these women illustrated characteristics of trafficking victims, such as having to surrender passports, they did not feel enslaved or coerced. Other reports indicated that a number of women were working in sex clubs against their will.

The Government established a National Coalition against Trafficking in Persons consisting of the Gender Relations Division, the Human Services Division, the police, and the immigration service. Lack of funding hampered the coalition's efforts to detect and investigate cases of trafficking and to protect victims.

Persons with Disabilities.—No specific legislation protects the rights of persons with disabilities or mandates provision of government services for them. The Government is obliged to provide disabled access to all public buildings, and several government buildings had ramps to provide access. There was no rehabilitation facility for persons with physical disabilities, although the health ministry operated a community-based rehabilitation program in residents' homes. There were schools for the deaf and the blind up to the secondary level. There also was a school for persons with mental disabilities.

Other Societal Abuses and Discrimination.—There was widespread stigma and discrimination against persons infected with HIV/AIDS, although the Government implemented several programs to address this issue, including a 5-year program to combat HIV/AIDS. The U.N. Population Fund also provided support for youth-oriented HIV/AIDS prevention programs.

Section 6. Worker Rights

a. The Right of Association.—The law specifies the right of workers to form or belong to trade unions under the broader rubric of the right of association. Most public sector employees and approximately 25 percent of the total work force was unionized.

b. The Right to Organize and Bargain Collectively.—The law allows unions to conduct their activities without interference, and the Government generally protected this right. Collective bargaining is protected by law and was freely practiced. Unions have a right to strike, and workers exercised that right. However, the law prohibits members of the police and fire departments from striking on the grounds that these professions were "essential services." Workers in other essential services—water and sewer authority workers, electric utility workers, nurses, and doctors—must give 30 days' notice before striking.

Labor law is applicable in the export processing zones, and there were no administrative or legal impediments to union organizing or collective bargaining in those zones; however, there were no unions registered in them.

c. Prohibition of Forced or Compulsory Labor.—The Government prohibits forced or compulsory labor, including by children, and there were no reports that such practices occurred.

d. Prohibition of Child Labor and Minimum Age for Employment.—The law provides for a minimum legal working age of 16 years. The minimum legal working age for industrial work is 18 years. Child labor existed to some degree in the rural areas, primarily where school-age children helped harvest bananas from family trees. Children also typically worked in urban food stalls or sold confectionery on sidewalks. However, these activities occurred on nonschool days and during festivals. The Department of Labor of the Ministry of Labor Relations, Public Service, and Cooperatives was responsible for enforcing statutes regulating child labor. Employer penalties for violating the child labor laws were $3.55 (EC$9.60) for a first offense and $8.88 (EC$24) for a second offense. There were no formal reports of violations of child labor laws.

e. Acceptable Conditions of Work.—Minimum wage regulations in effect since 1985 set wages for a limited number of occupations. The minimum monthly wage for of-

fice clerks was $111 (EC$300), for shop assistants $74 (EC$200), and for messengers $59 (EC$160). The minimum wage did not provide a decent standard of living for a worker and family, but most categories of workers received much higher wages based on prevailing market conditions.

The legislated workweek is 41 hours, although the common practice was to work 40 hours in 5 days. Special legislation covers work hours for shop assistants, agricultural workers, domestics, and persons in industrial establishments.

While occupational health and safety regulations were relatively well developed, there was only one qualified inspector for the entire country. The ministry enforced the act through threat of closure of the business if it discovered violations and the violator did not correct them. However, actual closures rarely occurred because of lack of staff and resources. Workers had the legal right to leave a dangerous workplace situation without jeopardy to continued employment.

SAINT VINCENT AND THE GRENADINES

Saint Vincent and the Grenadines is a multiparty, parliamentary democracy with a population of approximately 118,000. In December 2005 Prime Minister Ralph Gonsalves' Unity Labour Party (ULP) was returned to office in elections that international observers assessed as generally free and fair. The civilian authorities generally maintained effective control of the security forces.

Although the Government generally respected the human rights of its citizens, there were problems in a few areas, primarily impunity for police who used excessive force, poor prison conditions, an overburdened court system, violence against women, and abuse of children.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life.—There were no reports that the Government or its agents committed any politically motivated killings, but security forces were involved in two separate incidents in September with suspected Venezuelan drug traffickers in the waters off the Grenadine islands of Bequia and Union.

On September 23, the Coast Guard, the Special Services Unit, and the drug squad allegedly ordered a boat to stop, but the crew reportedly opened fire, whereupon authorities returned fire, killing two Venezuelan nationals, Matias Dominquez and Alexis Munoz. The police opened an investigation, and the Venezuelan relatives filed lawsuits for wrongful death against the authorities. Authorities later released four other Venezuelan nationals arrested in the incident for lack of evidence.

During the year the Government appointed a private lawyer as a special coroner to deal specifically with coroner's inquests; he will consider outstanding matters in order of priority. The 2005 police shootings of Selwyn Moses and Joel Williams were among those awaiting a coroner's inquest.

b. Disappearance.—There were no reports of politically motivated disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—Although the law prohibits such practices, the nongovernmental organization (NGO) St. Vincent and the Grenadines Human Rights Association (SVGHRA) asserted that many confessions resulted from unwarranted police practices, including the use of physical force during detention. The SVGHRA complained that the Government failed to investigate adequately allegations of abuse or punish those police officers responsible for such abuses.

In midyear Parliament passed legislation that abolished the 1984 Police and Criminal Evidence Act. The SVGHRA asserted that abolishing this law would hinder the prevention of abuse by overzealous police officers in obtaining confessions.

During the year citizens filed 42 allegations of assault, two complaints of disrespect, and 22 complaints of negligence, harassment, or threats by members of the police force. Most of the complaints of assault involved police making arrests. Police officers investigated all such complaints and submitted their findings to the police commissioner. At year's end authorities had brought disciplinary charges against one police officer, and a hearing was pending. One other matter was referred to the Department of Public Prosecution (DPP). All other cases were still under investigation at year's end.

In one case a well-known Calypso singer claimed that a constable slapped him on the face. Police investigated the incident and disputed the legitimacy of the claim; however, the case was referred to the DPP, where it remained at year's end.

The police force made efforts to educate its ranks on proper conduct and citizens' rights. Authorities brought in a former attorney general to speak to the general membership of the police force on the appropriate use of force, and the commissioner of police addressed them late in the year to emphasize the importance of respecting the rights of citizens.

Prison and Detention Center Conditions.—Prison conditions remained poor. Prison buildings were antiquated and overcrowded, with Her Majesty's Prison in Kingstown holding 373 inmates in a building intended to hold approximately 150 inmates, a situation that created serious health and safety problems.

Despite reforms at the Her Majesty's Prison, problems such as endemic violence, understaffing, underpaid guards, uncontrolled weapons and drugs, increasing incidence of HIV/AIDS, and unhygienic conditions persisted. Corrupt prison staff commonly served as a source of drugs, weapons, and cell phones. The SVGHRA reported that guards routinely beat prisoners to extract information regarding escapes, violence, and crime committed in the prison. In March several Muslim prisoners went on a hunger strike to protest poor conditions and the lack of the appropriate food for their Islamic diet. In September a fight between inmates and guards led to a 3-day lockdown of the facility.

The Fort Charlotte Prison held nine female inmates in a separate section designed to hold 50 inmates, but conditions were antiquated and unhygienic. Pretrial detainees and young offenders (16 to 21 years of age) were held with convicted prisoners.

Conditions were inadequate for juvenile offenders. Boys under the age of 16 were held at the Liberty Lodge Boys' Training Center, which takes in boys who can no longer stay at home due to domestic problems or involvement with criminal activity. Most of the 30 boys were at the center because of domestic problems, and only a small number were charged with committing a crime.

The Government permitted prison visits by independent human rights observers, and such visits took place during the year.

d. Arbitrary Arrest or Detention.—The law prohibits arbitrary arrest and detention, and the Government generally observed these prohibitions; however, complaints continued regarding police practices in bringing cases to court.

Role of the Police and Security Apparatus.—The Royal Saint Vincent and the Grenadines Police, the only security force in the country, includes a coast guard, a small Special Services Unit with some paramilitary training, and the fire service. There were approximately 850 members of the police force. The police report to the minister of national security, a portfolio held by the prime minister.

The Government operated an oversight committee to monitor police activity and hear public complaints about police misconduct. The committee reported to the minister of national security and to the minister of legal affairs and actively participated in investigations during the year.

Arrest and Detention.—The law in most instances requires arrest warrants, which are issued by judicial authority. Police apprehended persons openly, and detainees may seek judicial determinations of their status after 48 hours if not already provided. The bail system functioned and was generally effective. A local human rights group reported that most detainees were given prompt access to counsel and family members, although in some instances, access delays occurred.

e. Denial of Fair Public Trial.—The law provides for an independent judiciary, and the Government generally respected this provision in practice. However, there were allegations of undue government influence over a magistrate's contract renewal.

The judiciary consists of lower courts and the High Court, with appeal to the Eastern Caribbean Court of Appeal and final appeal to the Privy Council in the United Kingdom. There were three official magistrates, including the chief magistrate, a senior magistrate, and one other magistrate. In addition the registrar of the High Court has the authority to sit as a magistrate if called upon. The chief magistrate also served as president of the family court, which handled criminal cases for minors up to age 16.

Trial Procedures.—The law provides for fair, public trials, and an independent judiciary generally enforced this right. Juries are used at the High Court level for criminal matters but are not used for civil court or crimes at the magistrate level. The court appoints attorneys only for indigent defendants charged with a capital offense. Defendants are presumed innocent until proven guilty, may confront and

question witnesses, may appeal verdicts and penalties, and have access to relevant government-held evidence once a case reaches the trial stage. Lengthy delays occurred in preliminary inquiries for serious crimes. A backlog of pending cases continued, because the magistrate's court in Kingstown lacked a full complement of magistrates.

In June Asbert Williams had his sentence reduced on the grounds that he had been convicted of "assault with intent to commit bodily harm," a charge that did not exist in the law. The court overturned his January conviction, which arose when Williams approached another man holding a cutlass, but replaced it with a conviction for common assault.

Political Prisoners and Detainees.—There were no reports of political prisoners or detainees.

Civil Judicial Procedures and Remedies.—There is an independent, impartial judiciary in civil matters where one can bring lawsuits seeking damages for a human rights violation.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The law prohibits such actions, and the Government generally respected these prohibitions in practice.

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.

The independent media were active and expressed a wide variety of views without restriction. There were three major newspapers and numerous smaller publications; all were privately owned. The sole television station and six of seven radio stations were privately owned.

Although the Government did not directly interfere with the press, there continued to be many accounts of the prime minister or other officials rebuking the press for comments critical of the government. In March three prominent female lawyers reported that they had received death threats allegedly because they participated in an opposition party rally. No investigation was opened, but the threats soon stopped.

In September radio talk show host and opposition figure Elwardo "E.J." Lynch was threatened with a lawsuit for "making malicious remarks" about Senator Julian Francis, who is the first cousin of the prime minister and also a cabinet minister. Lynch paid a fine in 2006 after losing an appeal of a 2005 conviction for making "false statements likely to cause public alarm."

Internet Freedom.—There were no government restrictions on access to the Internet or reports that the Government monitored e-mail or Internet chat rooms. Individuals and groups could engage in the peaceful expression of views via the Internet, including by e-mail.

Academic Freedom and Cultural Events.—There were no government restrictions on academic freedom or cultural events.

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.

Societal Abuses and Discrimination.—Rastafarians complained of discrimination against their members, especially in hiring and in schools.

There was no organized Jewish community, and there were no reports of anti-Semitic acts.

For a more detailed discussion, see the 2007 International Religious Freedom Report.

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons.—The law provides for freedom of movement within the country, foreign travel, emigration, and repatriation, and the Government generally respected these rights in practice.

The law prohibits forced exile, and it was not used.

Protection of Refugees.—Although the country is a signatory of the 1951 U.N. Convention relating to the Status of Refugees and its 1967 protocol, the Government has not established a system for providing protection to refugees or asylum seekers. In practice the Government provided protection against refoulement, the return of persons to a country where there is reason to believe they feared persecution, but did not grant refugee status or asylum.

Although no known cases occurred, the Government was prepared to cooperate with the Office of the U.N. High Commissioner for Refugees and other humanitarian organizations in assisting refugees and asylum seekers.

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.—In December 2005 the ruling ULP was returned to office in elections that international observers declared to be generally free and fair. The opposition New Democratic Party (NDP), however, claimed there were electoral irregularities that could have affected the outcome in three constituencies. On March 31, boys playing in the old government printing facility in Kingstown discovered a ballot box from the last election. The opposition party immediately questioned the legitimacy of the 2005 elections results and called for the resignation of the supervisor of elections. The supervisor did not resign and insisted that the ballot box contained votes that had been accounted for. Opposition figures continued to claim that the election was not completely free and fair.

There were two women in the 15-seat House of Assembly and three women in the cabinet. There was one woman among the six appointed senators, who also served as deputy speaker.

Government Corruption and Transparency.—The law provides criminal penalties for official corruption, but the Government did not always enforce these laws effectively and corruption remained a moderate problem. There was anecdotal evidence of corruption and nepotism in government contracting.

There were no financial disclosure laws for public officials and no government agency specifically responsible for combating government corruption.

In June the opposition party claimed to have evidence that a senior police official and a cabinet member held a secret meeting on a beach with a well-known drug trafficker. The opposition leader claimed to have evidence of the meeting (and therefore proof of the Government officials' implied involvement in the drug trade) but produced no such evidence as of year's end.

The opposition also claimed that two senior civil servants were removed from their jobs after discovering drugs and large sums of illegally transported money coming into the country. The Government responded that the civil servants were transferred for their own protection, after threats were made against them.

The law provides for public access to information, and the Government provided such access in practice.

Section 4. Governmental Attitudes Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

There were no restrictions on international human rights groups, but none were known to have expressed interest in or concern about the country during the year. A domestic human rights group, the SVGHRA, generally operated without government restriction, investigating and publishing its findings on human rights cases, particularly with respect to treatment of prisoners. Government officials generally were responsive, but the SVGHRA reported that its complaints regarding allegations of police brutality typically received perfunctory responses from the government. Other advocacy groups, particularly those involved with protection against domestic violence and child abuse, worked closely with their corresponding government offices.

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

The law provides for equal treatment regardless of race or gender, and the Government generally enforced this provision in practice.

Women.—Rape, including spousal rape, is illegal, and the Government enforced the law. Depending on the magnitude of the offense and the age of the victim, sentences for rape could be 8 to 10 years' imprisonment. The possible sentence of life imprisonment was very rarely used. During the year the police investigated 47 cases of rape, eight cases of attempted rape, and brought 18 cases to trial. The Family Court heard 28 cases of indecent assault. In March a court sentenced Digby Lewis to 5 years in prison for raping his physically disabled ex-girlfriend and mother of his son.

Violence against women remained a serious problem. The law does not criminalize domestic violence but rather provides protection for victims. Cases involving domestic violence were normally charged under assault, battery, or other similar laws. The SVGHRA reported that, in many instances, domestic violence went unpunished due

to a culture in which victims choose not to seek assistance from the police or the prosecution of offenders. Furthermore, a number of victims decide not to press charges once domestic tensions cool down after having already complained to the police. For this reason, police were often reluctant to follow up on domestic violence cases.

The Gender Affairs Division of the Ministry of National Mobilization, Social Development, NGO Relations, Family, Gender Affairs, and Persons with Disabilities provided a referral and information service to domestic violence victims, educating victims on the role of the police, legal affairs, and the family court in dealing with domestic violence, as well as possible assistance from various NGOs. The Marion House provided counseling to victims of abuse. The SVGHRA and other organizations conducted numerous seminars and workshops throughout the country to familiarize women with their rights. Development banks provided funding through the Caribbean Association for Feminist Research and Action for a program on domestic violence prevention, training, and intervention. Police received training on domestic abuse, emphasizing the need to file reports and, if there was sufficient evidence, to initiate court proceedings. To counter the social pressure on victims to drop charges, some courts imposed fines against persons who brought charges but did not testify.

Although prostitution is illegal, a local human rights group reported that it remained a problem among young women and teenagers.

The law does not specifically prohibit sexual harassment, although it could be prosecuted under other laws. A local human rights group considered these laws ineffective.

Women enjoyed the same legal rights as men. Women received an equitable share of property following separation or divorce. The Gender Affairs Division assisted the National Council of Women with seminars, training programs, and public relations. The minimum wage law specifies that women should receive equal pay for equal work.

Children.—The Government was committed to children's rights and welfare. Primary and secondary education was compulsory, free, and universal through age 17, and the Ministry of Education estimated attendance rates of 98 percent for primary school-age children and 99 percent for secondary school-age children. However, 21 percent of the secondary school-age children were still in primary school. As a post-secondary school program, the Government sponsored Youth Empowerment, an apprenticeship program for young adults interested in learning a trade. Approximately 500 youths were enrolled in this program, earning a stipend of approximately $148 (EC$400) a month; private sector employers contributed additional amounts in some instances.

Child abuse remained a problem. The law provides a limited legal framework for the protection of children, and the Family Services Division of the social development ministry monitored and protected the welfare of children. The Family Services Division referred all reports of child abuse to the police for action. Four children applied for protection orders with the Family Court; it granted two applications, one was withdrawn, and the other case was denied.

During the year police investigated 18 cases of incest or unlawful sexual intercourse and brought eight cases to trial. In January a mob attacked 35-year-old Mark Gumbs, who was caught indecently assaulting a 6-year-old girl, before they handed him over to police. In October a court convicted Eldon Graham of molesting and raping his 11-year-old daughter and sentenced Austin Edwards to 12 years for raping his 14-year-old stepdaughter.

Trafficking in Persons.—The law does not address trafficking in persons specifically, but there were no reports that persons were trafficked to, from, or within the country.

Persons with Disabilities.—The law prohibits discrimination against persons with physical and mental disabilities in employment, education, access to health care, or in the provision of other state services, and the Government generally followed these practices. The law does not mandate access to buildings for persons with disabilities, and access for such persons generally was difficult. Most persons with severe disabilities rarely left their homes because of the poor road system and lack of affordable wheelchairs. The Government partially supported a school for persons with disabilities. A separate rehabilitation center treated approximately five persons daily. The social development ministry is responsible for assisting persons with disabilities.

Other Societal Abuses and Discrimination.—There are no laws that prohibit discrimination against a person on the basis of sexual orientation. Although no statistics were available, anecdotal evidence suggested there was some societal discrimination against homosexuals and persons with HIV/AIDS. Local NGOs, including the

SVGHRA, circulated a petition to Parliament that called for an end to all such discrimination.

Section 6. Worker Rights

a. The Right of Association.—Workers exercised the legal right to form and join unions; however, no law requires employers to recognize unions. Approximately 11 percent of the work force was unionized.

The law protects workers from summary dismissal without compensation and provides for reinstatement or severance pay if unfairly dismissed. It also protects workers from dismissal for engaging in union activities and provides them with reinstatement rights if illegally dismissed.

While the organized unions generally maintained good relations with the government, opposition leaders and businessmen privately complained that the ruling party selected and promoted union leaders who were loyal to the government. Union membership and the number of actions taken decreased during the year.

b. The Right to Organize and Bargain Collectively.—The law permits unions to organize and bargain collectively, and the Government protected these rights in practice; however, no law requires employers to recognize a particular union as an exclusive bargaining agent. The law provides that if both parties to a dispute consent to arbitration, the minister of labor can appoint an arbitration committee from the private sector to hear the matter.

There are no export processing zones.

The law provides for the right to strike, and workers exercised this right in practice; however, the Essential Services Act prohibits persons providing such services (defined as electricity, water, hospital, and police) from striking.

c. Prohibition of Forced or Compulsory Labor.—The law prohibits forced or compulsory labor, including by children, and there were no reports that such practices occurred.

d. Prohibition of Child Labor and Minimum Age for Employment.—The law sets the minimum working age at 16, and workers may receive a national insurance card at that age. The Ministry of Labor monitored and enforced this provision, and employers generally respected it in practice. There were five labor officers in the labor inspectorate with responsibility for monitoring all labor issues and complaints. The ministry reported no child labor problems. The only known child labor was work on family-owned banana plantations, particularly during harvest time, or in family-owned cottage industries. The Government operated Youth Empowerment, which provided training and increased job opportunities by employing young people in government ministries for up to 1 year.

e. Acceptable Conditions of Work.—The Wages Council, which is supposed to meet every 2 years to review minimum wages, last met in 2003. Minimum wages vary by sector and type of work and are specified for several skilled categories. In agriculture the minimum wage for workers provided shelter was $9.26 (EC$25) per day; industrial workers earned $11.11 (EC$30) per day. In many sectors, the minimum wage did not provide a decent standard of living for a worker and family, but most workers earned more than the minimum.

The law prescribes hours of work according to category, such as industrial employees (40 hours per week), professionals (44 hours per week), and agricultural workers (30 to 40 hours per week). The law provides that workers receive time-and-a-half for hours worked over the standard workweek. There was a prohibition against excessive or compulsory overtime, which was effectively enforced in practice.

Legislation concerning occupational safety and health was outdated, and enforcement of regulations was ineffective. The law does not address specifically whether workers have the right to remove themselves from work situations that endanger health or safety without jeopardy to their continued employment, but it stipulates conditions under which factories must be maintained. Failure to comply with these regulations would constitute a breach, which might cover a worker who refused to work under these conditions.

SURINAME

Suriname is a constitutional democracy, with a president elected by the unicameral legislature or by the larger United People's Assembly. The population is approximately 471,000. After generally free and fair elections in 2005, the New Front Plus government, a coalition of eight parties, was formed. In August 2005 the

United People's Assembly reelected Ronald Venetiaan as president. The civilian authorities generally maintained effective control of the security forces.

While the Government generally respected the human rights of its citizens, there were problems in some areas, including police mistreatment of detainees at the time of arrest; abuse of prisoners by guards; overcrowded detention facilities; an overwhelmed judiciary with a large case backlog; lengthy pretrial detention; self-censorship by some media; increased corruption in the government; societal discrimination against women, minorities, and indigenous people; violence against women; trafficking in women, girls, and boys; and child labor in the informal sector.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life.—The Government or its agents did not commit any politically motivated killings; however, security forces killed two persons during the year. There were reports that police shot and killed at least two suspects during arrests.

On July 6, police shot and killed Andy Aroma, a suspect wanted in a string of armed robbery cases, when he reportedly fled from officers attempting to apprehend him. Internal investigations into the shooting continued at year's end.

On November 28, police shot and killed Rodney Dors, while trying to arrest him. Dors attempted to flee from the police during a failed robbery attempt. A police investigation concluded that there was no wrongdoing on the officer's part and cleared the officer of all charges.

In February the Government established the Foundation for Development of Moiwana and began constructing a housing project in the Moiwana Village as part of the Inter-American Court's ruling on the 1986 massacre of 39 Moiwana citizens.

On November 30, a trial began for 25 defendants and former military head of state Desi Bouterse for the 1982 extrajudicial killings of 15 political opponents of the military regime. The trial was pending at year's end.

b. Disappearance.—There were no reports of politically motivated disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—While the law prohibits such practices, human rights groups and the media continued to express concern about official mistreatment, and they documented cases of police mistreatment of detainees, particularly during arrests, and abuse of prisoners by prison officials.

Human rights activists, the media, and concerned citizens accused the police of using excessive force during arrests.

On February 12, police Major Omar Terborg was arrested for ordering six other police officers to punish detainees for attempting to escape a police detention cell.

On May 18, a judge sentenced Steve Douglas to a reduced jail term of 3 years for drug trafficking after evidence showed he was electrocuted by police during questioning. Police investigations continued at year's end.

On May 22, seven robbery suspects claimed police used excessive force against them to coerce confessions. Investigations into actions of the officers were ongoing at year's end.

There were no developments, and none were expected, in the investigations of the January, February, and November 2006 allegations of abuses by police officials.

There were no developments, and none were expected, in the 2005 case in which a police officer shot and injured an unarmed detainee who tried to escape from the police station.

Prison and Detention Center Conditions.—Prison conditions were poor. Most facilities, particularly older jails, remained unsanitary and seriously overcrowded, with occupancy as much as quadruple design capacity.

Violence among prisoners was common, and prisoners continued to complain of mistreatment by guards.

On April 1, a male inmate at Nieuwe Haven police station was stabbed to death; investigations continued at year's end.

A trial was ongoing at year's end in the November 2006 case of eight prison officers accused of killing an inmate.

Human rights monitors expressed concern about conditions in pretrial detention facilities, which remained overcrowded. Growing numbers of convicted prisoners were held in detention cells due to prison overcrowding. Because of staff shortages, police officers rarely permitted detainees to leave their cells. Detainees and human rights groups also alleged that meals were inadequate.

In July a prison was expanded to include cells for those convicted of misdemeanors.

Conditions in the women's jail and prison facilities were generally better than those in the men's facilities. Once sentenced, there was no separate facility for girls under the age of 18; girls were held in the women's detention center and in the women's section of one of the prison complexes.

Juvenile facilities for both boys and girls between the ages of 10 and 18 within the adult prison located outside the city of Paramaribo were considered adequate and included educational and recreational facilities. A separate wing of that prison held boys under age 18 who committed serious crimes.

On October 26, a new youth detention center was opened in Paramaribo.

The Government permitted visits by independent human rights observers. Representatives of the nongovernmental organization (NGO), Moiwana, reported that, in general they had access to prisoners and received cooperation from prison officials on routine matters. The Welzijns Institute Nickerie, an NGO operating in the western district of Nickerie, visited and provided counseling for detainees in the youth detention center in that district.

d. Arbitrary Arrest or Detention.—The law prohibits arbitrary arrest and detention, and the Government generally observed these prohibitions. Due to a shortage of judges, prisoners who appealed their cases often served their full sentences before the lengthy appeals process could be completed. Unlike in previous years, the Attorney General's office did not express concern that prisoners who had served their original sentences were not released on a timely basis.

Role of the Police and Security Apparatus.—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 the maintenance of law and order and report to the Ministry of Justice and Police. The Personnel Investigation Department (OPZ) is an office within the Police Department that conducts investigations into complaints of police abuses. Police effectiveness was hampered by a lack of equipment and training, low salaries, and poor coordination with other law enforcement agencies. The police and military continued joint operations.

Corruption remained a problem, and senior officers met monthly with the Attorney General's office to review corruption and other cases against the police.

According to OPZ, at year's end authorities disciplined 29 officers for various offenses and jailed eight, including one on charges of participation in a criminal organization and five for grievous bodily harm.

Arrest and Detention.—Individuals were apprehended with warrants and were promptly informed of the charges against them. The police may detain for up to 14 days a person suspected of committing a crime if the sentence for that crime is longer than 4 years, and an assistant district attorney or a police inspector may authorize incommunicado detention. The police must bring the accused before a prosecutor to be charged formally in that period, but if additional time is needed to investigate the charge, a prosecutor and, later, a judge of instruction may extend the detention period an additional 150 days. There is no bail system. Detainees were allowed prompt access to counsel of their choosing, but the prosecutor may prohibit access if he thinks that this could harm the investigation. Detainees were allowed weekly visits from family members.

The average length of pretrial detention was 30 to 45 days for lesser crimes. Detainees were held in 22 overcrowded detention cells at police stations throughout the country. At year's end there were 977 persons detained in these cells. In accordance with the law, the courts freed most detainees who were not tried within the 164-day period.

e. Denial of Fair Public Trial.—Although the law provides for an independent judiciary, disputes over the appointment of judges undermined the independence of the judiciary. The attorney general is appointed for life. On March 2, the president appointed a new president of the Court of Justice; the acting president had occupied his position since 2000.

The judicial system consists of three lower courts, two specialized courts, and the Court of Justice as an appeals court. A military court system operates in cooperation with the civilian judicial system.

The judiciary was significantly hampered by a shortage of judges, which limited the effectiveness of the civilian and military courts. There were nine permanent and two deputy judges for the entire country, a number that human rights groups and lawyers' associations viewed as inadequate. A government program continued to train seven new judges who were expected to assume their duties in 2008.

Other problems the judiciary faced included financial dependence on the Ministry of Justice and Police (and hence the executive branch), lack of professional court

managers and case management systems to oversee the courts' administrative functions, and lack of space. These contributed to a significant case backlog. The courts required a minimum of 6 months to process criminal cases.

Trial Procedures.—The law provides for the right to a fair, public trial in which defendants have the right to counsel, and the judiciary generally enforced this right. Defendants enjoy a presumption of innocence and have the right to appeal their verdict. Defendants' lawyers can question witnesses. There is no jury system. The courts assign private sector lawyers to defend indigent detainees, paying the costs from public funds. However, court-assigned lawyers, of whom there were 14, generally appeared at the trial without prior consultation with defendants. According to the NGO Moiwana, these lawyers often did not appear at all.

Military personnel generally are not subject to civilian criminal law. A member of the armed forces accused of a crime immediately comes under military jurisdiction, and military police are responsible for all such investigations. Military prosecutions are directed by an officer on the public prosecutor's staff and take place in separate courts before two military judges and one civilian judge. Due to the shortage of judges, military and civilian judges are selected from the same pool by the Court of Justice, which makes assignments to specific cases. A mechanism exists to prevent conflicts of interest. 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.—Although there are separate procedures for civil judicial processes, the same pool of judges is responsible for presiding over these procedures. There is access to a court to bring lawsuits seeking damages for, or cessation of, a human rights violation. However, the shortage of judges impeded this process; most civil cases were resolved approximately 3 to 4 years after being heard by the courts.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The law prohibits such actions, and the Government generally respected these prohibitions in practice. The law requires warrants, which are issued by quasi-judicial officers who supervise criminal investigations, for searches.

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.

Some media members continued to practice occasional self-censorship. This was due to a history of intimidation and reprisals by certain elements of the former military leadership or response to pressure applied by senior government officials and important community leaders on journalists who published negative stories about the administration.

On May 10, the news show Suriname Today did not broadcast citizens' comments on the China-Taiwan controversy at the request of Vice President Ramdien Sardjoe. The Surinamese Association of Journalists reported the incident to the regional Association of Caribbean Media Workers.

In August, after a private television station carried comments by a news show guest that some considered racist, some members of the Government called for "regulation" of the station. Although attempts to regulate and censor television stations failed in Parliament, Vice President Sardjoe warned that media firms should stick to the conditions of their permits.

There were no developments in the 2005 case in which local newspaper De Ware Tijd, refused to publish a court-ordered retraction to an article published in De West, a competing publication. De West filed an appeal of the ruling ordering the retraction, and hearings were scheduled to start in early 2008.

On at least three occasions, government ministers threatened legal action against newspapers, and one case led to a court verdict mandating a public apology, which the newspaper published.

Internet Freedom.—There were no government restrictions on access to the Internet or reports that the Government monitored e-mail or Internet chat rooms. Individuals and groups could engage in the peaceful expression of views via the Internet, including by e-mail.

Academic Freedom and Cultural Events.—There were no government restrictions on academic freedom or cultural events.

b. Freedom of 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 Constitution provides for freedom of religion, and the Government generally respected this right in practice.

Societal Abuses and Discrimination.—There were no reports of societal abuses or discrimination, including anti-Semitic acts. The Jewish community numbered approximately 150 persons.

For a more detailed discussion, see the 2007 International Religious Freedom Report.

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons.—The Constitution provides for freedom of movement within the country, foreign travel, emigration, and repatriation, and the Government generally respected these rights in practice.

Although the law does not address exile, it was not used in practice.

Protection of Refugees.—The law does not provide for the granting of asylum or refugee status in accordance with the 1951 U.N. Convention relating to the Status of Refugees and its 1967 protocol, and the Government has not established a system for providing protection to refugees. Under special circumstances, persons may be granted refugee status, and in practice the Government provided protection against refoulement, the return of persons to a country where there is reason to believe they feared persecution. During the year the Government granted refugee status to one individual.

The Government cooperated with the office of the U.N. High Commissioner for Refugees and other humanitarian organizations in assisting refugees and asylum seekers.

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

The law provides citizens 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 Constitution provides for direct election by secret ballot of the 51-member National Assembly every 5 years. The National Assembly in turn elects the president by a two-thirds majority vote. If the legislature is unable to do so, the Constitution provides that the United People's Assembly, composed of members of Parliament and elected regional and local officials, shall elect the president. After generally free and fair elections in May 2005, the United People's Assembly reelected incumbent Ronald Venetiaan as president in August 2005. Political parties could operate without restriction or outside interference.

Historical and cultural factors, such as early, arranged marriages for Hindu and Muslim women, impeded equal participation by women in leadership positions in government and political parties. While women made limited gains in attaining political power, participation by women in politics (and other fields) generally was considered insufficient, and men continued to dominate political life. There were 13 women in the 51-seat National Assembly, and the cabinet included three women. In 2001 the first female judge joined the Court of Justice and remained the sole female on the court. In 2006 a woman was appointed head clerk of Parliament, that body's highest administrative position.

Several factors traditionally limited the participation of indigenous Amerindians and Maroons—descendants of escaped slaves who fled to the interior to avoid recapture—in the political process. Most of the country's political activity takes place in the capital, Paramaribo, and in a narrow belt running east and west of it along the coast. The Maroons and Amerindians were concentrated in remote areas in the interior and therefore had limited access to, and influence on, the political process. There was one Amerindian and three Maroon political parties, and voters elected eight Maroons and one Amerindian to the National Assembly. The opportunity for Maroons to participate in the political process increased when the three Maroon parties formed a coalition for the 2005 election and became part of the governing coalition, with three Maroons in the cabinet.

Government Corruption and Transparency.—The law provides criminal penalties for official corruption; however, the Government did not implement the law effectively, and officials sometimes engaged in corrupt practices with impunity. The World Bank's worldwide governance indicators reflected that government corruption was a problem. There was a widespread perception of corruption in the executive branch of the government. A shortage of police personnel continued to hamper police investigations of fraud cases.

On March 13, Alice Amafo, former minister of transport, communications and tourism, allegedly used government funds amounting to $13,000 (36,000 SRD) to fi-

nance her birthday celebration. She resigned under pressure but was not prosecuted.

In June a judge ruled on the 2005 case against 19 public officials charged with corruption at the Ministry of Public Works. Eleven officials received jail terms ranging from 3 to 11 months' imprisonment, and eight were acquitted of all charges. Former minister of public works, Dewanand Balesar, who was charged with forgery, swindling, extortion, and violating the Law Regulating the Responsibilities of Ministers, remained on trial at year's end.

On August 9, the government's Central Account Department began investigating an alleged fraud conspiracy at the Ministry of Finance, and the Prosecutor General's Office opened a criminal investigation against 16 persons. The amount embezzled was approximately $1.96 million (5.5 billion SRD). Police arrested three people, including two former ministry officials, for their role in the embezzlement. The trial was pending at year's end.

The media frequently reported alleged corrupt practices with regard to the acquisition of land by one of the political parties in the governing coalition and the generally lengthy and bureaucratic procedures for citizens to receive land from the government.

Although the law provides for public access to government information, such access was limited in practice for citizens and noncitizens, including foreign media. While almost every ministry has an information service, onerous bureaucratic hurdles made obtaining information very difficult.

Section 4. Governmental Attitudes Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A number of independent domestic human rights groups, such as the Organization for Justice and Peace, the Know Your Rights Foundation, and Moiwana, generally operated without government restriction, investigating and publishing their findings on human rights cases. However, government officials often were not cooperative or responsive to their views. No international human rights groups operated in the country during the year.

A parliamentary commission on human rights continued operating throughout the year, but resource constraints hampered its effectiveness. Parliament also has a commission dealing with women's and children's rights.

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

The law prohibits discrimination based on race and ethnicity but does not address discrimination based on disability, language, or social status. While the law does not specifically prohibit gender discrimination, it provides for protection of women's rights to equal access to education, employment, and property. In practice several societal groups, including women, Maroons, Amerindians, persons with HIV/AIDS, and homosexuals, suffered various forms of discrimination.

Women.—The law prohibits rape but does not address spousal rape. The maximum penalty for rape or forcible sexual assault is 12 years' imprisonment.

Violence against women was a common problem, which the Government did not address specifically. The law does not differentiate between domestic violence and other forms of assault. The Nieuwe Haven Police Unit for Domestic Abuse, the most active such unit in the country, reported 275 cases of abuse during the year. An NGO-driven network, including police units, continued working to combat domestic violence. There were four victims' rooms in police stations in Paramaribo and in Nickerie, and police units were trained in dealing with victims and perpetrators of sexual crimes and domestic violence.

Although the law prohibits sexual exploitation, including prostitution, in practice prostitution was tolerated. Concerns about the link between prostitution and trafficking in persons resulted in police raids on commercial sex locations and arrests of several prostituted persons. Poverty continued to put young women at risk of becoming exploited for commercial sex. The presence of large groups of illegal workers in the gold mining sector in the interior drew many young Maroon women and girls into commercial sexual exploitation. Police allowed many brothels to operate but made bimonthly checks on these establishments to see if women were being abused, held against their will, or having their passports retained by brothel owners to ensure fulfillment of work contract obligations.

Women have the legal right to equal access to education, employment, and property; nevertheless, social pressures and customs, especially in rural areas, inhibited their full exercise of these rights, particularly with respect to marriage and inheritance. Social pressures on families to have their daughters married at or near the legal age of marital consent frequently interfered with these girls' education and resulted in the direct passage of all property the women would have inherited from

their parents to their husbands and parents-in-law in accordance with these customs.

Women experienced economic discrimination in access to employment and in rates of pay for the same or substantially similar work. The Government did not make specific efforts to combat economic discrimination.

The National Women's Movement, the most active women's rights NGO, continued assisting women in launching small home-based businesses, such as sewing and growing vegetables, and provided general legal help. The Women's Business Group advocated business opportunities for women, while the Women's Parliament Forum advocated opportunities in the public sector. Stop Violence against Women provided assistance to victims of domestic violence, including legal help with dissolving an abusive marriage. The Maxi Linder Foundation worked with persons in prostitution, including women and children who were victims of trafficking, and conducted outreach and informational sessions to inform victims about their rights. Resource constraints continued to limit the effectiveness of these groups.

Children.—The Government allocated limited resources to ensure safeguards for the human rights and welfare of children.

Schooling is compulsory until 12 years of age; however, in practice some school-age children, particularly in the interior, did not have access to education due to a lack of transportation, building facilities, or teachers. Although school attendance was free through university level, most public schools imposed a nominal enrollment fee, ranging from $9 to $40 (SRD 25 to SRD 115) a year to cover costs. Approximately 85 percent of children in cities, but as few as 50 percent of children in the interior, attended school. Most children attended school through middle school (age 16). There was no legal difference in the treatment of girls and boys in education or health care services, and in practice both were treated equally.

Government medical care for children was generally adequate, and vaccination for all children was obligatory. However, the Government offered very limited mental health care. The NGO, Bureau for Child Development, provided mental health care for abused children. There was a home for HIV/AIDS orphans and abandoned children in Paramaribo.

Physical and sexual abuse of children continued to be a problem. During the year police received reports of 250 cases of sexual abuse of children. The police Youth Affairs Office conducted three visits per week to different schools in the capital and the surrounding areas on a rotating schedule to provide outreach and raise awareness about child abuse and to solicit and investigate complaints. The Youth Affairs office also raised awareness about sexual abuse, drugs, and alcohol through a weekly television program.

In January a child care center director was arrested for sexual abuse of children at a home for homeless children in Paramaribo. The case against the director continued at year's end with more children stepping forward with complaints. The case, along with a similar case in June 2006 at a different children's care center, led to increased media reporting on the problem and of sexual abuse cases.

Various laws were used to prosecute perpetrators of sexual harassment, and several cases of sexual abuse against minors came to trial. Sentences averaged 3 years in prison. There were several orphanages and one privately funded shelter for sexually abused children in the capital.

While the legal age of sexual consent is 14, it was not enforced effectively. 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. Parental permission to marry is required up to age 21. The law also mandates the presence of a Civil Registry official to register all marriages.

Trafficking and commercial sexual exploitation of minors remained a problem. According to the Mamio Namen Project Foundation, an NGO working to assist HIV-infected persons, increased sex tourism led to increased sexual exploitation of children, particularly young boys. Two NGOs provided shelters for homeless boys.

Children faced increasing economic pressure to discontinue their education to seek employment, particularly in the interior of the country, and child labor remained a problem in the informal sector.

The U.N. Children's Fund (UNICEF) continued cooperating with the Government on the basis of a multi-annual plan of action. UNICEF provided training to officials from various ministries dealing with children and children's rights. UNICEF coordinated its activities with the Bureau for Children Rights and the national steering committee, which includes representatives from the Ministries of Health, Education, Regional Development, Planning and Development Cooperation, and Labor.

Trafficking in Persons.—Although trafficking in persons is criminalized by law, persons were trafficking to, through, and within the country, primarily for sexual exploitation.

The country was primarily a transit and destination country for women and children trafficked internationally for the purpose of sexual exploitation. Foreign girls and women were trafficked from Brazil, the Dominican Republic, Guyana, and Colombia for commercial sexual exploitation; some transited the country en route to Europe. The majority of these girls and women were reportedly unaware that they would be forced into prostitution. Authorities noted that "snake heads," Chinese human trafficking organizations, were active. Chinese nationals transiting the country risked debt bondage to these migrant smugglers; men were exploited in forced labor and women in commercial sexual exploitation. Haitians migrating illegally were also vulnerable to forced labor exploitation in the country. There also were reports of underage girls and boys trafficked within the country for prostitution by recruiters or caretakers.

The Penal Code establishes a maximum prison term for human traffickers and human smugglers of 4 years, criminalizes assisting or facilitating human trafficking, and provides heavy fines for the offenders. The penalty for sexual exploitation, a criminal felony, is a 5-year sentence; labor exploitation is covered only by labor law and is a misdemeanor carrying a 3- to 6-month sentence. Criminal law prohibits solicitation and brothel operation, but the law was not enforced.

Government efforts to investigate and prosecute traffickers continued.

Trials were pending at year's end in the February 2006 case against four brothel owners involved in trafficking women from the Dominican Republic for the purpose of sexual exploitation.

In July 2006 police arrested a person on charges of trafficking in persons, assault, and intimidation. The women were trafficked under false pretenses and were forced to work as prostitutes. Trial was ongoing at year's end.

There were reports that government officials, including consular affairs, customs, and immigration officials, facilitated trafficking in persons by allowing individuals who were not bona fide visitors to enter the country. Authorities continued to investigate such reports.

The government's Antitrafficking Commission has primary responsibility for combating trafficking; the commission included representatives from law enforcement (Attorney General's Office, police force, and the military police, which handles immigration), the Ministries of Justice and Police, Labor, Home Affairs, and Foreign Affairs. The commission met monthly to assess the government's progress in combating trafficking in persons and coordinate new action steps. Police cooperated with counterparts in Guyana and the Dominican Republic, and justice officials sought improved mechanisms for cooperation with Colombia, the Netherlands Antilles, and French Guiana. On various occasions the commission teamed up with officers of the Ministry of Labor, Technological Development and Environment and with the military police when inspecting brothels.

The Public Prosecutor's office and the police continued a registry of all brothels and their employees by nationality. The police had informal agreements with many brothel owners allowing them to proceed with their business. Through October the Special Antitrafficking Police Unit conducted bimonthly checks to ensure that women were not mistreated, that no minors were present, and that owners did not keep the women's airline tickets or passports. Through October two brothels were closed because the owners did not have permits to operate.

The police unit also visited cyber cafes to prohibit people performing sexual acts in front of webcams for use on sexually explicit Web sites. The police operated a telephone hot line to handle cases involving the commercial sex industry.

Although the Government continued to lack resources for the direct provision of services to victims of trafficking, it increased efforts to work with civil society to shelter and assist victims. Authorities extended services provided for domestic violence victims and worked with civil society contacts and consular representatives of victims' source countries. As a result, identified foreign victims were temporarily sheltered and kept safe until their repatriation. Victims could file suit against traffickers, but few victims came forward. Women arrested in brothel raids as immigration violators and who did not indicate they were trafficked were deported, but efforts were made to treat identified victims as material witnesses needing protection rather than as criminals. An NGO receiving government funding, the Maxi Linder Foundation, continued working with trafficking victims, providing counseling and rehabilitative training.

The Government continued operating an intensive trafficking in persons awareness campaign funded by the International Organization for Migration focusing on the Chamber of Commerce, Youth Parliament, and the border town of Nickerie.

Persons with Disabilities.—No laws prohibit discrimination against persons with physical or mental disabilities in employment, education, access to health care, or the provision of state services. There are no laws, provisions, or programs requiring access to buildings for persons with disabilities. Some training programs were provided for the blind and others with disabilities. In general, persons with disabilities suffered from discrimination when applying for jobs and services. A Ministry of Social Affairs working group remained responsible for protecting the rights of persons with disabilities but made no progress during the year.

National/Racial/Ethnic Minorities.—The law prohibits discrimination on the basis of race or ethnicity, and no discrimination complaints were filed during the year. Nonetheless Maroons, who represent approximately 15 percent of the population, generally continued to be disadvantaged in the areas of education, employment, and government services. Most Maroons lived in the interior where limited infrastructure narrowed their access to educational and professional opportunities and health and social services. Maroons in Paramaribo suffered from negative social stereotypes.

Some forms of discrimination that affected indigenous Amerindians also extended to Maroons.

Indigenous People.—The law affords no special protection for, or recognition of, indigenous people. Most Amerindians (approximately 3 percent of the population) suffered a number of disadvantages and had only limited ability to participate in decisions affecting their lands, cultures, traditions, and natural resources. The country's political life, educational opportunities, and jobs were concentrated in the capital and its environs, while the majority of Amerindians (as well as Maroons) lived in the interior, where government services were largely unavailable.

The Amerindian (and Maroon) populations continued to face problems with illegal and uncontrolled logging and mining. 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. Mercury runoff from these operations also contaminated and threatened traditional food source areas.

In 2005 the Inter-American Commission on Human Rights (IACHR) heard a petition filed in 2000 by the Vereniging van Saramakaanse Gezagdragers, an organization representing 12 Saramaccaner clans with authority over 60 villages in the Upper Suriname River area, claiming that lumber operations, mostly by Chinese-owned concessions, threatened their way of life. After the Government failed to take appropriate measures, in June 2006 the IACHR sent the case to the Inter-American Court of Human Rights, whose decisions are binding for those States which have accepted the Court's jurisdiction. In December the Inter-American Court ruled that the Government must recognize the collective land rights of the Saramaccan clans, draft legislation that complies with international treaties, and establish a development fund of $600,000 ($1,680,000 SRD) Demarcation must commence on February 28, 2008 and be complete within 3 years.

Maroon and Amerindian groups continued to cooperate with each other to exercise their rights more effectively. Moiwana and other NGOs continued working to promote the rights of indigenous people.

Other Societal Abuses and Discrimination.—Although the law prohibits discrimination on the basis of sexual orientation, there were reports that homosexuals continued to suffer from employment discrimination. Persons with HIV/AIDS continued to experience societal discrimination in employment and medical services. An NGO working with HIV-infected persons reported that law enforcement agencies and the fire department conducted HIV testing as part of their hiring procedures.

The Ministry of Health intensified its efforts in prevention of mother to child transmission of HIV/AIDS, through a comprehensive outreach program involving local health care providers. The outreach program was successful in achieving its goal of voluntary testing of 90 percent of expectant mothers. Testing was also available through hospitals, Primary Health Services' clinics, family practitioners, and the Regional Health Services.

The military increased its HIV/AIDS awareness campaign among troops after it was announced that HIV/AIDS was the number one cause of death among defense force members.

Section 6. Worker Rights

a. The Right of Association.—The law allows workers to form and join unions of their choice without previous authorization or excessive requirements, and workers did so in practice. Nearly 60 percent of the work force was organized into unions,

and most unions belonged to one of the country's seven major labor federations. Unions were independent of the Government but played an active role in politics.

b. The Right to Organize and Bargain Collectively.—The law allows unions to conduct their activities without interference, and the Government generally protected this right in practice. Collective bargaining agreements covered approximately 50 percent of the labor force.

The law provides for the right to strike, and workers in both public and private sectors exercised this right in practice.

In September employees of the Johan Adolf Pengel International Airport staged an unofficial strike suspending flight operations for a short time. After talks with Vice President Ramdien Sardjoe the strike was postponed.

In December unions representing bus drivers, air traffic controllers, and high school teachers went on strike. While the bus drivers demanded higher tariffs, the air traffic controllers and teachers demanded better working conditions and increased wages. After negotiations between the bus drivers' unions and the government, parties came to an agreement, and bus drivers resumed their work. Negotiations between the Government and the air traffic controllers' and teachers' unions continued at year's end.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor.—While the law prohibits all forms of forced or compulsory labor, including by children, such practices occurred.

d. Prohibition of Child Labor and Minimum Age for Employment.—The country's labor laws do not define the worst forms of child labor or hazardous work, and the Government does not have a comprehensive policy or national program of action on child labor.

The law sets the minimum age for employment at 14 years and restricts working hours for minors to day shifts but does not specify the length of such day shifts. Children younger than 18 are prohibited from doing hazardous work, defined as work dangerous to their life, health, and decency; those younger than 14 are only allowed to work in a family or special vocational setting or for educational purpose. However, the Ministry of Labor and the police enforced this law sporadically, and child labor remained a problem in the informal sector, especially in the western districts of Nickerie and Saramacca.

Children under 14 worked as street vendors, newspaper sellers, rice and lumber mill workers, packers for traders, shop assistants, and in the gold mining sector and reportedly in the commercial sex industry. Working hours for youths were not limited in comparison with the regular work force. Employers in these sectors did not guarantee work safety, and children often worked barefoot and without protective gloves, with no access to medical care. Although government figures reported that only 2 percent of children were economically active, there was a lack of statistical data on the labor environment and child labor situation in the country. The worst forms of child labor, such as commercial sexual exploitation, remained a problem; there were reports of commercial sexual exploitation of children and teenagers by caretakers and older recruiters.

The Ministry of Labor's Department of Labor Inspection, with approximately 40 inspectors, has responsibility to implement and enforce labor laws, including those pertaining to the worst forms of child labor. Inspectors covered the entire country, but no data was available regarding the number of inspections performed during the year. The Government did not investigate exploitive child labor cases outside urban areas. Labor inspectors were not authorized to conduct inspections in the informal sector as responsibility for controlling the informal sector lies with police.

The police continued raids on known child labor locations in Paramaribo, including street spots where underage vendors worked, as well as nightclubs, casinos, and brothels, to combat the problem.

The Government provided no social programs to prevent and withdraw children from the worst forms of child labor, but supported vocational programs for dropouts and older children to serve as an alternative to work.

In January the Government installed the National Commission dealing with Child Labor, consisting of officials from several ministries, and representatives from labor unions, the private sector, and NGOs. The commission was primarily tasked with establishing an authority on child labor, as provided for in the International Labor Organization Convention on the Worst Forms of Child Labor. At year's end such an authority was not yet established; however, the commission was examining existing legislation and holding discussions with stakeholders.

e. Acceptable Conditions of Work.—There is no legislation providing for a minimum wage. The lowest wage for civil servants is approximately $211 (SRD 593) per month, including a cost of living allowance, which did not provide a decent standard

of living for a worker and family. Government employees, who constituted approximately 50 percent of the 100,000-member work force, frequently supplemented their salaries with second or third jobs, often in the informal sector. The president and the Council of Ministers set and approved civil service wage increases.

Work in excess of 45 hours per week on a regular basis requires special government permission, which was granted routinely. Such overtime work earned premium pay. The law prohibits excessive overtime and requires a 24-hour rest period per week.

A 10- to 12-member inspectorate in the Occupational Health and Safety Division of the Ministry of Labor was responsible for enforcing occupational safety and health regulations. Resource constraints and lack of trained personnel precluded the division from making regular inspections. There was no law authorizing workers to refuse to work in circumstances they deem unsafe; they must appeal to the inspectorate to declare the workplace situation unsafe.

TRINIDAD AND TOBAGO

Trinidad and Tobago is a parliamentary democracy governed by a prime minister and a bicameral legislature, with a population of approximately 1.3 million. Tobago has a House of Assembly that has some administrative autonomy over local matters on that island. In elections on November 5, which observers considered generally free and fair, Prime Minister Patrick Manning's People's National Movement (PNM) secured a 26 to 15 seat victory over the United National Congress (UNC). The civilian authorities generally maintained effective control of the security forces.

The Government generally respected the human rights of its citizens; however, there were problems in some areas: Police killings during apprehension or custody, inmate illness and injuries due to poor prison conditions, high-profile cases of alleged bribery, violence against women, inadequate services for vulnerable children, and unsafe working conditions.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life.—The Government or its agents did not commit any politically motivated killings; however, 29 persons died during the year while in police custody or at the hands of law enforcement authorities. Authorities investigated or opened inquests into all such killings, but only 6 percent of inquiries into police killings of civilians have been completed since 1999. In cases where charges were brought, 50 percent of the officers were acquitted.

On June 21, police shot and killed Sherwin Daniel, a suspect in five murders and several robberies, after he reportedly opened fire on police officers who were attempting to arrest him. Authorities conducted an inquiry but did not file any charges against the officers.

On August 17, police shot and killed four men in a vehicle (as well as an innocent bystander) who allegedly shot at the officers who were investigating suspicious actions by the vehicle's occupants. On December 4, the Director of Public Prosecutions (DPP) sent the case back to the police for further investigation.

On May 2, a court discontinued proceedings in the case against coast guard mechanic Quincy Allum, the suspect in the 2006 shooting death of Shazard Mohammed during a military exercise. A 2006 internal coast guard investigation found no reason to charge anyone with the shooting, and authorities dropped the case when the prosecution failed to prove Allum was not acting in self-defense.

There were no developments in investigations or inquests into the 2006 police killings of Stefan Mills and Noel French.

During the year authorities extradited four of the 12 suspects charged with the 2005 kidnapping and killing of Balram Bachu Maharaj; four others voluntarily left, while the remaining four awaited an extradition hearing. Two of the remaining four were members of the defense force.

There was no resolution of most of the investigations into persons killed by police during 2005, including Mervyn Caton, Jameel Alexander, Anthony Ellis, Calvin Campbell, and Damian Gould.

On April 26, the chief magistrate freed three police officers from charges of fatally shooting Galene Bonadie in 2004. The magistrate not only found the eyewitness testimony to be unreliable but also ruled that the proceedings of the inquest be submitted to the DPP to determine whether to take action against those witnesses.

In July a court denied an appeal by former police constable Dave Burnett, sentenced to death in the 2004 killing of teenager Kevin Cato.

On August 30, the coroner began an inquest into the death of Sherman Monsegue, who was killed by police in 2004 when Monseque and his friend Kurt Holder allegedly fired at them.

In July 2006 a court acquitted two prison officers charged with the 2001 death of prisoner Anton Cooper.

b. Disappearance.—There were no reports of politically motivated disappearances, and the number of criminal kidnappings increased to 162 from 150 in 2006.

At year's end authorities continued investigating the two special reserve police officers arrested in 2005 for their alleged role in a kidnapping characterized by the media as "high profile" because the two victims were sons of a well-known businessman and one of the police officers was himself a member of a prominent family.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—Although the Constitution and the law prohibit such practices, there were credible reports that police officers and prison guards mistreated individuals under arrest or in detention.

Prison and Detention Center Conditions.—Conditions in the prison system's eight facilities were somewhat upgraded but continued to be harsh. According to the prison service commissioner, the number of prisoners at the Port of Spain prison, originally designed to accommodate 250 inmates, increased to 599, compared to 554 in 2006. The average number of prisoners in each 10- by 10-foot cell increased to a maximum of eight.

According to prison authorities, at year's end they had brought charges against 23 prison officers for assault and battery or for poor conduct on the job, including possession of narcotics and provision of cell phones to inmates.

On August 3, Letroy Beepath died from alleged blunt trauma to the chest while in remand at Golden Grove Prison. On August 22, police completed their investigation into Beepath's death and submitted the case to the chief of homicide investigations, where it remained at year's end.

On September 19, Golden Grove Prison inmate Kurt Alexander hanged himself in his cell while awaiting trial for sexually assaulting a 4-year-old boy in 2004. Despite recommendations that he be isolated due to two unsuccessful suicide attempts, Alexander was kept in a cell with six other prisoners.

The July arrest of 71 women led to serious overcrowding at the women's prison at Golden Grove, where most of the women did not have beds or proper accommodation. After holding the prisoners in the remand section, the police released many of the women for deportation.

Pretrial detainees were held separately from convicted prisoners, usually in the remand section of the same facilities as convicted prisoners. However, convicted prisoners often were held in the remand section until they exhausted their appeals. There also were allegations that some underage female prisoners were placed in the mainstream prison system due to overcrowding.

There was no resolution of the complaint filed by death row inmate Alladin Mohammed against the prison service for limiting "airing" time due to staff shortages.

The Government permitted prison visits by independent human rights observers, but the Ministry of National Security must approve each visit.

d. Arbitrary Arrest or Detention.—The Constitution and the law prohibit arbitrary arrest and detention, and the Government generally observed these prohibitions.

In January police arrested Inshan Ishmael under the 2005 Anti Terrorism Act but charged him the following day on lesser charges of printing flyers without his name and address on them. The flyers called for private businesses to close for 2 days across the nation in order to bring media attention to the spiraling crime situation. Ishmael had received permission to make this appeal, but the Government revoked that decision. However, the DPP did not consider it in the public interest to try him under the Summary Offences Act, and the charges were dropped.

Role of the Police and Security Apparatus.—The Ministry of National Security oversees the police service, the prison service, and the defense force. The police service maintains internal security, while the defense force is responsible for external security but also has certain domestic security responsibilities. An independent body, the Police Service Commission, makes hiring and firing decisions in the police service, and the ministry has little direct influence over changes in senior positions.

The national police force comprises nine divisions, including 17 specialized branches, with approximately 7,000 members. The Police Service Commission, in consultation with the prime minister, appoints a commissioner of police to oversee the police force. Municipal police under the jurisdiction of 14 regional administrative bodies supplement the national police force. The Special Anticrime Unit, composed

of both police and defense force personnel, combats violent crime—including kidnappings for ransom—and carries out other security operations.

Police corruption continued to be a problem, with some officials suggesting there were officers who participated in corrupt and illegal activities. The Police Complaints Authority receives complaints about the conduct of police officers for transmittal to the Complaints Division of the Police Service where uniformed officers investigate them. The authority simply monitors the division's investigations and its disciplinary measures. Police Service Commission restrictions limited the division's ability to dismiss police officers. The public had little confidence in the police complaints process because the authority had no power to investigate complaints and because those investigating complaints against the police were themselves police officers.

On June 23, police arrested a reserve police officer related to an active duty police official, along with three other suspects, after a fight. According to media accounts, a senior police officer telephoned the police station and instructed that all four suspects be released from custody. Two station diary pages and a telephone register page documenting the time of call also allegedly disappeared.

Arrest and Detention.—A police officer may arrest a person either based on a warrant issued or authorized by a magistrate or without a warrant when the officer witnesses the commission of an alleged offense. Detainees, as well as those summoned to appear before a magistrate, must appear in court within 48 hours. In the case of more serious offenses, the magistrate either commits the accused to prison on remand or allows the accused to post bail, pending a preliminary inquiry. Detainees were granted prompt access to a lawyer and to family members.

There is a functioning bail system, although persons charged with murder, treason, piracy, and hijacking are ineligible, as are persons charged with kidnapping for ransom for a period of 60 days following the charge and persons already convicted twice of violent crimes. However, a judge may still grant bail to such persons under exceptional circumstances. Where bail was refused, magistrates advised the accused of their right to an attorney and, with few exceptions, allowed them access to an attorney, once they were in custody and prior to any interrogation.

The minister of national security may authorize preventive detention in order to preclude actions prejudicial to public safety, public order, or national defense, in which case the minister must state the grounds for the detention. There were no reports that the authorities abused this power.

Lengthy pretrial detention resulting from heavy court backlogs and an inefficient judicial system continued to be a problem. Out of a prison population of 3,510, 578 inmates awaited trial at year's end. Many persons under indictment waited months, if not years, for their trial dates in the High Court. An added inefficiency resulted from the legal requirement that anyone charged and detained must appear in person for a hearing before magistrate's court every 10 days, if only to have the case postponed for a further 10 days, pending conclusion of the investigation.

On July 19, police arrested two teenagers and interrogated them at the Sangre Grande Police Station without their parents' consent and without advising them of their right to remain silent or to consult with a legal advisor before answering any questions. The police did not file any charges. The parents filed a constitutional motion charging that their 12- and 15-year-old children's rights had been breached.

On September 10, authorities released Ulric Merrimick from prison 6 months after his original sentence ended; due to delays in the court system and administrative oversight, he remained in custody while awaiting a hearing on his appeal.

e. Denial of Fair Public Trial.—The Constitution and the law provide for an independent judiciary, and the Government generally respected this provision in practice. Although the judicial process was generally fair, it was slow due to backlogs and inefficiencies.

The judiciary is divided into the Supreme Court of Judicature and the magistracy. The Supreme Court is composed of the High Court and a Court of Appeal. The magistracy includes the summary courts and the petty civil courts.

Trial Procedures.—Magistrates try both minor and more serious offenses, but in the case of more serious offenses, the magistrate must conduct a preliminary inquiry. Trials are public, and juries are used in the High Court. Defendants have the right to be present, are presumed innocent until proven guilty, and have the right to appeal. All defendants have the right to consult with an attorney in a timely manner. An attorney is provided at public expense to defendants facing serious criminal charges, and the law requires provision of an attorney to any person accused of murder. Although the courts may appoint attorneys for indigent persons charged with serious crimes, an indigent person may refuse to accept an assigned attorney for cause and may obtain a replacement. Defendants can confront or ques-

tion witnesses against them, can present witnesses and evidence on their own behalf, and have access to government-held evidence relevant to their cases.

Both civil and criminal appeals may be filed with the Court of Appeal and ultimately with the Privy Council in the United Kingdom.

The regional Caribbean Court of Justice (CCJ), inaugurated in 2005, was intended to be a final court of appeal for the 15 member states of the Caribbean Community (CARICOM). However, the Government has not yet passed legislation for it to play this role. The CCJ has a separate original jurisdiction whereby it interprets and applies the treaty that established CARICOM as well as the agreement creating the Caribbean Single Market and Economy.

On August 28, the written statement of a witness afraid to testify in a murder inquiry was tendered as evidence for the first time. The preliminary inquiry concluded that there was enough evidence to send the case to trial. Past allegations of death threats and other forms of witness intimidation resulted in dismissal of several high-profile cases because witnesses who agreed to submit evidence remained silent in the witness box or simply stayed away from the courthouse.

Political Prisoners and Detainees.—There were no reports of political prisoners or detainees.

Civil Judicial Procedures and Remedies.—The Constitution and the law provide for an independent and impartial judiciary in civil matters, and citizens are free to file lawsuits against civil breaches, in both the High Court and petty civil court. The High Court may review the decisions of lower courts, may order parties to cease and desist from particular actions, may compel parties to take specific actions, or may award damages to aggrieved parties. However, the petty civil court is authorized to hear only cases involving damages of up to $2,500 (TT$15,000).

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The Constitution and the law prohibit such actions, and the Government generally respected these prohibitions in practice.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution and the law provide for freedom of speech and of the press, and the Government generally respected these rights in practice. An independent press, an effective although slow and inefficient judiciary, and a functioning democratic political system combined to ensure freedom of speech and of the press.

Internet Freedom.—There were no government restrictions on access to the Internet or reports that the Government monitored e-mail or Internet chat rooms. Individuals and groups could engage in the peaceful expression of views via the Internet, including by e-mail.

Academic Freedom and Cultural Events.—There were no government restrictions on academic freedom or cultural events.

b. Freedom of Peaceful Assembly and Association.—The Constitution and the law provide for these freedoms, and the Government generally respected these rights in practice.

c. Freedom of Religion.—The Constitution provides for freedom of religion, and the Government generally respected this right in practice. The Government established public holidays for every religious group with a large following.

The Government limits the number of foreign missionaries allowed in the country to 30 per religious group at any given time. Missionaries must meet standard requirements for an entry visa and must represent a registered religious group. They may not remain in the country for more than 3 years per visit but may reenter after a year's absence.

Societal Abuses and Discrimination.—On August 3, unidentified vandals desecrated a prominent Hindu temple in central Trinidad. As a result, the nongovernmental Inter Religious Organization called a meeting to discuss security in the nation's places of worship. Police continued to investigate the case at year's end.

There were no other reports of societal abuses or discrimination, including anti-Semitic acts. The Jewish community was extremely small.

For a more detailed discussion, see the 2007 International Religious Freedom Report.

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons.—The Constitution and various laws provide for freedom of movement within the country, foreign travel, emigration, and repatriation, and the Government generally respected these rights in practice.

The law prohibits forced exile, and it was not used.

Protection of Refugees.—Although the Government acceded to the 1951 U.N. Convention relating to the Status of Refugees and its 1967 protocol, it had not passed legislation to implement its obligations under the convention. The Government cooperated with the Office of the U.N. High Commissioner for Refugees (UNHCR) and other humanitarian organizations in assisting refugees and asylum seekers. The Government placed asylum seekers in the care of the Living Water Community, a local Catholic social services agency, while their cases were reviewed by UNHCR and final resolution reached. Pending Parliament's approval of legislation implementing the U.N. convention and its protocol, the Ministry of National Security's Immigration Division handled all requests for asylum on a case-by-case basis.

In practice the Government provided protection against refoulement, the return of persons to a country where there is reason to believe they feared persecution.

The Government did not provide temporary protection to persons who may not qualify as refugees. The Living Water Community provided such persons with needed social services and reported 20 new asylum seekers and 100 refugees seeking assistance.

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

The Constitution and the law provide citizens 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.—Observers found the November 5 national elections to be generally free and fair, although during the campaign period there were incidents of vandalism and violence that, while mild, were more pronounced than in past elections. A plurality of voters supported the PNM, which retained control of the government. The two major political parties are the PNM, which is primarily but not exclusively Afro-Trinidadian, and the UNC, which is primarily but not exclusively Indo-Trinidadian. A third party, the Congress of the People (COP), formed in 2006, failed to win any seats in the latest election. The COP and all other parties state their goal is to create a broad-based national political consensus spanning all racial, ethnic, and religious groups.

Voters elected the 41-member House of Representatives, and there is an appointed Senate composed of 31 persons. Of the 72 persons in both houses of Parliament, 23 were women; there were 11 women in the 28-member cabinet; and 11 female judges among the 38 judges on the High Court and the Court of Appeals. All major political parties reached out to voters from relatively small ethnic minorities, such as the Chinese, Syrian, Lebanese, and European-origin communities, and members of these groups held important positions in government. There were no members of these minorities in the legislature or in the cabinet.

Government Corruption and Transparency.—The law provides criminal penalties for official corruption, and the Government generally implemented these laws effectively. However, there was a widespread and growing public perception of corruption. According to the World Bank's worldwide governance indicators, government corruption was a problem.

The Integrity in Public Life Act mandates that public officials disclose their assets, income, and liabilities to an Integrity Commission. In the past, many officials and candidates for public office were reluctant to comply with this provision, claiming that such disclosures would make them and their families a target of kidnappings for ransom. No candidate in the November election made the required disclosures by year's end; however, the deadline for reporting was in 2008, and preliminary statements indicated that all members of Parliament would comply.

In April 2006 a magistrate's court convicted UNC Party Chairman and Parliamentary Opposition Leader Basdeo Panday of failing to disclose a London bank account under the act. After being relieved of his opposition leadership post and his seat in Parliament, he voluntarily resigned his UNC party chairmanship. Later, he resumed leadership and pursued his appeal through the legal system. In a related series of events, Chief Justice Satnarine Sharma was accused of trying to influence the case against Panday. A three-member tribunal concluded that there was insufficient evidence to refer the case to the Privy Council, which allowed Sharma to return as chief justice. Panday regained his parliamentary seat in the November election, and the Privy Council was scheduled to hear his case in February 2008.

On December 31, a judge ruled that the evidence against former PNM minister of energy and energy industries Eric Williams for 2005 bribery charges was tenuous and unreliable. The allegations against former PNM minister of works and transport and party chairman Franklin Khan continued to be heard in the courts and to be investigated by the authorities.

The courts continued to hear a case that implicated the most senior members of the 1995–2001 UNC government in embezzlement and bid-rigging on the Piarco Airport expansion project. At year's end the corruption case against then prime minister Panday, charging that he had accepted a bribe that led his government to favor a contractor on the project, was still being heard in the courts.

An investigation continued into the 2006 charges against Hafeez Karamath, part owner of a desalination company, who was accused of conspiring in 1998–99 to enrich himself by manipulating a bid on a contract for supplying desalinated water to the government's Water and Sewerage Authority.

The Freedom of Information Act provides for public access to government documents, upon application. However, critics charged that a growing number of public bodies were exempted from the act's coverage. The Government countered that the exemptions were intended to avoid frivolous requests and searches for information.

Section 4. Governmental Attitudes Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

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

The ombudsman investigates citizens' complaints concerning the administrative decisions of government agencies. Where there is evidence of a breach of duty, misconduct, or criminal offense, the ombudsman may refer the matter to the authority competent to take appropriate remedial action. The ombudsman has a quasi-autonomous status within the Government and publishes a comprehensive annual report. Both the public and government had confidence in the integrity and the reliability of the office of the ombudsman and the ombudsman's annual report.

The ombudsman resolved 1,210 complaints during the year. In 2006 the office received 1,557 new complaints, which represented a 16 percent increase over the average number of complaints received in previous years. Important factors contributing to the increased inflow included a greater awareness of the services provided and a growing demand by citizens for state agencies to provide better services. In addition the ombudsman continued to investigate 3,216 complaints from previous years.

In 1999 the Government withdrew from the American Convention on Human Rights. The convention states that such an action does not release a government from its obligations under the convention with respect to acts taken prior to the effective date of denunciation. In 2005 the Inter-American Court of Human Rights issued rulings on cases predating the government's withdrawal; by year's end the Government still had not provided any official or public reaction to the rulings.

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

The Government generally respected in practice the constitutional provisions for fundamental human rights and freedoms for all without discrimination based on race, origin, color, religion, social status, or gender.

Women.—Rape, including spousal rape, is illegal and punishable by up to life imprisonment, but the courts often handed down considerably shorter sentences. The Government and nongovernmental organizations (NGOs) reported that many incidents of rape and other sexual crimes were unreported, partly due to perceived insensitivity on the part of the police. One group, the Rape Crisis Society, stated that there were 100 new cases of rape reported during the year in the populous northern region of the country, but its full report had not been completed by year's end.

Many community leaders asserted that abuse of women, particularly in the form of domestic violence, continued to be a significant problem. The law provides for protection orders separating perpetrators of domestic violence, including abusive spouses, from their victims, as well as for penalties that include fines and imprisonment. While reliable national statistics were not available, women's groups estimated that from 20 to 25 percent of all women suffered abuse.

NGOs charged that police were often lax in enforcing the law. The Division of Gender Affairs (DGA) in the Ministry of Community Development, Culture, and Gender Affairs operated a 24-hour hot line for victims of rape, spousal abuse, and other violence against women, referring callers to eight shelters for battered women, a rape crisis center, counseling services, support groups, and other assistance.

Prostitution is illegal, and the authorities continued to monitor, investigate, and prosecute major operators believed to be engaged in soliciting for prostitution. On July 21, police arrested 71 foreign women involved in a prostitution ring. Many of the women entered the country illegally. The police allegedly warned 200 men located on the hotel premises and then allowed all but three to leave. The authorities

deported many of the women and arrested the owner of the hotel, who awaited trial at year's end.

No laws specifically prohibit sexual harassment. Although related statutes could be used to prosecute perpetrators of sexual harassment, and some trade unions incorporated antiharassment provisions in their contracts, both the Government and NGOs suspected that many incidents of sexual harassment went unreported.

Women generally enjoyed the same legal rights as men, including employment, education, and inheritance rights. No laws or regulations require equal pay for equal work. While equal pay for men and women in public service was the rule rather than the exception, both the Government and NGOs noted considerable disparities in pay between men and women in the private sector, particularly in agriculture.

The DGA had primary government responsibility for protecting women's rights and women's advancement and sponsored income-generation workshops for unemployed single mothers, nontraditional skills training for women, and seminars for men on redefining masculinity.

Children.—A lack of funds and expanding social needs challenged the government's ability to carry out its commitment to protect the rights and welfare of children.

Education is compulsory up to the age of 12, and public education is free for all elementary and secondary students up to the age of 20. Higher education is free for nationals enrolled in undergraduate programs at the country's public institutions as well as in approved programs at private institutions. The Ministry of Education estimated that 89 percent of school-age children attended school, and most students achieved the equivalent of a high school diploma. Females performed better than males in both mathematics and language arts. Some parts of the public school system failed to meet the needs of the school-age population due to overcrowding, substandard physical facilities, and occasional classroom violence.

Medical care for children was widely available, with equal access for girls and boys.

The Domestic Violence Act provides protection for children abused at home. The Ministry of Education's Student Support Services Division reported that young school children were vulnerable to rape, physical abuse, and drug use and that some had access to weapons or lived with drug-addicted parents. Abused children removed from the home were first assessed at a reception center for vulnerable children and then placed with relatives, government institutions, or NGOs. According to the Rape Crisis Society, there were 126 child sexual abuse cases, an increase from 38 cases in 2006. Officials believed that this indicated that a greater percentage of cases were being reported, not necessarily that more cases occurred. The Coalition against Domestic Violence operated Childline, a free and confidential telephone hot line for at-risk or distressed children and young persons up to age 25. During the year Childline received 3,129 calls, 74 percent from girls and 26 percent from boys.

There were a number of cases of children who, either in their own homes or in institutional settings, were abused or, in some cases, tortured. In the case of the 2006 death of 4-year-old Amy Emily Annamunthodo, a victim of rape, sodomy, suffocation, and inhuman treatment, her mother was released on April 16 due to the failure of a police constable and other witnesses to appear at scheduled court dates. The father awaited trial at year's end.

The law defines a child as under 18 years of age, outlaws corporal punishment for children, and prohibits sentencing a child to prison. One law sets the minimum legal age of marriage at 18 for both males and females; however, in practice the minimum legal age of marriage is determined by the distinct laws and attitudes of the various religious denominations: Under the Muslim Marriage and Divorce Act, the minimum legal age of marriage is 16 for males and 12 for females, while under the Hindu Marriage Act and the Orisa Marriage Act, the minimum legal age of marriage is 18 for males and 16 for females.

Trafficking in Persons.—Although the law does not specifically prohibit trafficking in persons, there were no substantiated reports that persons were trafficked to, from, or within the country. In the event of trafficking, perpetrators can be prosecuted under several related laws, with penalties ranging from 7 years' to life imprisonment. There were no prosecutions during the year.

The Government had not designated a specific agency to combat trafficking in persons, and it sponsored no public awareness campaigns to address this issue during the year. The Government continued to cooperate with the International Organization for Migration, which began a Strengthening Technical Capacity (STC) project. The STC's goal was to bolster capabilities of the Immigration Division and other law

enforcement agencies. Domestic NGOs were available to provide care and protection to trafficking victims.

Persons with Disabilities.—There are no statutes either prohibiting discrimination on the basis of disability or mandating equal access for persons with disabilities to the political process, employment, education, transportation, housing, health care, and other citizen services.

In practice persons with disabilities faced discrimination and denial of opportunities in the form of architectural barriers, employer reluctance to make necessary accommodations that would enable otherwise qualified job candidates to work, an absence of support services to assist children with special needs to study, lowered expectations of the abilities of persons with disabilities, condescending attitudes, and disrespect. According to the NGO Disabled People's International, the majority of public schools and most government and commercial facilities were inaccessible to wheelchair users, and there were only five buses modified to accommodate the country's 125,000 persons with disabilities. However, the national library was widely regarded as a model of barrier-free design and genuinely equal service to patrons with disabilities. In addition a few commercial facilities, such as some supermarkets, made parking spaces available to shoppers with disabilities.

On July 20, the San Fernando High Court ruled that the Hall of Justice's lack of wheelchair access violated the freedom of persons with disabilities, and construction of a wheelchair ramp began.

National/Racial/Ethnic Minorities.—The country's diverse racial and ethnic groups lived together in what appeared on the surface to be peace and mutual respect. However, nonviolent racial tensions regularly emerged between Afro-Trinidadians and Indo-Trinidadians, who each made up approximately 40 percent of the population.

Indo-Trinidadians and persons of European, Middle Eastern, and Asian descent predominated in the private sector, and Indo-Trinidadians also predominated in agriculture. Afro-Trinidadians were employed heavily in the civil service, the police, and the defense force. Some Indo-Trinidadians asserted that they were not equally represented in senior civil service and security force positions and among winners of state-sponsored housing grants and scholarships.

Indigenous People.—A very small group of persons identified themselves as descendants of the country's original Amerindian population. The Government effectively protected their civil and political rights, and they were not subject to discrimination.

Other Societal Abuses and Discrimination.—The Equal Opportunities Act does not specifically include gays and lesbians. However, there are no laws that discriminate based on sexual orientation. HIV/AIDS was viewed as a significant medical concern for the Government and society. Any incidents of violence against this group were usually isolated events.

Kenny Mitchell, a self-identified homosexual, filed a lawsuit against the state for being arrested in December 2006 and detained at Couva Police Station for 3 days without being charged. He claimed that he was taunted by officers for being homosexual and was denied access to his diabetes medication.

Section 6. Worker Rights

a. The Right of Association.—The law provides that all workers, including those in state-owned enterprises, may form and join unions of their own choosing without prior authorization. The law also provides for the mandatory recognition of a trade union when it represents 51 percent or more of the workers in a specified bargaining unit. The government's Registration and Certification Board, however, determines whether a given workers' organization meets the definition of bargaining unit and can limit union recognition by this means. The Government was consistently unwilling to negotiate with public sector unions and refused to amend its legislation on "essential services" and collective bargaining to conform with International Labor Organization conventions.

According to the National Trade Union Center, one of two umbrella organizations in the labor movement, 22 to 24 percent of the workforce was organized in approximately 25 active unions. Most unions were independent of government or political party control, although the Sugar Workers' Union historically was allied with the UNC.

The law mandates that workers illegally dismissed for union activities must be reinstated. A union also may bring a request for enforcement to the Industrial Court, which may order employers found guilty of antiunion activities to reinstate workers and pay compensation or may impose other penalties, including imprisonment.

b. The Right to Organize and Bargain Collectively.—The law allows unions to conduct their activities without interference, to participate in collective bargaining, and to strike, although there were heavy restrictions on strikes and collective bargaining. Employees in essential services, such as police and teachers, do not have the right to strike, and walkouts can bring punishment of up to 18 months in prison. These employees negotiate with the government's chief personnel officer to resolve labor disputes. According to the International Trade Union Confederation, collective bargaining was restricted by the requirement that, to obtain bargaining rights, a union must have the support of an absolute majority of workers. Furthermore, collective agreements must be for a minimum of 3 years, making it almost impossible for workers on short-term contracts to be covered by such agreements.

There are several export processing zones, where the same labor laws are in effect as in the rest of the country.

c. Prohibition of Forced or Compulsory Labor.—Although the law does not specifically prohibit forced or compulsory labor, including by children, there were no reports that such practices occurred.

d. Prohibition of Child Labor and Minimum Age for Employment.—The minimum legal age for workers is 12 years. Children from 12 to 16 years of age may work only in family businesses. Children under the age of 18 may work legally only during daylight hours, with the exception that 16- to 18-year-olds may work at night in sugar factories. The Ministry of Labor and Small and Micro Enterprise Development and the Ministry of Social Development are responsible for enforcing child labor provisions. However, enforcement was not consistent since there was no comprehensive government policy on child labor and no formal mechanisms for receiving, investigating, and resolving child labor complaints.

There was no organized exploitation of child labor. A 2004 study by the U.N. Children's Fund estimated that 2 percent of children from 5 to 14 years of age were engaged in paid work.

e. Acceptable Conditions of Work.—The national minimum wage is $1.66 (TT$10) per hour, which did not provide a decent standard of living for a worker and family. Actual wages varied considerably among industries. There were press reports of minimum wage violations with no enforcement by the government.

The law establishes a 40-hour workweek, a daily period for lunch or rest, and premium pay for overtime. The law does not prohibit excessive or compulsory overtime.

The law protects workers who file complaints with the labor ministry regarding illegal or hazardous working conditions. If complainants refuse to comply with an order that would place them in danger and if it is determined upon inspection that hazardous conditions exist in the workplace, the complainants are absolved from blame.

URUGUAY

The Oriental Republic of Uruguay, with a population of approximately 3.4 million, is a constitutional republic with an elected president and a bicameral legislature. In October 2004, in free and fair multiparty elections, Tabare Vazquez, leader of the Broad Front or Frente Amplio (FA) coalition, won a 5-year presidential term and a majority in Parliament. The civilian authorities generally maintained effective control of the security forces.

The Government generally respected the rights of its citizens. Prison conditions continued to be poor. Violence against women and discrimination against some societal groups continued to challenge government policies of nondiscrimination. Some trafficking in persons occurred.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life.—There were no reports that the Government or its agents committed arbitrary or unlawful killings.

The Government continued to investigate the serious human rights violations committed during the 1973–85 military dictatorship. In September the Appeals Court confirmed the 2006 convictions of both Juan Maria Bordaberry and former foreign minister Juan Carlos Blanco on charges of homicide during Bordaberry's de facto 1973–76 presidency.

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, and there were no reports that government officials employed them. The judicial and parliamentary branches of government are responsible for investigating specific allegations of abuse.

Prison and Detention Center Conditions.—Prison conditions continued to be poor, as aging facilities were not adequately maintained. Many prisoners remained in crowded cells 23 hours or more each day, and prisoner-on-prisoner violence continued. Detainees rarely filed complaints, but the Government investigated those complaints that were filed.

The Government improved conditions in the country's detention centers, including renovation of 380 cells at the Libertad prison. Despite these improvements, government officials acknowledged that funding for food, bedding, and clothing continued to be insufficient. Access to medical care, recreation, and training were poor. Prisons in the interior, with fewer prisoners, were reportedly better maintained and afforded better conditions.

Continued overcrowding resulted in sanitation, social, and health problems at major facilities. The Government continued to hold some prisoners in modified shipping containers that lacked running water and posed sanitation problems.

The penal system also suffered from understaffing and corruption. Authorities did not always separate prisoners according to the severity of their crimes. Narcotics, arms, ammunition, and cell phones were smuggled into facilities, allegedly through bribes to prison guards. Prison officials took steps to regularize family visitation, but access problems remained.

Female and male prisoners were held in separate facilities except for the Artigas prison, where women were held in a separate facility within the prison. In general, conditions for female prisoners were significantly better than for male prisoners, due to the small population and the availability of training and education opportunities.

The Uruguayan Institute for Adolescents and Children (INAU) operated institutions to hold minor detainees. Juveniles who committed serious crimes were incarcerated in juvenile detention centers, which resemble traditional jails and have cells. Conditions in some of these facilities were as poor as in the adult versions, with some youths permitted to leave their cells only 1 hour per day.

Judges placed most juvenile offenders in halfway houses that focused on rehabilitation. These facilities provided educational, vocational, and other opportunities, and the residents could enter and leave without restriction.

Pretrial detainees were held together with convicted prisoners.

The Government permitted general prison visits by independent human rights observers as well as inmate visitation and visits from foreign diplomats. A Prison System Ombudsman elected by the General Assembly is responsible for monitoring and reporting to both Congress and the Government on prison conditions.

d. Arbitrary Arrest or Detention.—The law prohibits arbitrary arrest and detention, and the Government generally observed these prohibitions in practice. The law requires police to have a written warrant issued by a judge before making an arrest (except when police apprehend the accused during commission of a crime), and authorities generally respected this provision in practice.

Role of the Police and Security Apparatus.—Civilian authorities maintained effective control over the national police, and the Government has effective mechanisms to investigate and punish abuse and corruption. There were no reports of impunity involving the security forces during the year.

Arrest and Detention.—The law provides detainees with the right to a prompt judicial determination of the legality of detention, which was not always respected, and requires that the detaining authority explain the legal grounds for the detention. Police may hold a detainee incommunicado for 24 hours before presenting the case to a judge, at which time the detainee has the right to counsel. The law stipulates that confessions obtained by the police prior to a detainee's appearance before a judge and attorney (without the police present) are not valid. Further, a judge must investigate any detainee claim of mistreatment.

For a detainee who cannot afford a lawyer, the courts appoint a public defender. Judges rarely granted bail for persons accused of crimes punishable by at least 2 years in prison. Most persons facing lesser charges were not jailed. Between 60 and 65 percent of all persons incarcerated were awaiting final decisions in their cases. Some detainees spend years in jail awaiting trial, and the uncertainty and length of detention contributed to tensions in the prisons.

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary, and the Government generally respected judicial independence in practice.

The Supreme Court heads the judicial system and supervises the work of the lower courts. A parallel military court system operates under a military justice code.

Two military justices sit on the Supreme Court but participate only in cases involving the military. Military justice applies to civilians only during a state of war or insurrection.

Trial Procedures.—The Constitution provides for the right to a fair trial, and an independent judiciary generally enforced this right. Juries are not used; trial proceedings usually consist of written arguments to the judge, which normally are not made public. Only the judge, prosecutor, and defense attorney have access to all documents that form part of the written record. Human rights groups reported some difficulty in maintaining confidentiality between client and attorney. Individual judges may hear oral arguments at their option, but most judges choose the written method, a major factor slowing the judicial process. Defendants enjoy a presumption of innocence. Criminal trials are held in a court of first instance. Defendants have a right of appeal.

Political Prisoners and Detainees.—There were no reports of political prisoners or detainees.

Civil Judicial Procedures and Remedies.—There are transparent administrative procedures to handle complaints of abuse against government agents. An independent and impartial judiciary handles civil disputes, but its decisions were ineffectively enforced. Local police lacked the training and manpower to enforce restraining orders, which were the most common result of civil disputes.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The law prohibits such actions, and the Government generally respected these prohibitions in practice.

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. An independent press, an effective judiciary, and a functioning democratic political system combined to ensure freedom of speech and of the press.

Internet Freedom.—There were no government restrictions on the Internet or reports that the Government monitored e-mail or Internet chat rooms. Individuals and groups could engage in the peaceful expression of views via the Internet, including by e-mail.

Academic Freedom and Cultural Events.—There were no government restrictions on academic freedom or cultural events.

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.

Societal Abuses and Discrimination.—Jewish community leaders reported that government officials and society generally respected members of their community, which numbered approximately 24,000. Jewish leaders noted no significant increase in the level of anti-Semitic graffiti across the country and reported effective cooperation with police investigating incidents of anti-Semitism. Authorities charged four persons who wrote graffiti in 2006.

For a more detailed discussion, see the 2007 International Religious Freedom Report.

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons.—The law provides for freedom of movement within the country, foreign travel, emigration, and repatriation, and the Government generally respected these rights in practice. The law provides that in extreme cases of national emergency an individual may be given the option to leave the country as an alternative to trial or imprisonment, but this option has not been exercised in at least two decades.

Protection of Refugees.—The law provides for the granting of refugee status in accordance with the 1951 U.N. Convention relating to the Status of Refugees and its 1967 protocol, and the Government has established a system for providing protection to refugees. In practice the Government provided protection against refoulement, the return of persons to a country where there is reason to believe they feared persecution. The Government granted refugee status and grants asylum only for political crimes as set forth in the 1928 Treaty of Havana, the 1889 Treaty of Montevideo, and the 1954 Caracas Convention. During the year the Government accepted 14 refugees for resettlement. The Government cooperated with the Office of

the U.N. High Commissioner for Refugees and other humanitarian organizations in assisting refugees and asylum seekers.

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.—In October 2004 Tabare Vazquez of the FA coalition won a 5-year presidential term in free and fair elections. The FA won 16 of 30 seats in the Senate and 52 of 99 seats in the House of Representatives. President Vazquez took office on March 1, 2005.

Political parties could operate without restrictions or outside interference.

Women participated actively in the political process and government, although primarily at lower and middle levels. Four of 30 senators and 11 of 99 representatives were women. Three of the 13 cabinet ministers were women. There was one Afro-Uruguayan among the 99 representatives.

Government Corruption and Transparency.—The law provides criminal penalties for official corruption, and the Government generally implemented these laws effectively. There were isolated reports of government corruption during the year.

Public officials are subject to financial disclosure laws. A government commission on economic and financial matters collects sworn financial statements from public servants, including the president.

Although there is no general public disclosure law, the Government requires all government agencies to produce regular public reports. All agencies complied with these reporting requirements.

Section 4. Governmental Attitudes Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

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

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

The law prohibits discrimination based on race, gender, religion, or disability; however, societal discrimination against some groups existed.

Women.—The law criminalizes rape, including spousal rape. From January to September, police received 213 accusations of rape nationwide and 566 accusations of other sex crimes. Based on first trimester statistics from Montevideo (the most populous department) domestic violence was responsible for 39 percent of rape and 14 percent of attempted rape. Authorities believed that some victims of spousal rape did not report such incidents because of failure to understand their rights and fear of social stigma.

Violence against women continued to be a significant problem, increasing 50 percent over 2006. Of the 29 female victims of homicide in the year ending October, 17 died in situations related to domestic violence; 60 percent of the killings were committed by the victim's partner or ex-partner. From January to September, the Ministry of the Interior reported 7,577 cases of domestic violence, with the highest incidence concentrated in Montevideo and the neighboring department of Canelones. The law provides for sentences of 6 months to 2 years in prison for a person found guilty of committing an act of violence or of making continued threats to cause bodily injury to persons related emotionally or legally to the perpetrator; however, civil courts decided most of the domestic cases during the year. Judges in these cases often issued restraining orders, which were difficult to enforce. In many instances, courts did not apply criminal penalties.

The state-owned telephone company provided a free nationwide hot line answered by trained nongovernmental organization (NGO) employees for victims of domestic violence. A directorate within the Ministry of Interior operated community assistance centers where abuse victims received information and referrals to government and private organizations for aid. Both the Ministry of Interior and NGOs operated shelters in which abused women and their families could seek temporary refuge.

Prostitution is legal for persons over the age of 18, and prostitution was visible in major cities and tourist resorts. There were no known reports of police abuse of individuals engaging in prostitution. Trafficking in women for prostitution was a problem.

The law prohibits sexual harassment in the workplace and punishes it by fines or imprisonment; however, women filed few such complaints, a circumstance attributed to a lack of women's understanding of their rights.

In the judicial system, women enjoyed the same rights as men, including rights under family and property law. However, they faced discrimination stemming from traditional attitudes and practices, and no gender discrimination cases have ever been litigated. There was some segregation by gender in the workforce. Women constituted almost one-half the workforce but tended to be concentrated in lower-paying jobs, with salaries averaging two-thirds those of men. Women often pursued professional careers, and approximately 60 percent of public university students were women.

Children.—The Government was committed to protecting children's rights and welfare, and it regarded the education and health of children as a top priority. The INAU oversees implementation of the government's programs for children. The Government provided free compulsory kindergarten, primary, and secondary education, and 95 percent of children completed their primary education. Girls and boys were treated equally. Free education was available through the undergraduate level at the national university.

Boys and girls had equal access to state-provided health care, which was free for all citizens.

There was no societal pattern of abuse of children.

Polls and arrest data indicated that exploitation of children for prostitution was a problem.

Trafficking in Persons.—While laws prohibit trafficking in minors and trafficking-related abuses, no specific provisions address the trafficking of adults across international borders. Evidence existed of trafficking from, through, and within the country.

The country was a source and transit point and infrequently a destination for trafficked persons. Internal trafficking, predominantly related to prostitution, was also reportedly a problem. Porous borders facilitated transit to and from Argentina and Brazil. Women were also reportedly trafficked to Spain and Italy for purposes of sexual exploitation. A local NGO estimated that the number of persons who were trafficked both from and through the country increased, but there were no reliable estimates on the numbers involved or on the proportion coerced into prostitution by fraud or subjected to conditions approaching servitude.

According to police sources, commercial sexual exploitation of women and children occurred in the provinces closest to the borders with Argentina and Brazil, notably in Paysandu, Salto, and Colonia. Child welfare organizations and independent research groups expressed concern about possible prostitution rings exploiting children in Montevideo, in the aforementioned border areas, and at the resort areas of Punta del Este and Maldonado. There were also reports of prostitution involving boys. The INAU found that minors engaged in prostitution often did so to assist their families, who in many cases allowed or actively promoted the activity.

The laws criminalize trafficking of minors and provide penalties ranging from 6 months to 12 years in prison. Activities related to trafficking in adults can and have been prosecuted as a combination of crimes already included in the penal code, such as corruption, conspiracy, fraud, and forced labor. The Ministry of the Interior has primary responsibility for investigating trafficking cases and maintained a database of all related activities. Authorities responded promptly to two trafficking cases that came to light during the year. In May authorities detained 16 Peruvians who were transiting the country en route to Europe and seized false Venezuelan, Colombian, and Ecuadorian passports they were using. At year's end, the individuals remained incarcerated pending completion of an investigation into a suspected connection with drug smuggling. In June the Government collaborated with Interpol to detect and dismantle an operation to traffic Chinese laborers through the country to Europe; four Chinese citizens were repatriated to China.

The Organization for International Migration and INAU continued efforts to raise awareness on trafficking issues and increase local, provincial, and Federal capacity to combat trafficking in tourist areas and along the loosely controlled border with Brazil. The Interdepartmental Commission for the Prevention and Protection of Children Against Sexual Exploitation continued to work with the INAU to protect victims and witnesses but reported a lack of resources to pursue these objectives.

The INAU provided funding for a number of NGOs that had programs to assist at-risk children, as well as victims of domestic violence and sexual exploitation. There are no specific programs to assist victims; assistance is provided on a case-by-case basis.

The Ministry of Education and Culture produced antitrafficking public service announcements, which were aired on national television. The Government disseminated information and trained members of the police force on antitrafficking legislation.

Persons with Disabilities.—The law prohibits discrimination against persons with disabilities, but the Government did not effectively enforce these provisions. Local entities did not devote resources to provide appropriate accommodations. Persons with disabilities regularly experienced discrimination in employment despite government efforts to assist in individual cases. The Government did not discriminate against persons with disabilities and provided additional services as resources allowed; however, difficulties in transportation inhibited some persons from accessing these services.

A national disabilities commission oversees implementation of a law on the rights of persons with disabilities. The law mandates accessibility for persons with disabilities to new buildings or public services, but the law was not consistently enforced. The law reserves 4 percent of public sector jobs for persons with disabilities, but the quota was not filled. The country has a generally excellent mental health system and an interest in the rights of persons with mental disabilities.

National/Racial/Ethnic Minorities.—The country's Afro-Uruguayan minority continued to face societal discrimination. A National Bureau of Statistics study stated that Afro-Uruguayans comprised 9.1 percent of the population and indigenous descendents constituted another 2.9 percent. The report concluded that 50 percent of Afro-Uruguayans were poor and suffered discrimination. The NGO Mundo Afro confirmed this information, stating that a much larger percentage of Afro-Uruguayans worked as unskilled laborers than members of other groups in society despite equivalent levels of education. Afro-Uruguayans were practically unrepresented in the legislature or the cabinet, the bureaucratic and academic sectors, or the mid and upper echelons of private-sector firms.

Other Societal Abuses and Discrimination.—There were limited reports of occasional nonviolent societal discrimination based on sexual orientation and against persons with HIV/AIDS.

Section 6. Worker Rights

a. The Right of Association.—The Constitution grants the right of association, and the law promotes organization of trade unions and creation of arbitration bodies and protects union leaders and negotiators from workplace discrimination. Unions traditionally organized and operated free of government regulation. Civil servants, employees of state-run enterprises, and private enterprise workers may join unions. Unionization was higher in the public sector (more than 42 percent) than in the private sector (approximately 10 percent).

The law expressly prohibits antiunion discrimination. The law requires employers to reinstate workers fired for union activities and requires employers to pay an indemnity to such workers. The Ministry of Labor's Collective Bargaining Division investigates antiunion discrimination claims filed by union members. There are generally effective mechanisms for resolving workers' complaints against employers; however, there were no new developments in the 2005 complaint by workers that a media company dismissed several workers for their prounion activities.

b. The Right to Organize and Bargain Collectively.—The law allows unions to conduct their activities without interference, and the Government protected this right. The law also protects collective bargaining, and it was freely practiced. The Constitution provides workers with the right to strike, and workers exercised this right in practice.

The Government may legally compel workers to work during a strike if they perform an essential service, which, if interrupted, "could cause a grave prejudice or risk, provoking suffering to part or all of the society." The Government invoked this power in May during a work stoppage of air traffic controllers and in August during a work stoppage of anesthesiologists.

Collective bargaining between companies and their unions determines a number of private-sector salaries. The executive branch, acting independently, determines public-sector salaries.

All labor legislation fully covers workers employed in the eight special export zones. No unions operated in these zones, but the Government did not prohibit their formation.

c. Prohibition of Forced or Compulsory Labor.—The law prohibits forced or compulsory labor, including by children; however, there were reports that such practices occurred (see Section 5).

d. Prohibition of Child Labor and Minimum Age for Employment.—The law protects children against exploitation in the workplace, including a prohibition of forced or compulsory labor, and the Ministry of Labor and Social Security is responsible for enforcing it. Enforcement was difficult due to a lack of resources and because most child labor was in the informal sector. Some children worked as street vendors in the informal sector or in agricultural activities, areas generally regulated less strictly and where pay was lower than in the formal sector. There were reports of parents turning their children over to third parties for domestic service or agricultural work in exchange for food and lodging.

The law prohibits minors under the age of 15 from working, and this was generally enforced in practice. Minors between the ages of 15 and 18 require government permission to work, and such permission is not granted for dangerous, fatiguing, or night work. All workers under age 18 must undergo a physical examination to identify job-related physical harm. Children between age 15 and 18 may not work more than 6 hours per day within a 36-hour workweek and may not work between 10 p.m. and 6 a.m.

Permission to work is granted only to minors who have completed 9 years of compulsory education or who remain enrolled in school and are working to complete compulsory education. Controls over salaries and hours for children are stricter than for adults. Children have the legal right to dispose of their own income.

The INAU implements policies to prevent and regulate child labor and provides training on child labor issues. The INAU also works closely with the Ministry of Labor and Social Security to investigate complaints of child labor and with the Ministry of Interior to prosecute cases. The INAU has seven trained inspectors to handle an estimated 2,000 inspections per year.

e. Acceptable Conditions of Work.—The Ministry of Labor enforces a legislated minimum monthly wage that covers both the public and private sectors. The ministry adjusts the minimum wage whenever it adjusts public sector wages. The monthly minimum wage of $137 (3,244 pesos) functions more as an index for calculating wage rates than as a true measure of minimum subsistence levels; it did not provide a decent standard of living for a worker and family. The vast majority of workers earned more than the minimum wage.

The standard workweek ranged from 44 to 48 hours per week, depending on the industry, and employers were required to give workers a 36-hour block of free time each week. The law stipulates that industrial workers receive overtime compensation for work in excess of 48 hours, entitles workers to 20 days of paid vacation after a year of employment, and prohibits compulsory overtime beyond a maximum 50-hour workweek.

The law protects foreign workers and does not discriminate against them, but official protection requires the companies to report the foreign workers as employees. Many native and foreign workers worked informally and thus did not benefit from certain legal protections.

The Ministry of Labor and Social Security enforces legislation regulating health and safety conditions in a generally effective manner. However, some of the regulations cover urban industrial workers more adequately than rural and agricultural workers. Workers have the right to remove themselves from what they consider hazardous or dangerous conditions without jeopardy to their employment; the Government effectively upheld this right, but some workers claimed a subsequent loss of other privileges at work based on their refusal to work in unsafe conditions.

VENEZUELA

Venezuela is a constitutional democracy with a population of approximately 26 million. In December 2006 voters reelected President Hugo Chavez of the Fifth Republic Movement (MVR) with approximately 63 percent of the popular vote. Official observation missions from both the European Union and Organization of American States (OAS) deemed the elections generally free and fair but noted some irregularities. While civilian authorities generally maintained control of the security forces, there were instances in which elements of the security forces acted independently of government authority.

Politicization of the judiciary and official harassment of the media and of the political opposition continued to characterize the human rights situation during the year. The following human rights problems were reported: Unlawful killings; disappearances reportedly involving security forces; torture and abuse of detainees; harsh prison conditions; arbitrary arrests and detentions; a corrupt, inefficient, and politicized judicial system characterized by trial delays, impunity, and violations of

due process; searches without warrants of private homes; official intimidation and attacks on the independent media; government-promoted anti-Semitism; widespread corruption at all levels of government; violence against women; trafficking in persons; and restrictions on workers' right of association.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life.—There were no reports that the Government or its agents committed any politically motivated killings; however, security forces committed unlawful killings, including summary executions of criminal suspects. In the 12 months prior to September, the human rights nongovernmental organization (NGO) Venezuelan Program of Action and Education in Human Rights (PROVEA) reported 51 deaths resulting from mistreatment while in custody.

PROVEA documented 165 unlawful killings by government security forces from October 2006 through September 2007.

On March 22, members of the Intervention and Assistance Brigade (BIA), the primary police force of Guarico State, detained five men, shot each in the head, and left their bodies on a deserted road. At year's end eight BIA members were being investigated for their involvement in the case.

On July 13, members of the Anzoategui state police killed taxi driver Juan Ernesto Rodriguez during a shootout with suspected criminals. Following Rodriguez's death, police officers allegedly planted a gun on Rodriguez in order to corroborate their version of the incident. No information was available on the status of the case at year's end.

At year's end 24 individuals were implicated, 18 faced charges, and six were formally charged in the April 2006 killings of the three teenage Faddoul brothers and their driver. There was no apparent state involvement in the killings.

There were no developments in the April 2006 shooting death of news photographer Jorge Aguirre, for which former Caracas police officer Boris Blanco Arcia was charged with murder but not arraigned by year's end.

Eight of the nine bodies of activists killed in the so-called 1986 Yumare Massacre had been exhumed by year's end, in accordance with a December 2006 ruling by judicial authorities in Yaracuy. Thirteen persons, including a former commander of the Office of Intelligence and Prevention Services (DSIP), were banned from traveling outside the country, pending completion of an investigation.

There were no developments in the 2005 killing of Rigoberto Barrios or in the 2005 burning deaths of two soldiers in a "punishment cell" in Sucre State.

Prosecutors rarely brought cases against perpetrators of unlawful killings. Sentences frequently were light, and convictions often were overturned on appeal. Members of the security forces charged with or convicted of crimes rarely were imprisoned.

b. Disappearance.—There were no substantiated reports of politically motivated disappearances.

Human rights groups claimed that police officers sometimes disposed of their victims' bodies to avoid investigations. PROVEA recorded seven reports of disappearances allegedly involving security forces in the 12 months through September 2007.

There were no significant developments in the 2005 disappearance of Silvino Bustillos or in the 1999 forced disappearances of Oscar Blanco Romero, Roberto Hernandez Paz, and Jose Rivas Fernandez, for which the Government acknowledged culpability in 2005.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—Although the Constitution states that no person shall be subjected to cruel, inhuman, or degrading punishment, there were credible reports that security forces continued to torture and abuse detainees.

PROVEA reported that in the 12 months prior to September, it received 11 complaints of torture (down from 19 the previous year), and 692 complaints regarding cruel, inhuman, and degrading treatment, a sharp decrease from the 1,394 cases reported in 2006. PROVEA defines "torture" as methods used by state security forces to extract information from victims and "cruel and inhuman treatment" as methods used by members of state security forces in order to punish or intimidate victims.

The Government did not authorize independent investigation of torture complaints. Human rights groups continued to question the attorney general's commitment to oversee neutral investigations. Few cases of alleged torture resulted in convictions.

Reports of beatings and other humiliating treatment of suspects during arrests were common and involved various law enforcement agencies.

There were no developments in the alleged 2005 torture of retired National Guard Major General Felipe Rodriguez, who was arrested and held at Military Intelligence Headquarters and allegedly subjected to sensory deprivation and psychological torture.

Prison and Detention Center Conditions.—Prison conditions were harsh due to scarce resources, poorly trained and corrupt prison staff, and violence by guards and inmates. The prison-monitoring NGO Venezuelan Prison Observatory (OVP) estimated that existing prisons were designed to hold approximately 60 percent of the estimated 21,200 prisoners. Severe overcrowding in some prisons and food and water shortages remained problems.

The Government failed to provide adequate prison security. The National Guard and the Ministry of Interior and Justice have responsibility for exterior and interior security, respectively. The OVP estimated that the prison guard force was 10 percent of the required strength. Violence among prison gangs, including shootouts and riots, was common. OVP recorded 498 deaths and 1,023 injuries in the prisons at year's end. Most inmate deaths resulted from prisoner-on-prisoner violence, riots, fires, and generally unsanitary and unsafe conditions. Prisoners also died as a consequence of poor diet and inadequate medical care.

Inmates often had to pay guards and other inmates to obtain necessities such as space in a cell, a bed, and food. Most prisoners obtained food from their families, by paying prison guards, or in barter with other prisoners. Many inmates also profited from exploiting and abusing others, particularly since convicted violent felons often were held with pretrial detainees or first-time petty offenders. Trafficking in arms and drugs fueled gang-related violence and extortion. Prison officials often illegally demanded payment from prisoners for transportation to judicial proceedings.

Security forces and law enforcement authorities often imprisoned minors together with adults, even though separate facilities existed for juveniles. Because reform institutions were filled to capacity, hundreds of children accused of infractions were confined in juvenile detention centers where they were crowded into small, unsanitary cells, fed only once a day, and forced to sleep on bare concrete floors. Women and men were generally held in separate prison facilities. The OVP indicated that, while no prison had good conditions, women's facilities were generally less violent and healthier than men's.

Human rights observers experienced lengthy administrative delays and restricted access to prisons and detention centers.

d. Arbitrary Arrest or Detention.—The Constitution prohibits the arrest or detention of an individual without a judicial order; provides for the accused to remain free while being tried, except in specific cases where the laws of the state or individual judges can supersede this provision; and provides that any detained individual has the right to immediate communication with family and lawyers, who in turn have the right to know of the detainee's whereabouts.

Role of the Police and Security Apparatus.—The National Guard, a branch of the military, is largely responsible for maintaining public order, guarding the exterior of key government installations and prisons, conducting counternarcotics operations, monitoring borders, and providing law enforcement in remote areas. The Ministry of Interior and Justice controls the Scientific, Penal and Criminalistic Investigative Body (Scientific Police), which conducts most criminal investigations, and the Office of Intelligence and Prevention Services, which collects intelligence within the country and is responsible for investigating cases of corruption, subversion, and arms trafficking. Mayors and governors oversee local and state police forces. Corruption was a major problem among all police forces, whose members were poorly paid and trained. Impunity for corruption, brutality, and other acts of violence were major problems.

By year's end the Government had not acted on the National Commission for Police Reform's recommendations published in May for a more defined mechanism to report police abuses. Human rights NGOs PROVEA, Criminal Forum (Foro Penal), and Network of Assistance (Red de Apoyo) criticized the Government for its lack of commitment to police reform.

Some local police forces offered human rights training for their personnel. During the year the Chacao borough of Caracas provided mandatory human rights training to all new recruits. The municipality also worked with Amnesty International to provide additional training to 400 of its 700 police officers.

Arrest and Detention.—Persons were sometimes apprehended openly without warrants from judicial authorities. Detainees must be brought before a prosecutor within 12 hours and before a judge within 48 hours to determine the legality of the detention. A person accused of a crime may not be detained for longer than the possible minimum sentence for that crime nor for longer than 2 years, except in certain

circumstances, such as when the defendant is responsible for the delay in the proceedings. Detainees were promptly informed of the charges against them.

There was a functioning system of bail, although bail was not available for certain crimes. Bail also may be denied if the person was apprehended in the act of committing a crime or if a judge determines that there is a danger that the accused may flee or impede the investigation. Detainees were provided access to counsel and family members.

e. Denial of Fair Public Trial.—While the Constitution provides for an independent judiciary, judicial independence was increasingly compromised. The judiciary also was highly inefficient, sometimes corrupt, and subject to political influence, particularly from the Attorney General's Office, which in turn was pressured by the executive branch.

The judicial sector consists of the Supreme Court and lower courts, the Attorney General's Office, and the Ministry of Interior and Justice. The Supreme Court is the country's highest court and directly administers the lower courts through the Executive Directorate of the Judiciary.

According to the NGO Foro Penal, almost 40 percent of the judges were provisional and temporary. The Supreme Court's Judicial Committee may hire and fire temporary judges without cause and without explanation, and it did so. Provisional judges legally have the same rights and authorities as permanent judges. The provisional and temporary judges, lacking tenure in their profession, were particularly subject to political influence from the Ministry of Interior and Justice and the attorney general.

The law provides that the Moral Council (attorney general, human rights ombudsman, and comptroller general) may suspend judges and allows the National Assembly to revoke the appointment of Supreme Court judges by a simple majority vote.

Lower court judges hear pretrial motions, including prosecution and defense motions, prior to criminal cases going to trial judges. Executive judges oversee the application of sentences. Appeals courts, consisting of three-judge panels, review lower court decisions. The attorney general oversees the prosecutors who investigate crimes and bring charges against criminal suspects.

In May a judge overruled the December 2006 decision acquitting Baruta mayor Henrique Capriles Radonski and ordered that Capriles stand trial again on the original charges relating to a violent 2002 demonstration in front of the Cuban Embassy.

In February Salvador Romani, Jr., suspected material author of the 2004 killing of prosecutor Danilo Anderson, was exonerated of all charges due to a lack of evidence connecting him to the killing. The cases against businessman Nelson Mezerhane and two others, who had been charged with intellectual authorship of the killing, were also dropped due to lack of evidence.

Trial Procedures.—The law provides for open, public, and fair trials with oral proceedings. The accused have the right to be present and consult with an attorney. Public defenders are provided for indigent defendants, but there continued to be a shortage of public defenders. Defendants have the right to question witnesses against them and present their own witnesses. The accused and their attorneys have access to government-held evidence. Defendants are considered innocent until proven guilty. Defendants and plaintiffs have the right of appeal.

Trial delays were common. A professional judge and two "lay judges" try serious cases; a single judge may hear serious cases if requested by the defendant or victim or if attempts to appoint lay judges have failed. Difficulty in finding persons willing to serve as lay judges also resulted in delays.

The law provides that trials for military personnel charged with human rights abuses be held in civilian rather than military courts; the provision does not apply to cases that predate the 1999 Constitution.

Political Prisoners and Detainees.—There were an estimated 11 political prisoners in the country. In some cases the political prisoners were held in distinct penal facilities, including DISIP installations. The International Committee of the Red Cross was permitted access to these political prisoners.

On December 31, President Chavez decreed a partial amnesty for those persons implicated in the drafting or signing of the 2002 Carmona Decree, which recognized an interim government during the April 2002 coup against Chavez, and in a series of enumerated acts surrounding the events of April 2002. The decree covers persons alleged to be involved in the "commission or instigation of acts of civil and/or military rebellion until December 2, 2007." The decree applies only to individuals who have a criminal case open against them for the above-mentioned incidents; it does not benefit those who have evaded the country's judicial system or who are accused of "crimes against humanity." The decree also included a "humanitarian" pardon to

36 persons imprisoned for matters unrelated to the events of 2002. Human rights organizations welcomed the measure but urged Chavez to broaden the amnesty to include all those accused of involvement in the events of 2002 and to all implicated in political crimes.

The Government granted retired army general Francisco Uson conditional release from the Ramo Verde military prison on December 25, several weeks after his mid-November release eligibility date. Uson had served 3 years and 6 months for allegedly "defaming" the army. In April he was denied visitors for a week for allegedly violating prison rules on sending and receiving correspondence following widespread publication of his letter in support of Radio Caracas Television (RCTV), which was under threat of closure by the Government. The conditions for his release included not traveling outside of greater Caracas and reporting before a judge every 15 days. He was also prohibited from participating in demonstrations or commenting on his case to the media.

Former Caracas Metropolitan Police commissioners Ivan Simonovis, Henry Vivas, and Lazarro Forero, along with eight other police officers, remained imprisoned without conviction, stemming from charges of being accomplices to murder during the events related to the civil disturbances in 2002.

Simonovis, Forero, and Vivas launched a hunger strike on April 10 to protest inhumane prison conditions and their continued detention; the ex-commissioners were previously held in DISIP headquarters in Caracas but were transferred in April to a DISIP installation with harsher conditions in Maracay, Aragua. The eight other police officers were moved September 3 from their cells in Caracas to the Ramo Verde military prison.

Eduardo Lapi, former opposition governor of Yaracuy State, escaped from prison on March 31 or April 1. In May 2006 DISIP officials arrested and detained Lapi on charges of corruption and misappropriation of government funds, stemming from a highway project during his administration, which ended in 2004. Due to delays in pursuing a case against him, Lapi remained imprisoned even though his trial had been postponed indefinitely.

Civil Judicial Procedures and Remedies.—There were separate civil courts that permitted citizens to bring lawsuits seeking damages. Like all courts in the country, however, the civil elements of the judiciary remained subject to strong executive control.

There were administrative remedies available, but they were generally inefficient. The most common consumer-protection mechanism is the Institute for the Defense of the Consumer and the User (INDECU), which falls under the rubric of the Ministry of Light Industry and Commerce. INDECU used reconciliation, mediation, and arbitration to settle disputes and was empowered to sanction the providers of goods and services who violated the law.

Other entities that provided administrative or civil remedies included the superintendencies of banks, free competition, insurance, leasing, and securities.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The Constitution provides for the inviolability of the home and personal privacy; however, security forces routinely infringed on citizens' privacy rights by searching homes without warrants, frequently targeting the homes of opposition leaders.

On December 2, members of the DISIP conducted a search of a Jewish community center in Caracas in a search for a purported weapons cache.

On December 12, members of the Military Intelligence Police (DIM) searched the home of Helen Fernandez, a member of the National Resistance Movement, an ardent left-wing movement critical of the government, in pursuit of "subversive material against the armed forces." The search lasted 8 hours, after which Fernandez's computer and other personal documents were confiscated.

The Government was complicit with others, including MVR deputy Luis Tascon, in maintaining the "Tascon" and "Maisanta" Lists, which were used to identify and punish regime opponents. Human rights NGOs noted that persons listed were often ineligible to receive government jobs or services.

During the December 2 referendum to reform the Constitution, leaders of the antireform bloc complained that technical problems with digital fingerprinting machines and voting machines caused significant voting delays in opposition neighborhoods.

NGOs expressed concern over official political discrimination against, and firing of, state employees whose views differed from those of the Government. According to PROVEA, the Government used coercion and the threat of dismissal to compel state employees to attend partisan political functions. In September the NGO Citizen Security released a report documenting 1,222 victims of political discrimination

from January 2003 to June 2007. According to the report, government officials and other state actors were the primary offenders.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The law provides for freedom of speech and of the press; however, the combination of laws governing libel and broadcast media content, legal harassment, and physical intimidation of both individuals and the media resulted in limitations on these freedoms and a climate of self-censorship. The Government employed a variety of mechanisms—legal, economic, regulatory, judicial, and rhetorical—to harass the private media and engender an environment of intolerance towards a critical press.

The president preempted broadcasting on the nation's airwaves to present hours-long government programs several times a week. Independent media observers criticized the state media for extreme progovernment politicization.

The Government denied private media equal access to many official events, and, in cases when private media had access to government facilities, they often did not have access to officials and information. For example, only the Government radio and television stations were authorized to have reporters at the presidential palace. State-controlled television and radio stations and many foreign news reporters continued to have full access to official events.

Amendments to the penal code in 2005 make insulting the president punishable by 6 to 30 months in prison and eliminate bail, with lesser penalties for insulting lower-ranking officials. Comments exposing another person to public contempt or hatred are punishable by a 1- to 3-year prison sentence and a fine. Inaccurate reporting that disturbs the public peace is punishable with a prison sentence of 2 to 5 years. The requirement that media disseminate only "true" information was undefined and open to politically motivated interpretation.

The law requires that practicing journalists have journalism degrees and be members of the National College of Journalists, and it prescribes 3- to 6-month jail terms for those who practice journalism illegally. These requirements were waived for foreigners and opinion columnists.

The vaguely termed Media Law of Social Responsibility gives the Government wide powers to impose heavy fines and cancel broadcasts. The law requires that "national producers" allot 45 minutes of free air time per day for "state information"; carry "cadenas," (lengthy, commercial-free government programming, usually consisting of presidential speeches); and play the national anthem twice a day. The National Telecommunications Regulatory Agency (CONATEL), under the Ministry of Communications and Information, oversees the application of the law. Media observer organizations called on the Government to appoint an independent body to regulate the implementation of the law.

Throughout the year various international organizations expressed concern about the country's lack of press freedom and the harassment, intimidation, and violence directed at journalists. Such harassment came from government actors as well as other government supporters.

On January 29, the Office of the Special Rapporteur for Freedom of Expression of the Inter-American Commission on Human Rights (IACHR) presented a report covering the period from October through December 2006, which highlighted infringements on freedom of expression in the country. Specifically, the Special Rapporteur referenced a July 2006 advisory notice sent by the IACHR to the Ministry of Foreign Affairs reminding the Government that the OAS Democratic Charter establishes that signatory states refrain from infringing on freedom of expression by indirect methods such as abuse of official controls or other actions that limit the free flow of ideas.

In March the Inter-American Press Society condemned the country's record on press freedom, saying the Government was exercising a "deliberate campaign" against freedom of expression. In its annual report released May 2, Freedom House categorized the country as "not free," citing worrisome patterns of decline in press freedom.

Unlike in the previous year, there were no reported killings of journalists. However, independent media outlets and journalists were subject to public harassment by high-ranking government officials on state-owned media.

The independent print media regularly engaged in self-censorship due to fear of government reprisal and in order to comply with laws regulating the media.

The country's major newspapers were independently owned but depended to a greater or lesser extent on government advertising. The Government operated one newspaper, Vea, with national circulation and contributed to and influenced the editorial content of several regional print media.

On January 29, Aragua's state police raided the office of the daily newspaper El Siglo following a dispute among the board of directors over the creation of a pro-Chavez workers' union. According to press reports, some board members solicited assistance from progovernment Aragua Governor Dialco Bolivar to undertake the raid. El Siglo remained closed for 11 days.

On February 22, the daily Tal Cual paid a court-mandated $75,000 (161.25 million bolivares) fine after a judge charged newspaper owner Teodoro Petkoff and humorist Laurenco Marquez with "violating the rights of children" for publishing a satirical article that made a passing reference to the president's daughter.

On March 29, a government official sent a letter to daily newspaper Ultimas Noticias director Eleazar Diaz and journalist Luz Mely Reyes, threatening to file charges against them if they continued to publish their series of reports on corruption cases involving government officials. No charges had been filed by year's end.

The country's nonsubscription broadcast media was largely government-owned. The Government operated seven channels with nationwide coverage.

The law permits the Government to order broadcasting of cadenas nationwide and to require all broadcast media to preempt scheduled programming and transmit the Government's entire message.

The president invoked the law permitting the suspension of telecommunication broadcasts. On May 28, the Government refused to renew the broadcasting license of RCTV, a network with an independent editorial line, accusing it of violating broadcast norms. The Government replaced the network with a state-funded station. In the days prior to RCTV's closure, the Ministry of Communications and Information distributed to all television stations a public service announcement celebrating RCTV's impending closure.

Several international bodies and media observer organizations strongly criticized the closure of RCTV. Human Rights Watch condemned the closure, saying that Chavez was "misusing" the state's regulatory authority to "punish a media outlet for its criticism of the Government." Reporters without Borders called the Government's decision "a serious setback to democracy and pluralism." The president of the European Commission, Jose Manuel Barroso, referred to the incident as a "step backwards."

On July 26, Minister of Telecommunications and head of CONATEL Jesse Chacon ordered the cable network Radio Caracas Television International (RCTVI) to register with CONATEL as a "national producer" and thus adhere to the Media Law of Social Responsibility or cease broadcasting by August 1. The Venezuelan Chamber of Cable Television Providers (CAVETSU) petitioned the Supreme Court to stay CONATEL's order and provide RCTVI and 40 other unregistered regional cable providers relief from sanctions until CONATEL provided further guidance on which networks should be classified as "national producers." The Supreme Court ruled in CAVETSU's favor and ordered CONATEL to rewrite its regulations addressing national producers. By year's end CONATEL had not modified its regulations.

On August 22, five journalists were severely beaten by government supporters as they attempted to cover the judicial appeal hearing of Oscar Perez, an opposition regional deputy from Miranda State and leader of the National Resistance Movement. According to local press reports, the attackers were bused in from surrounding areas to harass Perez's supporters. Following the hearing Glen Ribas, a regional deputy and government supporter, accused the journalists of being coup plotters. The insult apparently served as a signal for the Government supporters to physically attack the journalists. Reporters affiliated with RCTVI were primary targets. A RCTVI cameraman (who had an Inter-American Court of Human Rights protection order) was severely injured, his assistant suffered a broken rib, and a pregnant journalist required hospitalization.

Some commercial radio stations complained that broadcasting frequencies for community radios were not allocated in accordance with broadcast regulations. The Government reportedly funded the community stations, whose broadcasting was progovernment.

Government officials in Bolivar State closed three radio stations between late October and early November after radio station workers criticized President Chavez's constitutional reform project.

On September 11, members of the DIM raided the offices of the Graficas Madu printing press in order to halt alleged "subversive activity" against Chavez's constitutional reform package. The local press reported that DIM officials removed two computers and pamphlets printed for opposition political party Un Nuevo Tiempo.

Internet Freedom.—There were no government restrictions on access to the Internet. The Government sometimes monitored some e-mails. Individuals and groups could engage in the peaceful expression of views via the Internet, including by e-mail.

Journalist Roger Santodomingo resigned as editor of the on-line news forum Noticiero Digital after threatening telephone calls, e-mails, and letters made mention of his minor son. On May 22, Santodomingo also was harassed on the government-affiliated television show La Hojilla for his editorial line.

Academic Freedom and Cultural Events.—There were no reported government restrictions on academic freedom or cultural events. The Government had proposed several revisions to the Constitution that would have reduced the autonomy of the education system. The Government attempted to modify the education system in order to teach "socialist principles." In addition, while the autonomous universities would still have been able to determine their rules of governance, they would have had to be "in agreement with the constitutional principles of participative and proactive democracy." The constitutional revisions were rejected in December's referendum.

b. Freedom of Peaceful Assembly and Association.

Freedom of Assembly.—The Constitution provides for freedom of assembly, and the Government generally respected this right in practice. PROVEA noted that at least 536 injuries resulted from security force interventions in peaceful demonstrations during the year, compared with 113 in 2006.

Human rights groups continued to criticize the 2005 penal code revision for the strict penalties it imposes on some forms of peaceful demonstration. PROVEA expressed concern over the law's "criminalization" of protests. Foro Penal's June 2006 official complaint before the Supreme Court challenging the legality of this measure had not been heard by year's end.

Government supporters sometimes disrupted marches and rallies. Supporters and opponents of the Government demonstrated in the capital and other cities during the year.

Between May 28 and June 1, the Metropolitan Police and the National Guard arrested more than 100 protestors, including minors, in the greater Caracas area for their involvement in peaceful demonstrations against the government-ordered closure of RCTV. Government security forces used water cannons, tear gas, and rubber bullets to disperse crowds, resulting in several injuries. Human rights organizations also reported that government security forces arbitrarily arrested bystanders, mostly students, at gas stations and parking lots for their alleged participation in the marches. By year's end all persons were released; however, an unconfirmed number of minors were required to come before a judge every 15 days.

In the weeks leading up to the constitutional referendum, state security forces and government supporters clashed repeatedly with opposition-oriented students opposed to President Chavez's reform project. An unknown number of students suffered injuries resulting from the apparently excessive use of force by state security officers.

On November 7, supporters of President Chavez opened fire on opposition demonstrators with pellet guns at the Central University of Venezuela, injuring at least two students.

Freedom of Association.—While the Constitution provides for freedom of association, the Government only partially respected this right. Although indicating that they generally operated without interference, professional and academic associations complained that the National Electoral Council (CNE) repeatedly interfered with their attempts to hold internal elections. During the year, the Venezuelan Workers' Confederation claimed that the CNE continued to hinder the efforts of its affiliate unions to hold elections.

c. Freedom of Religion.—The Constitution provides for freedom of religion, on the condition that its practice does not violate public morality, decency, or the public order, and the Government generally respected this right in practice.

The Directorate of Justice and Religion in the Ministry of Interior and Justice maintains a registry of religious groups, disburses funds to religious organizations, and promotes awareness and understanding among religious communities. Registration is required for legal status as a religious organization. Requirements for registration are largely administrative but stipulate that groups serve the community's social interests. There were no accounts of the Government refusing to register certain religious groups, although significant administrative delays were reported.

Foreign missionaries require a special visa to enter the country, and they noted increased difficulties, including refusals for first-time religious visas and, less frequently, renewals. The Government continued to prohibit foreign missionary groups from working in indigenous areas. The Government asked a visiting group of Seventh-day Adventist university students and professors to cease providing medical care to indigenous persons in Bolivar State after the Government determined the group did not have the proper visas and permits.

On October 9, the Supreme Court dismissed the New Tribes Mission appeal of the Ministry of Interior and Justice's 2005 decision to rescind the group's permission to conduct its special program among indigenous communities.

Societal Abuses and Discrimination.—President Chavez engaged in numerous rhetorical personal attacks on specific Catholic bishops. He specifically warned Catholic bishops to refrain from commenting on political issues.

There were more than 15,000 Jews in the country. The president, government institutions and officials, and government-affiliated media outlets promoted anti-Semitism through numerous anti-Semitic comments; these actions created a spillover effect into mainstream society, which witnessed a rise in anti-Semitic vandalism, caricatures, and expressions at rallies and in newspapers. Incidents of intimidation, vandalism, and physical attacks against Jewish institutions were frequent, with graffiti sprayed on walls of synagogues and other Jewish institutions. Progovernment media figures, including television personalities, accused Jews, especially rabbis, of supporting the opposition in the run-up to the December constitutional referendum and pressured Jews to denounce other Jews whom they accused of supporting the opposition.

On June 7, the Association of Jewish Communities in Venezuela (CAIV) complained to the country's broadcasting authorities and to the director of national radio about anti-Semitic remarks journalist Cristina Gonzalez made on air on May 28.

On December 2, police raided the country's main Jewish social club on the eve of the national referendum. Members of the police unit that investigates drug trafficking and terrorism broke into the club in the middle of the night, allegedly looking for weapons and explosives, but found none.

For a more detailed discussion, see the 2007 International Religious Freedom Report.

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons.—The Constitution provides for freedom of movement within the country, foreign travel, emigration, and repatriation, and the Government generally respected these rights in practice, although there were numerous reports that persons were denied passports and other official documents by government agencies for having signed the 2004 recall referendum. Extremely long waits for issuance of passports often had the effect of restricting freedom of foreign travel.

The law prohibits forced exile, and it was not used.

Protection of Refugees.—The law provides for the granting of asylum or refugee status in accordance with the 1951 U.N. Convention relating to the Status of Refugees and its 1967 protocol, and the Government has established a system for providing protection to refugees. In practice the Government provided protection against refoulement, the return of persons to a country where there is reason to believe they feared persecution.

The Office of the U.N. High Commissioner for Refugees (UNHCR) reported 8,801 applicants for refugee status in the country between January and July, 852 of whom were recognized as refugees by the Government.

The Government cooperated with the UNHCR and other humanitarian organizations in assisting refugees and asylum seekers.

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

The Constitution provides citizens the right to change their government peacefully, and citizens exercised this right through periodic elections held on the basis of universal suffrage.

Elections and Political Participation.—In December 2006 voters reelected Hugo Chavez as president in elections that observers judged to be generally free and fair, although the observation missions noted some irregularities.

The December 2 referendum was deemed largely free and fair, but leaders of the antireform bloc noted some irregularities, including voting delays due to technical problems with the digital voting machines, reports that the indelible ink used could be washed off, and extended polling hours in progovernment neighborhoods.

There were 29 women in the 167-seat assembly, five women in the 27-member Cabinet, and 10 women among the 32 justices on the Supreme Court.

The Constitution reserves three seats in the National Assembly for indigenous people, which were filled in the 2000 election and remained occupied during the year. There were no indigenous members in the Cabinet.

Government Corruption and Transparency.—The World Bank's worldwide governance indicators reflected that government corruption was a severe problem.

The law provides criminal penalties for criminal corruption; however, the Government did not implement the law effectively, and officials frequently engaged in corrupt practices with impunity.

There was a perception of widespread corruption at all levels of the Government. Journalists reported several cases of apparent corruption implicating high-level government officials, but none were investigated.

The law provides for citizens' access to government information. Human rights groups reported that the Government routinely ignored this requirement and did not make information available.

Section 4. Governmental Attitudes Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A wide variety of independent domestic and international human rights groups generally operated with some government restrictions, investigating and publishing their findings on human rights cases. Government officials were somewhat responsive to their views. Major domestic human rights NGOs that operated independently from the Government included the Committee for the Victims of the Events that Occurred Between February and March 1989 (COFAVIC), PROVEA, Network of Assistance, and the OVP.

Many NGOs reported threats, physical attacks, and harassment, especially in a climate of possible criminalization of receipt of foreign funding. Human rights organizations expressed concern that President Chavez's proposed constitutional amendment to regulate international support for organizations with "political goals" would be used to deny NGOs foreign funding opportunities and limit nongovernmental activities in the country.

According to a report by the Catholic Church's Office on Human Rights, seven incidents of threats against human rights defenders were reported between January and May.

On February 10, Jose Luis Urbano, the president of the local NGO Civil Association for the Right to Education, was shot in Anzoategui State a day after he gave a press conference where he criticized the state of the public education system.

COFAVIC's executive director continued to operate under threats of personal harm. On October 3, a local judge summoned COFAVIC's director to hear her testimony that the Government continued to suggest that the threats against her were fabricated to convince the courts to overrule an Inter-American Court of Human Rights ruling that she should be protected by a security detail; however, the trial was postponed and had not resumed by year's end.

OVP's director received numerous death threats during the year.

Leaders of the NGO SUMATE, Maria Corina Machado, Alejandro Plaz, Luis Enrique Palacios, and Ricardo Estevez, remained free pending trial at year's end. They had been ordered to stand trial in 2005 for conspiracy to destroy the country's republican form of government due to the group's acceptance of funds from a foreign source in 2003; in 2006 the trial was indefinitely postponed.

There were no developments in the National Assembly's separate investigation, begun in 2006, of the SUMATE leadership for treason, conspiring against the National Electoral Council, and inciting criminal activity.

In its annual report released March 3, the IACHR noted that its attempts to arrange a visit to the country in 2006 "were severely frustrated by the lack of response from the state to propose an exact date for the visit."

Although the ombudsman is responsible for ensuring that citizens' rights are protected in a conflict with the state, human rights NGOs claimed that the Ombudsman's Office was not independent and rarely acted on public interest cases.

On December 13, the National Assembly named a new human rights ombudsman and attorney general to a 7-year term. The current comptroller will serve a second term in office. Human rights organizations and some opposition political parties claimed the selection process lacked transparency and questioned the political independence of the appointees. NGOs argued they were barred from participating in the initial stages of the selection process.

The National Assembly's Sub-Commission on Human Rights played an insignificant role in the national debate on human rights.

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

Although the law prohibits discrimination based on race, gender, disability, language, or social status, discrimination against women, persons with disabilities, and indigenous people was a problem.

Women.—The law prohibits rape, including spousal rape, but it remained a problem. Rape is punishable with prison terms of 8 to 14 years, although cases often were not reported to the police. A man guilty of raping a woman may avoid punish-

ment if he marries the victim before sentencing. There were no reliable statistics on incidence of, or prosecution or convictions for, rape.

The law prohibits domestic violence, and violators faced penalties of 6 to 18 months in prison. The Organic Law on the Right of Women to a Life Free of Violence preserves the life and physical integrity of women facing violent circumstances or who may be vulnerable to violence. Violence against women continued to be a problem, and women faced substantial institutional and societal prejudice with respect to rape and domestic violence. The Supreme Court reported that two women in Caracas died every 10 days from domestic violence. The Organic Law on the Right of Women to a Life Free of Violence was enacted in March. The law criminalizes physical, sexual and psychological violence in the home, the community, and at work; trafficking; forced prostitution; sexual harassment; and slavery. It also establishes tribunals specializing in cases of gender-based violence.

According to the Pan American Health Organization, 70 percent of women killed in the country were killed by their husbands, boyfriends, or ex-partners. The law requires police to report domestic violence to judicial authorities and obligates hospital personnel to notify the authorities when they admit patients who are victims of domestic abuse. Police generally were reluctant to intervene to prevent domestic violence, and the courts rarely prosecuted those accused of such abuse. Women generally were unaware of legal remedies and had little access to them. The Government sought to combat domestic violence through a public awareness campaign and a national victim assistance hot line, which was created in 1999 and administered by the National Women's Institute, a government agency. It was widely advertised during the year and continued to enjoy much success. There were no reliable statistics on incidence of, or prosecution or convictions for, domestic violence.

Prostitution is legal. While there was no government information on the extent of prostitution, local antitrafficking NGO Association of Women for Welfare and Mutual Help noted that prostitution was a serious problem, particularly in Caracas and domestic tourist destinations.

Sexual harassment is illegal and punishable with a prison sentence of 6 to 18 months. Sexual harassment was common in the workplace but rarely reported. There were no reported cases of sexual harassment during the year.

Women and men are legally equal in marriage, and the law provides for gender equality in exercising the right to work. The law specifies that employers must not discriminate against women with regard to pay or working conditions. According to the Ministry of Labor and the Venezuelan Workers Confederation (CTV), these regulations were enforced in the formal sector, although women reportedly earned 30 percent less than men on average. The National Statistics Institute reported in October that the female unemployment rate was 7.6 percent, while the male unemployment rate was 7 percent. The National Institute for Women, a government agency, worked to protect women's rights.

From January to August, the Women's Development Bank (BANMUJER), administered by the Ministry of Popular Economy, awarded 5,122 loans, totaling approximately $16 million (34 million bolivars), which benefited more than 147,000 individuals. BANMUJER also held professional training courses on the creation of microbusinesses for approximately 214,400 individuals, of which 92 percent of the beneficiaries were women.

The law provides women with property rights equal to men's. In practice, however, women frequently waived these rights by signing over the equivalent of power of attorney to their husbands.

Children.—The Government was committed to children's rights and welfare. The law provides for universal, compulsory, and free education up to the university-preparatory level. The U.N. Children's Fund (UNICEF) reported that from 2000 to 2006 the primary school attendance rate for girls was 92 percent. In 2004 UNICEF estimated 45 percent of boys and 35 percent of girls left school before the ninth grade. UNICEF reported that enrollment rates for boys and girls were the same. Many children of African and indigenous descent had no access to the education system.

The Government provided numerous government health care programs for boys and girls on the basis of equal access.

Reports of child abuse were rare due to a fear of entanglement with the authorities and ingrained societal attitudes regarding family privacy. According to UNICEF and NGOs working with children and women, child abuse, including incest, often occurred at home. Although the judicial system acted to remove children from abusive households, public facilities for such children were inadequate and had poorly trained staff.

The human rights NGO For the Rights of Children and Adolescents estimated that approximately 15,000 children lived on the street. Authorities in Caracas and

several other jurisdictions imposed curfews on unsupervised minors to cope with this problem. Because reform institutions were filled to capacity, hundreds of children accused of infractions, such as curfew violations, were confined in inadequate juvenile detention centers.

The government's social service mission known as "Mision Negra Hipolita" provided assistance to street children and the homeless. According to the Community Center for Apprenticeship, in the 12 months prior to August, the mission had provided assistance to more than 2,790 street children.

Trafficking in Persons.—Although the Constitution prohibits slavery or servitude and the law prohibits transnational trafficking in persons, there were reports that persons were trafficked to, from, and within the country. The Organized Crime Law provides for sentences of 10 to 15 years if the victim of trafficking or smuggling for labor or sexual exploitation is an adult, or 10 to 18 years if the victim is a child or adolescent.

The country was reported to be a source, destination, and transit country for men, women, and children trafficked for the purposes of commercial sexual exploitation and forced labor. An underdeveloped legal framework, reported corruption among immigration authorities, and the ease with which fraudulent passports, identity cards, and birth certificates could be obtained created favorable conditions for trafficking. No overall statistics on trafficking were available from government or NGO sources.

Women and children from Brazil, Colombia, Peru, Ecuador, the Dominican Republic, and the People's Republic of China were trafficked to and through the country and subjected to commercial sexual exploitation or forced labor. Citizens were trafficked internally and to western Europe, particularly Spain and the Netherlands, and to countries in the region such as Mexico, Aruba, and the Dominican Republic for commercial sexual exploitation. The country was a transit country for undocumented migrants from other countries in the region—particularly Peru and Colombia—and for Asian nationals, some of whom were believed to be trafficking victims. Subgroups particularly at risk included women and children from poor areas.

Trafficking may be prosecuted under criminal laws against forced disappearance and kidnapping, with penalties of 2 to 6 years' imprisonment, and under a law to protect children, with fines of 1 to 10 months' income for trafficking in children and 2 to 6 years' imprisonment for trafficking a child abroad. In addition, under a law against organized crime, child trafficking by members of an organized group is punishable by 10 to 18 years' imprisonment.

Government efforts to combat trafficking are the responsibility of the public prosecutor's Family Protection Directorate, the National Institutes for Women and Minors, and the Ministry of Interior and Justice's Crime Prevention Unit. Enforcement efforts generally were limited.

The Government provided trafficking victims with psychological and physical examinations, but shelter services dedicated to helping trafficking victims remained lacking. Several NGOs complained that they lacked government support and cooperation to assist victims, although the Government operated a hot line and conducted information campaigns to prevent future trafficking cases.

Persons with Disabilities.—The Constitution prohibits discrimination against persons with physical and mental disabilities in education, employment, health care, and the provision of other state services. Persons with disabilities had minimal access to public transportation, and ramps practically were nonexistent, even in government buildings. The law requires that all newly constructed or renovated public parks and buildings provide access and prohibits discrimination in employment practices and in the provision of public services; however, the Government had not made a significant effort to implement the law, inform the public of it, or combat societal prejudice against persons with disabilities.

Indigenous People.—Although the law prohibits discrimination based on ethnic origin, members of the country's indigenous population suffered from inattention to and violation of their rights. There were approximately 300,000 indigenous people in 27 ethnic groups, many of whom were isolated from urban areas and lacked access to basic health and educational facilities. Their communities suffered from high rates of disease. The Government included indigenous people in its literacy campaigns, in some cases teaching them to read and write in their own languages, as well as in Spanish.

The law creates three seats in the National Assembly for indigenous deputies and also provides for "the protection of indigenous communities and their progressive incorporation into the life of the nation." Nonetheless, local political authorities seldom took account of the interests of indigenous people when making decisions affecting their lands, cultures, traditions, or the allocation of natural resources. Few

indigenous people held title to their land, and many did not want to do so because most indigenous groups rejected the concept of individual property. Instead, they called on the Government to recognize lands traditionally inhabited by them as territories belonging to each respective indigenous group.

Other Societal Abuses and Discrimination.—According to the NGO Citizen Action Against AIDS, persons diagnosed with HIV/AIDS were frequently discriminated against at the workplace and were often refused access to government health services.

Section 6. Worker Rights

a. The Right of Association.—While the law provides that all private and public sector workers (except members of the armed forces) have the right to form and join unions of their choice, the Government continued to violate these rights. Approximately 10 to 12 percent of the 12 million-person labor force was unionized. As of August, only 53,800 persons were covered under collective bargaining agreements, a sharp decline from previous years.

The president publicly attacked union autonomy during the year and exhorted union workers to form and join a workers' front within his "revolutionary" party, the United Socialist Party of Venezuela (PSUV). Chavez also harshly criticized progovernment union leaders in televised speeches on April 30 and May 1, accusing them of using union autonomy as an excuse to forgo participation in the PSUV.

The CNE has the authority to administer internal elections of labor confederations. Labor unions complained of long delays in obtaining CNE certification of their elections. In January an International Labor Organization (ILO) delegation to the country found that the ILO Committee of Experts' request that the Basic Labor Act be amended to permit reelection of trade union leaders had not been honored.

According to union leaders, the Government organized groups of parallel construction unions to attack and intimidate construction workers affiliated with the CTV to gain control of lucrative construction projects. According to union leaders in the sector, 19 reported deaths were associated with union clashes from January to mid-October.

Following the Government's majority takeover of the strategic associations in the oil-rich Orinoco Belt on May 1, there were reports that the state oil company Petroleum of Venezuela (PDVSA) singled out "politically suspect" employees and requested that they move to new joint ventures or face blacklisting.

The Ministry of Labor continued to deny registration to UNAPETROL, a union composed of oil workers who were later fired for participating in the 2002–03 national strike.

b. The Right to Organize and Bargain Collectively.—The law provides that all public and private sector workers have the right to conduct their activities without interference and protects collective bargaining. The law stipulates that employers must negotiate a collective contract with the union that represents the majority of their workers. The ILO has objected to this provision and requested that the Government amend it so that "in cases where no union organization represents an absolute majority of workers, minority organizations may jointly negotiate a collective agreement on behalf of their members."

In a televised speech on April 30, President Chavez stated that he had no intention of returning to a tripartite bargaining system with the Federation of Chambers of Commerce or other union confederation; he claimed the Government fully protected the interests of workers.

Although the law recognizes the right of all public and private sector workers to strike in accordance with conditions established by labor law, public servants may strike only if the strike does not cause "irreparable damage to the population or to institutions." Replacement workers are not permitted during legal strikes, and the president may order public or private sector strikers back to work and submit their disputes to arbitration if the strike "puts in immediate danger the lives or security of all or part of the population."

The Government had not resolved any additional cases involving 19,000 PDVSA employees who were fired during and after the 2002–03 national strike, beyond those resolved in 2006. The Government continued to deny the former workers severance and pension benefits as well as access to company housing, schools, and medical clinics.

Former CTV president Carlos Ortega reportedly was granted asylum in Peru. He had escaped from prison in August 2006, after being convicted in 2005 for his role in the 2002–03 national strike.

Labor law and practice are the same in the sole export processing zone of Punto Fijo, Falcon State, as in the rest of the country.

c. Prohibition of Forced or Compulsory Labor.—While the law prohibits forced or compulsory labor, including by children, there were reports of trafficking in children for employment purposes, particularly in the informal economic sector.

d. Prohibition of Child Labor and Minimum Age for Employment.—The law protects children from exploitation in the workplace. The Ministry of Labor and the National Institute for Minors enforced child labor policies effectively in the formal sector of the economy but less so in the informal sector. The Community Center of Apprenticeship, a domestic NGO promoting the rights of children, estimated that there were approximately 1 million minors working and that a large percentage of them did not receive the benefits due to them under the law; however, a 2006 study by Understanding Children's Work, a child labor research program sponsored by the ILO, UNICEF, and the World Bank, found that approximately 130,000 children ages 10 to 14 were working in the country.

The law permits children ages 12 to 14 to work only if the National Institute for Minors or the Ministry of Labor grants special permission; children ages 14 to 16 may not work without the permission of their legal guardians. Those under 16 years of age may by law work no more than 6 hours per day or 30 hours per week. Minors under the age of 18 may work only between 6 a.m. and 7 p.m. Minors may not work in mines or smelting factories, in occupations that risk life or health or could damage intellectual or moral development, or in public spectacles. Fines are established for employing children ages 8 to 11, and for employing a 12- or 13-year-old without a work authorization. Employing a child younger than 8 years of age is punishable by 1 to 3 years' imprisonment.

The law prohibits inducing the prostitution and corruption of minors. Penalties range from 3 to 18 months in prison and up to 4 years in prison if the minor is younger than 12 years old. If the crime is committed repeatedly or for profit, it is punishable by 3 to 6 years' imprisonment. Prison sentences for inducing a minor into prostitution are increased by up to 5 years if various aggravating circumstances occur. Penalties for several crimes relating to child prostitution do not apply if the perpetrator marries the victim. The production and sale of child pornography is prohibited, and the law establishes penalties of 16 to 20 years' imprisonment for this crime. The law establishes sentences of 1 to 3 years' incarceration for forced child labor. There were no substantiated reports that these penalties were enforced.

The Ministry of Education, Culture, and Sports ran educational programs to reincorporate school dropouts and adults into the educational system; however, there was no independent accounting of the effectiveness of the programs.

e. Acceptable Conditions of Work.—On April 30, President Chavez announced a 20 percent increase in the monthly minimum wage to $286 (614,790 bolivars). The national minimum wage did not provide a decent standard of living for a worker and family. The Ministry of Labor enforced minimum wage rates effectively in the formal sector, but approximately 50 percent of the population worked in the informal sector, where labor laws and protections generally were not enforced.

The law stipulates that the workweek may not exceed 44 hours. Managers are prohibited from obligating employees to work additional time, and workers have the right to weekly time away from work. Overtime may not exceed 2 hours daily, 10 hours weekly, or 100 hours annually and may not be paid at a rate less than time-and-one-half. The ministry effectively enforced these standards in the formal sector.

While the Constitution provides for secure, hygienic, and adequate working conditions, authorities did not implement the Health and Safety Law. The law states that employers are obligated to pay specified amounts (up to a maximum of 25 times the minimum monthly salary) to workers for accidents or occupational illnesses, regardless of who is responsible for the injury. Workplaces must maintain "sufficient protection for health and life against sickness and accidents," and penalties range from one-quarter to twice the minimum monthly salary for first infractions. In practice ministry inspectors seldom closed unsafe job sites. Under the law workers may remove themselves from dangerous workplace situations without jeopardy to continued employment.

APPENDIXES

APPENDIX A.—NOTES ON PREPARATION OF THE COUNTRY REPORTS AND EXPLANATORY NOTES

The annual Country Reports on Human Rights Practices are based on information available from a wide variety of sources, including U.S. and foreign government officials, victims of human rights abuse, academic and congressional studies, and reports from the press, international organizations, and nongovernmental organizations (NGOs) concerned with human rights. We find particularly helpful, and make reference in the reports to, the role of NGOs, ranging from groups within a single country to those that concern themselves with human rights worldwide. While much of the information that we use is already public, information on particular abuses frequently cannot be attributed, for obvious reasons, to specific sources.

By law, the Secretary of State must submit the Country Reports to Congress by February 25. The Country Reports cover respect for human rights in foreign countries and territories worldwide; they do not purport to assess any human rights implications of actions by the United States Government or its representatives, nor do they consider human rights implications of actions by the United States Government or of coalition forces in Iraq or Afghanistan. To comply with the congressional requirement for the reporting of human rights practices, we provide guidance to U.S. diplomatic missions in July for submission of draft reports in September and October, which we update at year's end as necessary. Other offices in the Department of State provide contributions, and the Bureau of Democracy, Human Rights and Labor prepares a final draft. Due to the submission deadline, the report may not reflect developments that became known only after the end of the year. We make every effort to include references to major events or significant changes in trends.

We have attempted to make the reports as comprehensive, objective and uniform as possible in both scope and quality of coverage. We have paid particular attention to attaining a high standard of consistency in the reports despite the multiplicity of sources and the problems associated with varying degrees of access to information, structural differences in political, legal, and social systems, and differing trends in world opinion regarding human rights practices in specific countries.

Evaluating the credibility of reports of human rights abuses is often difficult. Most governments and opposition groups deny that they commit human rights abuses and sometimes go to great lengths to conceal any evidence of such acts. There are often few eyewitnesses to specific abuses, and they frequently are intimidated or otherwise prevented from reporting what they know. On the other hand, individuals and groups opposed to a government sometimes have powerful incentives to exaggerate or fabricate abuses, and some governments similarly distort or exaggerate abuses attributed to opposition groups. We have made every effort to identify those groups (for example, government forces or terrorists) or individuals who are believed, based on all the evidence available, to have committed human rights or other abuses. Many governments that profess to oppose human rights abuses in fact secretly order or tacitly condone them or simply lack the will or the ability to control those responsible for them. Consequently, in judging a government's policy, the reports look beyond statements of policy or intent and examine what a government has done to prevent human rights abuses, including the extent to which it investigates, brings to trial, and appropriately punishes those who commit such abuses.

To increase uniformity, each country report begins with a brief overview that includes a description of the country's political structure and the extent to which civilian authorities control security agencies. The overview summarizes human rights developments during the calendar year, identifying abuses and notable specific improvements.

We have continued the effort from previous years to cover human rights problems affecting women, children, persons with disabilities, and indigenous people in the

reports. The appropriate section of each country report discusses any abuses that are targeted specifically against women (for example, rape or other violence perpetrated by governmental or organized opposition forces, or discriminatory laws or regulations). In Section 5, we discuss socioeconomic discrimination; discrimination against persons with HIV/AIDS; societal violence against women, children, homosexuals, persons with disabilities, or ethnic minorities; and the efforts, if any, of governments to combat these problems.

The following notes on specific sections in each country report are not meant to be comprehensive descriptions but rather to provide an overview of the key problems covered and their organization:

Arbitrary or Unlawful Deprivation of Life.—Includes killings by governments without due process of law or where there is evidence of a political motive. Also covers extrajudicial killings (for example, the unlawful and deliberate killing of individuals carried out by order of a government or with its complicity), as well as killings by police or security forces and actions that resulted in the unintended death of persons without due process of law (for example, mistargeted bombing or shelling or killing of bystanders). The section generally excludes combat deaths and killings by common criminals if the likelihood of political motivation can be ruled out. Deaths in detention due to adverse conditions are covered in detail in the section on "Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment."

Disappearance.—Covers cases in which political motivation appears likely and in which the victims have not been found or perpetrators have not been identified. Cases eventually classified as political killings in which the bodies of missing persons are discovered also are covered in the previous section, while those eventually identified as having been arrested or held in detention may be covered under "Arbitrary Arrest or Detention."

Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—Covers torture (an act of intentionally inflicting severe pain, whether physical or mental) and cruel, inhuman, or degrading treatment or punishment committed by or at the instigation of government forces, including paramilitary forces, or opposition groups. The section discusses actual occurrences, not whether they fit any precise definition, and includes use of physical and other force that may fall short of torture but which is cruel, inhuman, or degrading, including judicially sanctioned violent or abusive punishment. There also may be discussion of poor treatment that may not constitute torture or cruel, inhuman, or degrading treatment. The section also covers prison conditions and deaths in prison due to adverse conditions.

Arbitrary Arrest or Detention.—Includes cases in which detainees, including political detainees, are held arbitrarily in official custody without being charged or, if charged, are denied a public preliminary judicial hearing within a reasonable period. The section also includes subsections on the role of the police and security apparatus, arrest and detention practices, and any amnesties that may have occurred during the year.

Denial of Fair Public Trial.—Describes the court system and evaluates whether there is an independent judiciary and whether trials are both fair and public (failure to hold any trial is noted in the section above). The subsection "Political Prisoners and Detainees" covers persons convicted, imprisoned or detained essentially for political beliefs or nonviolent acts of dissent or expression, regardless of the actual legal charge. The subsection "Civil Judicial Procedures and Remedies" inquires whether there is access to an independent and impartial court to seek damages for or cessation of an alleged human rights violation. The optional subsection "Property Restitution" is included if there is a systemic failure of a government to enforce court orders with respect to restitution or compensation for the taking of private property under domestic law.

Arbitrary Interference with Privacy, Family, Home, or Correspondence.—Includes government punishment of family members for alleged violations by individuals and efforts to coerce or forbid membership in a political organization. Discusses the "passive" right of the individual to noninterference by the state. It includes the right to receive foreign publications, for example, while the right to publish is discussed under "Freedom of Speech and Press." Includes the right to be free from coercive population control measures, including coerced abortion and involuntary sterilization, but does not include cultural or traditional practices, such as female genital mutilation.

Use of Excessive Force and Other Abuses in Internal Conflicts.—This optional section describes abuses in countries experiencing significant internal armed conflict. Includes indiscriminate, nonselective killings arising from excessive use of force, or by the shelling of villages (deliberate, targeted killing is discussed in the section on "Arbitrary or Unlawful Deprivation of Life"). Also includes abuses against civilian noncombatants. For countries where use of this section would be inappropriate be-

cause there is no significant internal or external conflict, killings by security forces are discussed in the section on "Arbitrary or Unlawful Deprivation of Life"; nonlethal abuses are discussed in the section on "Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment."

Freedom of Speech and Press.—Evaluates whether these freedoms exist and describes any direct or indirect restrictions. A subsection ("Internet Freedom") includes discussion of monitoring or restriction on the peaceful expression of opinion via the Internet. Another subsection, entitled "Academic Freedom and Cultural Events," asks for information on restrictions, intimidation and censorship in these fields.

Freedom of Peaceful Assembly and Association.—Evaluates the ability of individuals and groups (including political parties) to exercise these freedoms. It considers instances of government failure to provide permits and licenses for meetings, demonstrations, as well as information on the ability of trade associations, professional bodies, NGOS and similar groups to maintain relations or affiliate with recognized international bodies in their fields. The right of workers to associate, organize, and bargain collectively is discussed under the section on "Worker Rights" (see Appendix B).

Freedom of Religion.—Discusses whether the law provides for the right of citizens of any religious belief to worship free of government interference and whether the government generally respected that right. The section covers the freedom to publish religious documents in foreign languages; addresses the treatment of foreign clergy and whether religious belief or lack thereof affects membership in a ruling party, a career in government, or ability to obtain services and privileges available to other citizens. The subsection "Societal Abuses and Discrimination" reports societal violence, harassment and discrimination against members of religious groups. Examples of anti-Semitism, if applicable, are included in this subsection. The annual International Religious Freedom Report supplements the information in this section.

Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons.—The section discusses whether and under what circumstances governments exiled citizens, restricted foreign travel, especially for women, and revoked passports. It includes subsections "Internally Displaced Persons (IDPs)" (if applicable), "Protection of Refugees," and "Stateless Persons" (if applicable.) As defined in the 1951 Convention Relating to the Status of Refugees and its 1967 Protocol, refugees are persons outside their country of origin or, if stateless, outside their country of habitual residence who have a well-founded fear of persecution for reasons of race, religion, nationality, membership in a particular social group, or political opinion, and who are unable or unwilling to avail themselves of the protection of that country. Under certain regional instruments, such as the Organization of African Unity Convention governing the specific aspects of refugee problems in Africa, the term refugee may refer to persons displaced by civil strife, widespread violence or natural disaster. The subsection "Protection of Refugees" reviews the government's extension of assistance and protection to refugees, including the provision of temporary protection, longer term integration opportunities and third country resettlement. It also covers abuse or discrimination against refugees. A new subsection on stateless persons examines whether a country has habitual residents who are legally stateless (not recognized as nationals under the laws of any state) or de facto stateless (not recognized as nationals by any state even if these individuals have a claim to nationality under the laws of a particular state). The report reviews whether the government has effectively implemented laws and policies to provide such persons the opportunity to gain nationality on a nondiscriminatory basis. The subsection also examines, among other matters, whether there is violence or discrimination against stateless persons in employment, education, housing, health services, marriage or birth registration, access to courts or the owning of property.

Respect for Political Rights: The Right of Citizens to Change Their Government.—Discusses the extent to which citizens have freedom of political choice and the legal right and ability in practice to change the laws and officials that govern them. The subsection "Elections and Political Participation" assesses whether elections were free and fair, including participation by women and minorities on an equal basis. The subsection "Government Corruption and Transparency" covers allegations of corruption in the executive or legislative branches of government and actions taken to combat it. Also, the subsection covers whether the public has access in law and practice to government information.

Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights.—Discusses whether the government permits the free functioning of local human rights groups (including the right to investigate and publish their findings on alleged human rights abuses), whether these groups are subject to reprisal by government or other forces, and whether govern-

ment officials are cooperative and responsive to their views. The section also discusses whether the government grants access to and cooperates with outside entities (including foreign human rights organizations, international organizations, and foreign governments) interested in human rights developments in the country. Reports on national human rights commissions, parliamentary commissions, relations with international war crimes tribunals and truth or similar commissions.

Discrimination, Societal Abuses, and Trafficking in Persons.—Contains subheadings on Women, Children, Trafficking in Persons, and Persons with Disabilities. If applicable, also includes subheadings on National/Racial/Ethnic Minorities, Indigenous People, Other Societal Abuses and Discrimination, and Incitement to Acts of Discrimination. The section addresses discrimination and abuses not discussed elsewhere in the report, focusing on laws, regulations, or state practices that are inconsistent with equal access to housing, employment, education, health care, or other governmental benefits for members of specific groups. (Abuses by government or opposition forces, such as killing, torture and other violence, or restriction of voting rights or free speech targeted against specific groups would be discussed under the appropriate preceding sections.) The subsection "Women" discusses societal violence against women, e.g., "dowry deaths," "honor killings," wife beating, rape, female genital mutilation, and government tolerance of such practices, as well as the extent to which the law provides for, and the government enforces, equality of economic opportunity for women. The subsection "Children" discusses violence or other abuse against children. Coverage of the practice of child marriage has been expanded in this year's report. The subsection "Persons with Disabilities" covers discrimination against persons with physical and mental disabilities in, among other things, employment, education, and the provision of other government services.

The trafficking in persons subsection covers all acts involving the recruitment, harboring, transportation, provision, or obtaining of a person (man, woman, or child) for labor or services, through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery. Sex trafficking is the recruitment, harboring, transportation, provision, or obtaining of a person for the purpose of a commercial sex act induced by force, fraud, or coercion, or in which the person induced to perform such an act has not attained 18 years of age. Reporting describes any legal prohibitions against trafficking; the extent to which the government enforces these prohibitions; the extent and nature of trafficking in persons to, from, or within the country, other geographic regions or countries affected by the traffic; the participation, facilitation, involvement or complicity of any government agents in trafficking; and aid or protection available to victims.

Worker Rights—See Appendix B.

Explanatory Notes

Occasionally the Country Reports on Human Rights Practices state that a country "generally respected" the rights of its citizens. The phrase "generally respected" is used because the protection and promotion of human rights is a dynamic endeavor; it cannot accurately be stated that any government fully respected these rights all the time without qualification in even the best of circumstances. Accordingly, "generally respected" is the standard phrase used to describe all countries that attempt to protect human rights in the fullest sense, and is thus the highest level of respect for human rights assigned by this report.

In some instances, this year's Country Reports use the word "Islamist," which should be interpreted by readers as a Muslim who supports Islamic values and beliefs as the basis for political and social life.

Since the Secretary of State designates foreign groups or organizations as foreign terrorist organizations (FTOs) on the FTO list, only those groups on the FTO list dated October 11, 2005 will be described as "terrorists" in the reports.

When describing whether a government provides "protection against refoulement," the reports are referring to whether the government refrained from expelling or returning a refugee in any manner whatsoever to the frontiers of territories where his or her life or freedom would be threatened on account of race, religion, nationality, political opinion, or membership in a particular social group.

Subject headings in these reports are used to introduce general topics, and the report text that follows such headings is intended to describe facts generally relevant to those topics and is not intended to reach conclusions of a legal character.

APPENDIX B.—Reporting on Worker Rights

The 1984 Generalized System of Preferences (GSP) Renewal Act requires reporting on worker rights in GSP beneficiary countries. It states that internationally recognized worker rights include: "(A) the right of association; (B) the right to organize

and bargain collectively; (C) a prohibition on the use of any form of forced or compulsory labor; (D) a minimum age for the employment of children; and (E) acceptable conditions of work with respect to minimum wages, hours of work, and occupational safety and health." All five aspects of worker rights are discussed in each country report under the section heading "Worker Rights." The discussion of worker rights considers not only laws and regulations but also their practical implementation.

This discussion is informed by internationally recognized labor standards, including the Conventions and Recommendations of the International Labor Organization (ILO). Differences in the levels of economic development are taken into account in the formulation of the standards related to working conditions, but not to the basic human rights standards, such as freedom of association, the right to organize and bargain collectively, the prohibition of forced labor and child labor, and the absence of discrimination in employment. Some specific guidelines derived from international standards are discussed below.

A. "The right of association" has been defined by the ILO to include the right of workers and employers to establish and join organizations of their own choosing without previous authorization; to draw up their own constitutions and rules, elect their representatives, and formulate their programs; to join in confederations and affiliate with international organizations; and to be protected against dissolution or suspension by administrative authority.

The right of association includes the right of workers to strike. While it is generally accepted for strikes to be restricted in the public sector and in essential services, the interruption of which would endanger the life, personal safety, or health of a significant portion of the population, these restrictions must be offset by adequate safeguards for the interests of the workers concerned (for example, mechanisms for mediation and arbitration, due process, and the right to judicial review of legal actions). Reporting on restrictions on the ability of workers to strike generally includes information on any procedures that may exist for safeguarding workers' interests.

B. "The right to organize and bargain collectively" includes the right of workers to be represented in negotiating the prevention and settlement of disputes with employers, the right to protection against interference, and the right to protection against acts of antiunion discrimination. Governments should promote mechanisms for voluntary negotiations between employers and workers and their organizations. Coverage of the right to organize and bargain collectively includes a review of the extent to which collective bargaining takes place and the extent to which workers, both in law and practice, are protected against antiunion discrimination.

C. "Forced or compulsory labor" is defined as work or service exacted under the menace of penalty and for which a person has not volunteered. "Work or service" does not apply where obligations are imposed to undergo education or training. "Menace of penalty" includes loss of rights or privileges as well as penal sanctions. The ILO has exempted the following from its definition of forced labor: compulsory military service, normal civic obligations, certain forms of prison labor, emergencies, and minor communal services. Constitutional provisions concerning the obligation of citizens to work do not violate this right so long as they do not take the form of legal obligations enforced by sanctions and are consistent with the principle of "freely chosen employment."

D. "Prohibition of child labor and minimum age for employment" concerns the effective abolition of child labor by raising the minimum age for employment to a level consistent with the fullest physical and mental development of young people. ILO Convention 182 on the "worst forms of child labor" identifies anyone under the age of 18 as a child and specifies certain types of employment as "the worst forms of child labor." These worst forms of labor include slavery, debt bondage, forced labor, forced recruitment into armed conflict, child prostitution and pornography, involvement in illicit activity such as drug production or trafficking, and "work which, by its nature, or the circumstances in which it is carried out, is likely to harm the health, safety or morals or children." In limited circumstances, ILO Convention 182 permits the employment of children between the ages of 16 and 18 in what the convention describes as an "unhealthy environment," if adequate protective measures have been taken.

E. "Acceptable conditions of work" refers to the establishment and maintenance of mechanisms, adapted to national conditions, that provide for minimum working standards, that is: wages that provide a decent living for workers and their families; working hours that do not exceed 48 hours per week, with a full 24-hour day of rest; a specified number of annual paid leave days; and minimum conditions for the protection of the safety and health of workers.

APPENDIX C.—SELECTED INTERNATIONAL HUMAN RIGHTS CONVENTIONS

Country Reports on Human Rights Practices - 2007
Released by the Bureau of Democracy, Human Rights, and Labor

Legend

P = Party
S = Signatory
1 = Based on general declaration concerning treaty obligations prior to independence
2 = Party to 1926 Convention only
*** = non-ILO member**
**** = Changes in status since the 2006 report.**

For a horizontal layout, please see the HTML version.

COUNTRY	1 Slavery	2 ILO Convention 29	3 ILO Convention 87	4 Genocide	5 ILO Convention 98	6 Prisoners of War	7 Civilians in War	8 Traffic in Persons	9 European HR Convention	10 Political Rights of Women	11 Supplementary Slavery Conv.	12 ILO Convention 105	13 Racial Discrimination	14 Civil and Political Rights	15 Econ/Soc/Cultural Rights	16 UN Refugee Convention	17 UN Refugee Protocol	18 American HR Convention	19 ILO Convention 138	20 Geneva Protocol I	21 Geneva Protocol II	22 CEDAW	23 Torture	24 Rights of the Child	25 ILO Convention 182
Afghanistan	P			P		P	P	P		P	P	P	P	P	P	P	P					S	P	P	
* Albania	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		P	P	P	P	P	P	P
Algeria	P	P	P	P	P	P	P	P		P	P	P	P	P	P	P	P		P	P	P	P	P	P	P
Andorra				P		P	P		P				P	P								P	P	P	
Angola		P	P		P	P	P			P		P		P	P	P	P		P	P		P		P	P
Antigua & Barbuda	P	P	P	P	P	P	P			1	P	P	P			P	P		P	P	P	P	P	P	P
Argentina		P	P	P	P	P	P	P		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Armenia		P	P	P	P	P	P		P			P	P	P	P	P	P		P	P	P	P	P	P	P
Australia	P	P	P	P	P	P	P			P	P	P	P	P	P	P	P			P	P	P	P	P	P
Austria	P	P	P	P	P	P	P		P	P	P	P	P	P	P	P	P		P	P	P	P	P	P	P
Azerbaijan	P	P	P	P	P	P	P	P	P		P	P	P	P	P	P	P		P			P	P	P	P
Bahamas	P	P	P	P	P	P	P			P	P	P	P			P	P		P	P	P	P		P	P
Bahrain	P	P		P		P	P				P	P	P	P	** P					P	P	P	P	P	P
Bangladesh	P	P	P	P	P	P	P	P		P	P	P	P	P	P					P	P	P	P	P	P
Barbados	P	P	P	P	P	P	P			P	P	P	P	P	P			P	P	P	P	P		P	P
Belarus	P	P	P	P	P	P	P	P		P	P	P	P	P	P	P	P		P	P	P	P	P	P	P
Belgium	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		P	P	P	P	P	P	P
Belize	1	P	P	P	P	P	P				1	P	P	P	S	P	P		P	P	P	P	P	P	P
Benin	2	P	P		P	P	P					P	P	P	P	P	P		P	P	P	P	P	P	P
* Bhutan						P	P						S									P		P	
Bolivia	P	P	P	P	P	P	P	P		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Bosnia & Herzegovina	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		P	P	P	P	P	P	P
Botswana	1	P	P		P	P	P				1	P	P	P		P	P		P	P	P	P	P	P	P
Brazil	P	P		P	P	P	P	P		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P

APPENDIX C.—SELECTED INTERNATIONAL HUMAN RIGHTS CONVENTIONS—CONTINUED

COUNTRY	1 Slavery	2 ILO Convention 29	3 ILO Convention 87	4 Genocide	5 ILO Convention 98	6 Prisoners of War	7 Civilians in War	8 Traffic in Persons	9 European HR Convention	10 Political Rights of Women	11 Supplementary Slavery Conv.	12 ILO Convention 105	13 Racial Discrimination	14 Civil and Political Rights	15 Econ/Soc/Cultural Rights	16 UN Refugee Convention	17 UN Refugee Protocol	18 American HR Convention	19 ILO Convention 138	20 Geneva Protocol I	21 Geneva Protocol II	22 CEDAW	23 Torture	24 Rights of the Child	25 ILO Convention 182
* Brunei	1					P	P				1									P	P	P		P	
Bulgaria	2	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		P	P	P	P	P	P	P
Burkina Faso		P	P	P	P	P	P	P				P	P	P	P	P	P		P	P	P	P	P	P	P
Burma	P	P	P	P		P	P	S		S												P		P	
Burundi		P	P	P	P	P	P			P		P	P	P	P	P	P		P	P	P	P	P	P	P
Cambodia		P	P	P	P	P	P	S		S	P	P	P	P	P	P	P		P	P	P	P	P	P	P
Cameroon	P	P	P		P	P	P	P			P	P	P	P	P	P	P		P	P	P	P	P	P	P
Canada	P		P	P		P	P			P	P	P	P	P	P	P	P			P	P	P	P	P	P
Cape Verde		P	P		P	P	P					P	P	P	P		P			P	P	P	P	P	P
Central African Republic	2	P	P		P	P	P	P		P	P	P	P	P	P	P	P		P	P	P	P		P	P
Chad		P	P		P	P	P					P	P	P	P	P	P		P	P	P	P	P	P	P
Chile	P	P	P	P	P	P	P			P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
China	2			P		P	P			P			P	S	P	P	P		P	P	P	P	P	P	P
China Hong Kong	P			P						P			P									P	P	P	
China Macau from 12-20-99				P									P										P		
China Macau to 12-19-99				P				P			P		P	P	P	P	P					P	P	P	
* China Taiwan only	P			P						P	P		P	S	S										
Colombia	S	P	P	P	P	P	P			P		P	P	P	P	P	P	P	P	P	P	P	P	P	P
Comoros		P	P	P	P	P	P					P	P						P	P	P	P	S	P	P
Congo, Democratic Republic		P	P	P	P	P	P			P	P	P	P	P	P	P	P		P	P	P	P	P	P	P
Congo, Republic	2	P	P		P	P	P	P		P	P	P	P	P	P	P	P		P	P	P	P		P	P
Cook Islands						P	P													P	P	P			
Costa Rica		P	P	P	P	P	P			P		P	P	P	P	P	P	P	P	P	P	P	P	P	P
Cote D'Ivoire	2	P	P	P	P	P	P	P		P	P	P	P	P	P	P	P		P	P	P	P	P	P	P
Croatia	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		P	P	P	P	P	P	P
Cuba	P	P	P	P	P	P	P	P		P	P	P	P						P	P	P	P	P	P	
Cyprus	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		P	P	P	P	P	P	P
Czech Republic	2	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		P	P	P	P	P	P	P
Denmark	P	P	P	P	P	P	P	S	P	P	P	P	P	P	P	P	P		P	P	P	P	P	P	P
Djibouti		P	P		P	P	P	P			P	P	S	P	P	P	P		P	P	P	P	P	P	P
Dominica	P	P	P		P	P	P			1	P	P		P	P	P	P	P	P	P	P	P		P	P

APPENDIX C.—SELECTED INTERNATIONAL HUMAN RIGHTS CONVENTIONS—CONTINUED

COUNTRY	1 Slavery	2 ILO Convention 29	3 ILO Convention 87	4 Genocide	5 ILO Convention 98	6 Prisoners of War	7 Civilians in War	8 Traffic in Persons	9 European HR Convention	10 Political Rights of Women	11 Supplementary Slavery Conv.	12 ILO Convention 105	13 Racial Discrimination	14 Civil and Political Rights	15 Econ/Soc/Cultural Rights	16 UN Refugee Convention	17 UN Refugee Protocol	18 American HR Convention	19 ILO Convention 138	20 Geneva Protocol I	21 Geneva Protocol II	22 CEDAW	23 Torture	24 Rights of the Child	25 ILO Convention 182
Dominican Republic	S	P	P	S	P	P	P			P	P	P	P	P	P	P	P	P	P	P	P	P	S	P	P
East Timor							P													P	P				
Ecuador	P	P	P	P	P	P	P	P		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Egypt	P	P	P	P	P	P	P	P		P	P	P	P	P	P	P	P		P	P	P	P	P	P	P
El Salvador		P	P	P	P	P	P			S	S	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Equatorial Guinea		P	P		P	P	P					P	P	P	P	P	P		P	P	P	P	P	P	P
Eritrea		P	P		P	P	P					P	P	P	P				P			P		P	
Estonia	2	P	P	P	P	P	P		P			P	P	P	P	P	P		* P	P	P	P	P	P	P
Ethiopia	P	P	P	P	P	P	P	P		P	P	P	P	P	P	P	P		P	P	P	P	P	P	P
Fiji	P	P	P	P	P	P	P			P	P	P	P			P	P		P			P		P	P
Finland	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		P	P	P	P	P	P	P
France	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		P	P	P	P	P	P	P
Gabon		P	P	P	P	P	P			P		P	P	P	P	P	P			P	P	P	P	P	P
Gambia	1	P	P	P	P	P	P				1	P	P	P	P	P	P		P	P	P	P	S	P	P
Georgia		P	P	P	P	P	P		P	P		P	P	P	P	P	P		P	P	P	P	P	P	P
Germany	P	P	P	P	P	P	P		P	P	P	P	P	P	P	P	P		P	P	P	P	P	P	P
Ghana	2	P	P	P	P	P	P			P	P	P	P	P	P	P	P			P	P	P	P	P	P
Greece	P	P	P	P	P	P	P			P	P	P	P	P	P	P	P		P	P	P	P	P	P	P
Grenada	1	P	P	1	P	P	P			1	1	P	S	P	P			P	P	P	P	P		P	P
Guatemala	P	P	P	P	P	P	P			P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Guinea	P	P	P	P	P	P	P	P		P	P	P	P	P	P	P	P		P	P	P	P	P	P	P
Guinea-Bissau		P			P	P	P					P	S	S	P	P	P			P	P	P	S	P	
Guyana	1	P	P		P	P	P				1	P	P	P	P				P	P	P	P	P	P	P
Haiti	2	P	P	P	P	P	P	P		P	P	P	P	P		P	P	P		P	P	P		P	* P
Holy See						P	P						P			P	P			P	P		P	P	
Honduras		P	P	P	P	P	P	P				P	P	P	P	P	P	P	P	P	P	P	P	P	P
Hungary	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		P	P	P	P	P	P	P
Iceland		P	P	P	P	P	P		P	P	P	P	P	P	P	P	P		P	P	P	P	P	P	P
India	P	P		P		P	P	P		P	P	P	P	P	P							P	S	P	
Indonesia		P	P		P	P	P			P		P	P	P	P				P			P	P	P	P
Iran	S	P		P		P	P	S			P	P	P	P	P	P	P			S	S			P	P
Iraq	P	P		P	P	P	P	P			P	P	P	P	P				P			P		P	P
Ireland	P	P	P	P	P	P	P		P	P	P	P	P	P	P	P	P		P	P	P	P	P	P	P

APPENDIX C.—SELECTED INTERNATIONAL HUMAN RIGHTS CONVENTIONS—CONTINUED

COUNTRY	1 Slavery	2 ILO Convention 29	3 ILO Convention 87	4 Genocide	5 ILO Convention 98	6 Prisoners of War	7 Civilians in War	8 Traffic in Persons	9 European HR Convention	10 Political Rights of Women	11 Supplementary Slavery Conv.	12 ILO Convention 105	13 Racial Discrimination	14 Civil and Political Rights	15 Econ/Soc/Cultural Rights	16 UN Refugee Convention	17 UN Refugee Protocol	18 American HR Convention	19 ILO Convention 138	20 Geneva Protocol I	21 Geneva Protocol II	22 CEDAW	23 Torture	24 Rights of the Child	25 ILO Convention 182
Israel	P	P	P	P	P	P	P	P		P	P	P	P	P	P	P	P		P			P	P	P	P
Italy	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		P	P	P	P	P	P	P
Jamaica	P	P	P	P	P	P	P			P	P	P	P	P	P	P	P	P	P	P	P	P		P	P
Japan		P	P		P	P	P	P		P			P	P	P	P	P		P	P	P	P	P	P	P
Jordan	P	P		P	P	P	P	P		P	P	P	P	P	P				P	P	P	P	P	P	P
Kazakhstan		P	P	P	P	P	P	S	P	P		P	P	P	P	P	P		P	P	P	P	P	P	P
Kenya		P			P	P	P					P	P	P	P	P	P		P	P	P	P	P	P	P
* Kiribati	1	P	P		P	P	P			1	1	P		1	1		1					P		P	
* Korea, Democratic Rep. of				P		P	P							P	P					P		P		P	
* Korea, Republic of				P		P	P	P		P			P	P	P	P	P		P	P	P	P	P	P	P
Kuwait	P	P	P	P	** P	P	P	P			P	P	P	P	P				P	P	P	P	P	P	P
Kyrgyzstan	P	P	P	P	P	P	P	P		P	P	P	P	P	P	P	P		P	P	P	P	P	P	P
Laos		P		P		P	P	P		P	P		P	S	** P				P	P	P	P		P	P
Latvia	2		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		P	P	P	P	P	P	P
Lebanon	2	P		P	P	P	P			P		P	P	P	P				P	P	P	P	P	P	P
Lesotho	P	P	P	P	P	P	P	P		P	P	P	P	P	P	P	P		P	P	P	P	P	P	P
Liberia	P	P	P	P	P	P	P	S		S	S	P	P	P	P	P	P			P	P	P	P	P	P
Libya	P	P	P	P	P	P	P	P		P	P	P	P	P	P				P	P	P	P	P	P	P
* Liechtenstein				P		P	P		P				P	P	P	P	P			P	P	P	P	P	
Lithuania	S	P	P	P	P	P	P		P			P	P	P	P	P	P		P	P	P	P	P	P	P
Luxembourg		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		P	P	P	P	P	P	P
Macedonia	2	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		P	P	P	P	P	P	P
Madagascar	P	P	P		P	P	P	S		P	P	** P	P	P	P	P			P	P	P	P	P	P	P
Malawi	P	P	P		P	P	P	P		P	P	P	P	P	P	P	P		P	P	P	P	P	P	P
Malaysia		P		P	P	P	P				P								P			P		P	P
* Maldives				P		P	P						P	P	P					P	P	P	P	P	
Mali	P	P	P	P	P	P	P	P		P	P	P	P	P	P	P	P		P	P	P	P	P	P	P
Malta	P	P	P		P	P	P		P	P	P	P	P	P	P	P	P		P	P	P	P	P	P	P
* Marshall Islands							P															P		P	
Mauritania	P	P	P		P	P	P	P		P	P	P	P	P	P	P	P		P	P	P	P	P	P	P
Mauritius	P	P	P		P	P	P			P	P	P	P	P	P				P	P	P	P	P	P	P
Mexico	P	P	P	P		P	P	P		P	P	P	P	P	P	P	P	P		P		P	P	P	P
* Micronesia						P	P													P	P	P		P	

APPENDIX C.—SELECTED INTERNATIONAL HUMAN RIGHTS CONVENTIONS—CONTINUED

COUNTRY	1 Slavery	2 ILO Convention 29	3 ILO Convention 87	4 Genocide	5 ILO Convention 98	6 Prisoners of War	7 Civilians in War	8 Traffic in Persons	9 European HR Convention	10 Political Rights of Women	11 Supplementary Slavery Conv.	12 ILO Convention 105	13 Racial Discrimination	14 Civil and Political Rights	15 Econ/Soc/Cultural Rights	16 UN Refugee Convention	17 UN Refugee Protocol	18 American HR Convention	19 ILO Convention 138	20 Geneva Protocol I	21 Geneva Protocol II	22 CEDAW	23 Torture	24 Rights of the Child	25 ILO Convention 182
Moldova		P	P	P	P	P	P		P	P		P	P	P	P	P	P		P	P	P	P	P	P	P
* Monaco	P			P		P	P		S				P	P	P	P				P	P	P	P	P	
Mongolia	P		P	P	P	P	P			P	P		P	P	P				P	P	P	P	P	P	P
* Montenegro	P			P		P	P	P		P	P		P	P	P	P	P			P	P	P	P	P	
Morocco	P	P		P	P	P	P	P		P	P	P	P	P	P	P	P		P	S	S	P	P	P	P
Mozambique		P	P	P	P	P	P					P	P	P		P	P		P	P	P	P	P	P	P
Namibia		P	P	P	P	P	P					P	P	P	P	P			P	P	P	P	P	P	P
* Nauru						P	P						S	S						P	P		S	P	
Nepal	P	P		P	P	P	P	P		P	P	** P	P	P	P				P			P	P	P	P
Netherlands	P	P	P	P	P	P	P		P	P	P	P	P	P	P	P	P		P	P	P	P	P	P	P
New Zealand	P	P		P	P	P	P			P	P	P	P	P	P	P	P			P	P	P	P	P	P
Nicaragua	P	P	P	P	P	P	P			P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Niger	P	P	P		P	P	P	P		P	P	P	P	P	P	P	P		P	P	P	P	P	P	P
Nigeria	P	P	P		P	P	P			P	P	P	P	P	P	P	P		P	P	P	P	P	P	P
Niue																								P	
Norway	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		P	P	P	P	P	P	P
* Oman		P				P	P					P	P						P	P	P	P		P	P
Pakistan	P	P	P	P	P	P	P	P		P	P	P	P		S				P	S	S	P		P	P
Palau						P	P													P	P			P	
Panama	S	P	P	P	P	P	P					P	P	P	P	P	P	P	P	P	P	P	P	P	P
Papua New Guinea	P	P	P	P	P	P	P			P		P	P			P	P		P			P		P	P
Paraguay	** P	P	P	P	P	P	P	** S		P	** P	P	S	P	P	P	P	P	P	P	P	P	P	P	P
Peru		P	P	P	P	P	P			P	S	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Philippines	P	P	P	P	P	P	P	P		P	P	P	P	P	P	P	P		P	S	P	P	P	P	P
Poland	2	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		P	P	P	P	P	P	P
Portugal	2	P	P	P	P	P	P	P	P		P	P	P	P	P	P	P		P	P	P	P	P	P	P
Qatar		P				P	P					** P	P						P	P	P		P	P	P
Romania	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		P	P	P	P	P	P	P
Russia	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		P	P	P	P	P	P	P
Rwanda		P	P	P	P	P	P				P	P	P	P	P	P	P		P	P	P	P		P	P
* Samoa						P	P									P	P			P	P	P		P	
San Marino		P	P		P	P	P		P		P	P	P	P	P				P	P	P		P	P	P
Sao Tome & Principe		P	P		P	P	P					P	S	S	S	P	P		P	P	P	S	S	P	P

APPENDIX C.—SELECTED INTERNATIONAL HUMAN RIGHTS CONVENTIONS—CONTINUED

COUNTRY	1 Slavery	2 ILO Convention 29	3 ILO Convention 87	4 Genocide	5 ILO Convention 98	6 Prisoners of War	7 Civilians in War	8 Traffic in Persons	9 European HR Convention	10 Political Rights of Women	11 Supplementary Slavery Conv.	12 ILO Convention 105	13 Racial Discrimination	14 Civil and Political Rights	15 Econ/Soc/Cultural Rights	16 UN Refugee Convention	17 UN Refugee Protocol	18 American HR Convention	19 ILO Convention 138	20 Geneva Protocol I	21 Geneva Protocol II	22 CEDAW	23 Torture	24 Rights of the Child	25 ILO Convention 182
Saudi Arabia	P	P		P		P	P				P	P	P							P	P	P	P	P	P
Senegal	2	P	P	P	P	P	P	P		P	P	P	P	P	P	P	P		P	P	P	P	P	P	P
Serbia		P	P		P		P		P			P							P	P		P			P
Seychelles	2	P	P	P	P	P	P	P		1	P	P	P	P	P	P	P		P	P	P	P	P	P	P
Sierra Leone	P	P	P		P	P	P			P	P	P	P	P	P	P	P			P	P	P	P	P	
Singapore		P		P	P	P	P	P			P								P			P		P	P
Slovak Republic	2	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		P	P	P	P	P	P	P
Slovenia		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		P	P	P	P	P	P	P
Solomon Islands	P	P				P	P			P	P		1		1	P	P			P	P	P		P	
Somalia		P				P	P					P	P	P	P	P	P						P	S	
* South Africa	P	P	P	P	P	P	P	P		S		P	P	P	S	P	P		P	P	P	P	P	P	P
Spain	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		P	P	P	P	P	P	P
Sri Lanka	P	P	P	P	P	P	P	P			P	P	P	P	P				P			P	P	P	P
* St. Kitts & Nevis	1	P	P		P	P	P			1	1	P	P			P			P	P	P	P		P	P
St. Lucia	P	P	P	1	P	P	P			1	P	P	P							P	P	P		P	P
* St. Vincent & the Grenadines	P	P	P	P	P	P	P			P	P	P	P	P	P	P			P	P	P	P	P	P	P
Sudan	P	P			P	P	P				P	P	P	P	P	P	P		P	P	P		S	P	P
Suriname	2	P	P		P	P	P			1	P	P	P	P	P	P	P	P		P	P	P		P	P
Swaziland	1	P	P		P	P	P			P	1	P	P	P	P	P	P		P	P	P	P	P	P	P
Sweden	P	P	P	P	P	P	P		P	P	P	P	P	P	P	P	P		P	P	P	P	P	P	P
Switzerland	P	P	P	P	P	P	P		P		P	P	P	P	P	P	P		P	P	P	P	P	P	P
Syria	P	P	P	P	P	P	P	P			P	P	P	P	P				P	P			P	P	P
* Tajikistan		P	P		P	P	P	P		P		P	P	P	P	P	P		P	P	P	P	P	P	P
Tanzania	P	P	P	P	P	P	P			P	P	P	P	P	P	P	P		P	P	P	P		P	P
Thailand		P				P	P			P		P	P	P	P				P			P	** P	P	P
Togo	2	P	P	P	P	P	P	P			P	P	P	P	P	P	P		P	P	P	P	P	P	P
* Tonga	1			P		P	P			1	1	1	P							P	P			P	
Trinidad & Tobago	P	P	P		P	P	P			P	P	P	P	P	P	P	P		P	P	P	P		P	P
Tunisia	P	P	P	P	P	P	P			P	P	P	P	P	P	P	P		P	P	P	P	P	P	P
Turkey	P	P	P	P	P	P	P		P	P	P	P	P	S	S	P	P		P			P	P	P	P
Turkmenistan	P	P	P		P	P	P			P	P	P	P	P	P	P	P			P	P	P	P	P	
* Tuvalu	1					P	P			1	1			1		P	P					P		P	

APPENDIX C.—SELECTED INTERNATIONAL HUMAN RIGHTS CONVENTIONS—CONTINUED

COUNTRY	1 Slavery	2 ILO Convention 29	3 ILO Convention 87	4 Genocide	5 ILO Convention 98	6 Prisoners of War	7 Civilians in War	8 Traffic in Persons	9 European HR Convention	10 Political Rights of Women	11 Supplementary Slavery Conv.	12 ILO Convention 105	13 Racial Discrimination	14 Civil and Political Rights	15 Econ/Soc/Cultural Rights	16 UN Refugee Convention	17 UN Refugee Protocol	18 American HR Convention	19 ILO Convention 138	20 Geneva Protocol I	21 Geneva Protocol II	22 CEDAW	23 Torture	24 Rights of the Child	25 ILO Convention 182
Uganda	P	P	P	P	P	P	P			P	P	P	P	P	P	P	P		P	P	P	P	P	P	P
Ukraine	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		P	P	P	P	P	P	P
United Arab Emirates		P		P		P	P					P	P						P	P	P	P		P	P
United Kingdom	P	P	P	P	P	P	P		P	P	P	P	P	P	P	P	P		P	P	P	P	P	P	P
United States	P			P		P	P			P	P	P	P	P	S		P	S		S	S	S	P	S	P
Uruguay	S	P	P	P	P	P	P			S	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Uzbekistan		P		P	P	P	P	P		P		P	P	P	P					P	P	P	P	P	
* Vanuatu			P		P	P	P				1	P								P	P	P		P	P
Venezuela		P	P	P	P	P	P	P		P		P	P	P	P		P	P	P	P	P	P	P	P	P
* Vietnam	P	** P		P		P	P						P	P	P				P	P		P		P	P
Yemen	P	P	P	P	P	P	P	P		P		P	P	P	P	P	P		P	P	P	P	P	P	P
former Yugoslavia	P	P	P	P	P	P	P	P		P	P		P	P	P	P	P		P	P	P	P	P	P	
Zambia	P	P	P		P	P	P			P	P	P	P	P	P	P	P		P	P	P	P	P	P	P
Zimbabwe	1	P	P	P	P	P	P	P		P	P	P	P	P	P	P	P		P	P	P	P		P	P

Links to on-line status of the above documents:

1	Slavery	http://untreaty.un.org/ENGLISH/bible/englishinternetbible/partI/chapterXVIII/treaty3.asp
2	ILO Convention 29	http://www.ilo.org/ilolex/cgi-lex/ratifce.pl?C029
3	ILO Convention 87	http://www.ilo.org/ilolex/cgi-lex/ratifce.pl?C087
4	Genocide	http://untreaty.un.org/ENGLISH/bible/englishinternetbible/partI/chapterIV/treaty1.asp
5	ILO Convention 98	http://www.ilo.org/ilolex/cgi-lex/ratifce.pl?C098
6	Prisoners of War	http://www.icrc.org/ihl.nsf/WebSign?ReadForm&id=375&ps=P
7	Civilians in War	http://www.icrc.org/ihl.nsf/WebSign?ReadForm&id=375&ps=P
8	Traffic in Persons	http://untreaty.un.org/ENGLISH/bible/englishinternetbible/partI/chapterVII/treaty11.asp
9	European HR Convention	http://conventions.coe.int/Treaty/Commun/ChercheSig.asp?NT=005&CM=2&DF=2/1/2007&CL=ENG
10	Political Rights of Women	http://untreaty.un.org/ENGLISH/bible/englishinternetbible/partI/chapterXVI/treaty1.asp
11	Supplementary Slavery Conv.	http://untreaty.un.org/ENGLISH/bible/englishinternetbible/partI/chapterXVIII/treaty4.asp
12	ILO Convention 105	http://www.ilo.org/ilolex/cgi-lex/ratifce.pl?C105
13	Racial Discrimination	http://untreaty.un.org/ENGLISH/bible/englishinternetbible/partI/chapterIV/treaty2.asp
14	Civil and Political Rights	http://untreaty.un.org/ENGLISH/bible/englishinternetbible/partI/chapterIV/treaty6.asp
15	Econ/Soc/Cultural Rights	http://untreaty.un.org/ENGLISH/bible/englishinternetbible/partI/chapterIV/treaty5.asp
16	UN Refugee Convention	http://untreaty.un.org/ENGLISH/bible/englishinternetbible/partI/chapterV/treaty2.asp
17	UN Refugee Protocol	http://untreaty.un.org/ENGLISH/bible/englishinternetbible/partI/chapterV/treaty5.asp
18	American HR Convention	http://www.oas.org/juridico/english/Sigs/b-32.html
19	ILO Convention 138	http://www.ilo.org/ilolex/cgi-lex/ratifce.pl?C138
20	Geneva Protocol I	http://www.icrc.org/ihl.nsf/WebSign?ReadForm&id=470&ps=P
21	Geneva Protocol II	http://www.icrc.org/ihl.nsf/WebSign?ReadForm&id=475&ps=P
22	CEDAW	http://untreaty.un.org/ENGLISH/bible/englishinternetbible/partI/chapterIV/treaty10.asp
23	Torture	http://untreaty.un.org/ENGLISH/bible/englishinternetbible/partI/chapterIV/treaty14.asp
24	Rights of the Child	http://untreaty.un.org/ENGLISH/bible/englishinternetbible/partI/chapterIV/treaty19.asp
25	ILO Convention 182	http://www.ilo.org/ilolex/cgi-lex/ratifce.pl?C182

APPENDIX D.—INTERNATIONAL HUMAN RIGHTS CONVENTIONS

1) Convention to Suppress the Slave Trade and Slavery of September 25,1926, as amended by the Protocol of December 7, 1953.

2) Convention Concerning Forced Labor of June 28, 1930 (ILO Convention 29).

3) Convention Concerning Freedom of Association and Protection of the Right to Organize of July 9, 1948 (ILO Convention 87).

4) Convention on the Prevention and Punishment of the Crime of Genocide of December 9, 1948.

5) Convention Concerning the Application of the Principles of the Right to Organize and Bargain Collectively of July 1, 1949 (ILO Convention 98).

6) Geneva Convention Relative to the Treatment of Prisoners of War of August 12, 1949.

7) Geneva Convention Relative to the Protection of Civilian Persons in Time of War of August 12, 1949.

8) Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others of March 21, 1950.

9) European Convention for the Protection of Human Rights and Fundamental Freedoms of November 4, 1950.

10) Convention on the Political Rights of Women of March 31, 1953.

11) Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery of September 7, 1956.

12) Convention Concerning the Abolition of Forced Labor of June 25, 1957 (ILO Convention 105).

13) International Convention on the Elimination of All Forms of Racial Discrimination of December 21, 1965.

14) International Covenant on Civil and Political Rights of December 16, 1966.

15) International Covenant on Economic, Social and Cultural Rights of December 16, 1966.

16) Convention Relating to the Status of Refugees of July 28, 1951.

17) Protocol Relating to the Status of Refugees of January 31, 1967.

18) American Convention on Human Rights of November 22, 1969.

19) Convention Concerning Minimum Age for Admission to Employment of June 26, 1973 (ILO Convention 138).

20) Protocol Additional to the Geneva Conventions of August 12, 1949, and Relating to the Protection of Victims of International Armed Conflicts (Protocol I), of June 8, 1977.

21) Protocol Additional to the Geneva Conventions of August 12, 1949, and Relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II), of June 8, 1977.

22) Convention on the Elimination of All Forms of Discrimination Against Women of December 18, 1979.

23) Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment of December 10, 1984.

24) Convention on the Rights of the Child of November 20, 1989.

25) Convention Concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labor of June 17, 1999 (ILO Convention 182).

APPENDIX E.—PART I: FY 2007 ACTUAL ALLSPIGOTS FOR 09 CBJ

	Total	DA	CSH	ESF	TI	SEED	FSA	INCLE
TOTAL	19,801,552	1,508,760	1,740,425	2,468,375	39,600	273,900	452,000	472,616
Africa	4,934,823	609,984	548,140	163,529	-	-	-	19,700
Angola	42,060	8,044	25,682	1,875	-	-	-	-
Benin	14,384	4,036	10,165	-	-	-	-	-
Botswana	64,751	-	-	-	-	-	-	-
Burkina Faso	19,225	-	-	-	-	-	-	-
Burundi	20,146	3,943	3,780	1,875	-	-	-	-
Cameroon	1,777	-	660	-	-	-	-	-
Cape Verde	177	-	-	-	-	-	-	-
Central African Republic	14,267	-	-	-	-	-	-	-
Chad	30,681	-	-	-	-	-	-	-
Comoros	113	-	-	-	-	-	-	-
Cote d'Ivoire	73,808	-	-	-	-	-	-	-
Democratic Republic of the Congo	99,390	18,065	30,681	8,868	-	-	-	-
Djibouti	8,496	-	75	2,625	-	-	-	-
Ethiopia	474,057	26,710	33,713	3,000	-	-	-	-
Gabon	263	-	-	-	-	-	-	-
Gambia	103	-	-	-	-	-	-	-
Ghana	60,712	15,451	21,672	4,000	-	-	-	-
Guinea	17,797	5,529	7,844	-	-	-	-	-
Guinea-Bissau	674	-	-	-	-	-	-	-
Kenya	437,174	23,327	18,950	5,066	-	-	-	-
Lesotho	23,143	-	3,000	-	-	-	-	-
Liberia	102,081	30,499	8,503	30,000	-	-	-	1,000
Madagascar	47,719	9,029	17,005	-	-	-	-	-
Malawi	73,137	10,466	40,415	4,000	-	-	-	-
Mali	45,177	18,932	19,140	-	-	-	-	-
Mauritania	8,201	-	-	-	-	-	-	-
Mauritius	665	-	-	-	-	-	-	-
Mozambique	212,268	15,602	29,265	-	-	-	-	-
Namibia	93,467	5,275	1,180	-	-	-	-	-
Niger	14,253	-	-	-	-	-	-	-
Nigeria	349,950	25,184	32,389	6,475	-	-	-	400
Republic of the Congo	1,381	-	-	-	-	-	-	-
Rwanda	140,498	5,893	28,021	-	-	-	-	-
Sao Tome and Principe	120	-	-	-	-	-	-	-
Senegal	58,755	14,846	29,116	4,000	-	-	-	-
Seychelles	166	-	-	-	-	-	-	-
Sierra Leone	26,451	3,820	780	11,875	-	-	-	-
Somalia	44,372	9,571	500	-	-	-	-	-
South Africa	398,288	19,529	5,704	975	-	-	-	500
Sudan	659,746	70,000	23,791	45,000	-	-	-	9,800
Swaziland	8,896	-	2,600	-	-	-	-	-
Tanzania	247,965	14,294	43,030	-	-	-	-	-

ACP	NADR	IMET	FMF	PKO	ERMA	IO&P	MRA	PL 480	IDFA	DF	GHAI	AID Admin
721,500	405,999	85,877	4,560,800	223,250	55,000	303,888	833,033	1,214,712	361,350	94,050	3,246,520	739,897
-	29,703	10,463	14,820	107,500	-	-	-	986,785	165,000	-	2,279,199	-
-	4,850	289	-	-	-	-	-	-	-	-	1,320	-
-	-	183	-	-	-	-	-	-	-	-	-	-
-	20	678	-	-	-	-	-	-	-	-	64,053	-
-	-	164	-	-	-	-	-	19,061	-	-	-	-
-	281	196	-	-	-	-	-	10,071	-	-	-	-
-	-	319	-	-	-	-	-	798	-	-	-	-
-	-	177	-	-	-	-	-	-	-	-	-	-
-	-	118	-	-	-	-	-	14,149	-	-	-	-
-	795	392	-	-	-	-	-	29,494	-	-	-	-
-	50	63	-	-	-	-	-	-	-	-	-	-
-	100	-	-	-	-	-	-	5,000	-	-	68,708	-
-	1,375	263	-	-	-	-	-	37,138	-	-	3,000	-
-	356	345	3,800	-	-	-	-	995	-	-	300	-
-	1,150	472	1,900	-	-	-	-	176,931	-	-	230,181	-
-	-	263	-	-	-	-	-	-	-	-	-	-
-	-	103	-	-	-	-	-	-	-	-	-	-
-	38	643	500	-	-	-	-	18,108	-	-	300	-
-	-	331	-	-	-	-	-	4,093	-	-	-	-
-	578	96	-	-	-	-	-	-	-	-	-	-
-	4,565	45	-	-	-	-	-	47,303	-	-	337,918	-
-	50	57	-	-	-	-	-	13,636	-	-	6,400	-
-	-	212	1,520	13,250	-	-	-	16,147	-	-	950	-
-	50	239	-	-	-	-	-	21,396	-	-	-	-
-	-	356	-	-	-	-	-	15,000	-	-	2,900	-
-	950	52	-	-	-	-	-	6,103	-	-	-	-
-	500	190	-	-	-	-	-	7,511	-	-	-	-
-	520	145	-	-	-	-	-	-	-	-	-	-
-	690	248	-	-	-	-	-	18,060	-	-	148,403	-
-	45	37	-	-	-	-	-	-	-	-	86,930	-
-	432	58	-	-	-	-	-	13,763	-	-	-	-
-	1,862	696	1,000	-	-	-	-	-	-	-	281,944	-
-	-	184	-	-	-	-	-	1,197	-	-	-	-
-	-	324	-	-	-	-	-	14,399	-	-	91,861	-
-	-	120	-	-	-	-	-	-	-	-	-	-
-	3,975	1,120	500	-	-	-	-	4,898	-	-	300	-
-	40	126	-	-	-	-	-	-	-	-	-	-
-	-	235	-	-	-	-	-	9,741	-	-	-	-
-	-	-	-	9,600	-	-	-	24,701	-	-	-	-
-	100	48	-	-	-	-	-	-	-	-	371,432	-
-	3,725	96	-	84,000	-	-	-	255,334	165,000	-	3,000	-
-	-	96	-	-	-	-	-	-	-	-	6,200	-
-	2,302	66	-	-	-	-	-	11,731	-	-	176,542	-

APPENDIX E.—PART I: FY 2007 ACTUAL ALLSPIGOTS FOR 09 CBJ—CONTINUED

	Total	DA	CSH	ESF	TI	SEED	FSA	INCLE
Togo	81	-	-	-	-	-	-	-
Uganda	332,145	28,445	33,960	-	-	-	-	-
Zambia	234,646	16,783	20,678	4,257	-	-	-	-
Zimbabwe	41,157	2,900	14,001	2,250	-	-	-	-
Africa Regional	38,088	-	-	23,688	-	-	-	8,000
Africa Regional - USAID	137,532	113,416	20,416	3,700	-	-	-	-
Central Africa Regional	16,000	16,000	-	-	-	-	-	-
East Africa Regional	27,422	19,801	7,621	-	-	-	-	-
Southern Africa Regional	121,702	16,490	2,611	-	-	-	-	-
West Africa Regional	49,296	38,104	11,192	-	-	-	-	-
East Asia and Pacific	533,990	73,459	104,984	177,675	-	-	-	8,400
Burma	12,990	-	2,100	10,890	-	-	-	-
Cambodia	57,276	7,922	27,826	14,850	-	-	-	-
China	15,710	5,000	4,800	3,960	-	-	-	-
Indonesia	158,686	29,524	27,507	69,300	-	-	-	4,700
Laos	4,865	-	1,000	375	-	-	-	900
Malaysia	3,272	-	-	-	-	-	-	-
Mongolia	11,371	-	-	6,625	-	-	-	-
Papua New Guinea	1,741	-	1,500	-	-	-	-	-
Philippines	113,104	15,448	24,362	24,750	-	-	-	1,900
Samoa	40	-	-	-	-	-	-	-
Singapore	694	-	-	-	-	-	-	-
Solomon Islands	42	-	-	-	-	-	-	-
Taiwan	575	-	-	-	-	-	-	-
Thailand	5,390	-	1,400	990	-	-	-	900
Timor-Leste	22,711	-	1,000	18,810	-	-	-	-
Tonga	622	-	-	-	-	-	-	-
Vanuatu	58	-	-	-	-	-	-	-
Vietnam	70,874	2,480	-	1,980	-	-	-	-
East Asia and Pacific Regional	27,395	-	-	25,145	-	-	-	-
Regional Development Mission - Asia	26,574	13,085	13,489	-	-	-	-	-
Europe	855,145	-	5,390	34,630	-	273,900	351,082	-
Albania	26,748	-	-	-	-	21,100	-	-
Armenia	63,792	-	-	-	-	-	58,000	-
Azerbaijan	39,368	-	-	-	-	-	30,000	-
Belarus	11,337	-	-	-	-	-	11,187	-
Bosnia and Herzegovina	42,844	-	-	-	-	32,100	-	-
Bulgaria	11,059	-	-	-	-	-	-	-
Croatia	814	-	-	-	-	-	-	-
Cyprus	18,074	-	-	17,800	-	-	-	-
Czech Republic	5,111	-	-	-	-	-	-	-
Estonia	5,084	-	-	-	-	-	-	-
Georgia	74,685	-	-	-	-	-	58,000	-
Greece	558	-	-	-	-	-	-	-

ACP	NADR	IMET	FMF	PKO	ERMA	IO&P	MRA	PL 480	IDFA	DF	GHAI	AID Admin
-	-	81	-	-	-	-	-	-	-	-	-	-
-	27	283	-	-	-	-	-	58,770	-	-	210,660	-
-	127	254	-	-	-	-	-	10,650	-	-	181,897	-
-	-	-	-	-	-	-	-	18,006	-	-	4,000	-
-	150	-	5,600	650	-	-	-	-	-	-	-	-
-	-	-	-	-	-	-	-	-	-	-	-	-
-	-	-	-	-	-	-	-	-	-	-	-	-
-	-	-	-	-	-	-	-	-	-	-	-	-
-	-	-	-	-	-	-	-	102,601	-	-	-	-
-	-	-	-	-	-	-	-	-	-	-	-	-
-	28,836	7,147	53,631	-	-	-	-	13,123	-	-	66,735	-
-	-	-	-	-	-	-	-	-	-	-	-	-
-	3,967	101	990	-	-	-	-	-	-	-	1,600	-
-	-	-	-	-	-	-	-	-	-	-	1,950	-
-	8,881	1,398	6,175	-	-	-	-	10,951	-	-	250	-
-	2,550	40	-	-	-	-	-	-	-	-	-	-
-	2,401	871	-	-	-	-	-	-	-	-	-	-
-	-	955	3,791	-	-	-	-	-	-	-	-	-
-	-	241	-	-	-	-	-	-	-	-	-	-
-	4,198	2,746	39,700	-	-	-	-	-	-	-	-	-
-	-	40	-	-	-	-	-	-	-	-	-	-
-	694	-	-	-	-	-	-	-	-	-	-	-
-	-	42	-	-	-	-	-	-	-	-	-	-
-	575	-	-	-	-	-	-	-	-	-	-	-
-	2,100	-	-	-	-	-	-	-	-	-	-	-
-	-	254	475	-	-	-	-	2,172	-	-	-	-
-	-	122	500	-	-	-	-	-	-	-	-	-
-	-	58	-	-	-	-	-	-	-	-	-	-
-	3,200	279	-	-	-	-	-	-	-	-	62,935	-
-	250	-	2,000	-	-	-	-	-	-	-	-	-
-	-	-	-	-	-	-	-	-	-	-	-	-
-	23,412	26,976	132,072	-	-	-	-	-	-	-	7,683	-
-	1,604	990	3,054	-	-	-	-	-	-	-	-	-
-	1,005	904	3,883	-	-	-	-	-	-	-	-	-
-	4,578	907	3,883	-	-	-	-	-	-	-	-	-
-	150	-	-	-	-	-	-	-	-	-	-	-
-	1,238	956	8,550	-	-	-	-	-	-	-	-	-
-	-	1,434	9,625	-	-	-	-	-	-	-	-	-
-	739	75	-	-	-	-	-	-	-	-	-	-
-	274	-	-	-	-	-	-	-	-	-	-	-
-	-	1,866	3,245	-	-	-	-	-	-	-	-	-
-	-	1,179	3,905	-	-	-	-	-	-	-	-	-
-	5,115	1,160	9,700	-	-	-	-	-	-	-	710	-
-	-	558	-	-	-	-	-	-	-	-	-	-

APPENDIX E.—PART I: FY 2007 ACTUAL ALLSPIGOTS FOR 09 CBJ—CONTINUED

	Total	DA	CSH	ESF	TI	SEED	FSA	INCLE
Hungary	3,818	-	-	-	-	-	-	-
Ireland	16,830	-	-	16,830	-	-	-	-
Kosovo	77,750	-	-	-	-	77,700	-	-
Latvia	4,980	-	-	-	-	-	-	-
Lithuania	6,545	-	-	-	-	-	-	-
Macedonia	33,944	-	-	-	-	28,100	-	-
Malta	647	-	-	-	-	-	-	-
Moldova	17,768	-	-	-	-	-	16,000	-
Montenegro	8,915	-	-	-	-	8,500	-	-
Poland	30,528	-	-	-	-	-	-	-
Portugal	500	-	-	-	-	-	-	-
Romania	15,897	-	-	-	-	-	-	-
Russia	67,240	-	2,970	-	-	-	58,387	-
Serbia	61,333	-	-	-	-	60,000	-	-
Slovakia	4,986	-	-	-	-	-	-	-
Slovenia	1,302	-	-	-	-	-	-	-
Turkey	19,791	-	-	-	-	-	-	-
Ukraine	96,514	-	2,170	-	-	-	80,000	-
Eurasia Regional	39,508	-	-	-	-	-	39,508	-
Europe Regional	46,875	-	250	-	-	46,400	-	-
Near East	5,142,124	11,985	-	1,110,900	-	-	-	21,048
Algeria	1,837	-	-	-	-	-	-	-
Bahrain	16,390	-	-	-	-	-	-	-
Egypt	1,757,748	-	-	455,000	-	-	-	-
Iraq	157,112	-	-	122,800	-	-	-	20,048
Israel	2,460,240	-	-	120,000	-	-	-	-
Jordan	457,563	-	-	245,000	-	-	-	-
Kuwait	1,025	-	-	-	-	-	-	-
Lebanon	48,749	-	-	39,600	-	-	-	-
Morocco	35,194	5,400	-	13,500	-	-	-	1,000
Oman	15,889	-	-	-	-	-	-	-
Qatar	1,120	-	-	-	-	-	-	-
Saudi Arabia	300	-	-	-	-	-	-	-
Tunisia	10,774	-	-	-	-	-	-	-
United Arab Emirates	1,581	-	-	-	-	-	-	-
West Bank and Gaza	69,488	-	-	50,000	-	-	-	-
Yemen	23,735	1,000	-	9,000	-	-	-	-
MERC - Middle East Regional Cooperation	6,000	-	-	6,000	-	-	-	-
MFO - Multilateral Force and Observers	21,000	-	-	-	-	-	-	-
Middle East Regional	5,585	5,585	-	-	-	-	-	-
Near East Regional	50,794	-	-	50,000	-	-	-	-
South and Central Asia	2,138,770	302,237	225,581	781,757	-	-	100,918	233,740
Afghanistan	1,008,785	166,800	100,772	478,709	-	-	-	209,740
Bangladesh	84,232	10,430	29,935	3,750	-	-	-	-

ACP	NADR	IMET	FMF	PKO	ERMA	IO&P	MRA	PL 480	IDFA	DF	GHAI	AID Admin
-	-	1,460	2,358	-	-	-	-	-	-	-	-	-
-	-	-	-	-	-	-	-	-	-	-	-	-
-	50	-	-	-	-	-	-	-	-	-	-	-
-	-	1,181	3,799	-	-	-	-	-	-	-	-	-
-	-	1,196	5,349	-	-	-	-	-	-	-	-	-
-	1,784	640	3,420	-	-	-	-	-	-	-	-	-
-	616	31	-	-	-	-	-	-	-	-	-	-
-	308	986	474	-	-	-	-	-	-	-	-	-
-	415	-	-	-	-	-	-	-	-	-	-	-
-	-	2,050	28,478	-	-	-	-	-	-	-	-	-
-	-	500	-	-	-	-	-	-	-	-	-	-
-	-	1,480	14,417	-	-	-	-	-	-	-	-	-
-	439	99	-	-	-	-	-	-	-	-	5,345	-
-	1,258	75	-	-	-	-	-	-	-	-	-	-
-	195	1,038	3,753	-	-	-	-	-	-	-	-	-
-	-	855	447	-	-	-	-	-	-	-	-	-
-	2,059	3,500	14,232	-	-	-	-	-	-	-	-	-
-	1,360	1,856	9,500	-	-	-	-	-	-	-	1,628	-
-	-	-	-	-	-	-	-	-	-	-	-	-
-	225	-	-	-	-	-	-	-	-	-	-	-
-	31,883	13,430	3,911,302	21,000	-	-	-	20,576	-	-	-	-
-	1,031	806	-	-	-	-	-	-	-	-	-	-
-	776	616	14,998	-	-	-	-	-	-	-	-	-
-	1,545	1,203	1,300,000	-	-	-	-	-	-	-	-	-
-	13,200	1,064	-	-	-	-	-	-	-	-	-	-
-	240	-	2,340,000	-	-	-	-	-	-	-	-	-
-	1,741	2,922	207,900	-	-	-	-	-	-	-	-	-
-	1,025	-	-	-	-	-	-	-	-	-	-	-
-	3,000	905	4,800	-	-	-	-	444	-	-	-	-
-	1,412	1,882	12,000	-	-	-	-	-	-	-	-	-
-	1,284	1,111	13,494	-	-	-	-	-	-	-	-	-
-	1,120	-	-	-	-	-	-	-	-	-	-	-
-	300	-	-	-	-	-	-	-	-	-	-	-
-	474	1,915	8,385	-	-	-	-	-	-	-	-	-
-	1,581	-	-	-	-	-	-	-	-	-	-	-
-	-	-	-	-	-	-	-	19,488	-	-	-	-
-	3,004	1,006	9,725	-	-	-	-	-	-	-	-	-
-	-	-	-	-	-	-	-	-	-	-	-	-
-	-	-	-	21,000	-	-	-	-	-	-	-	-
-	-	-	-	-	-	-	-	-	-	-	-	-
-	150	-	-	-	-	-	-	644	-	-	-	-
-	44,656	10,226	304,110	-	-	-	-	125,268	-	-	10,277	-
-	21,575	1,193	-	-	-	-	-	29,996	-	-	-	-
-	2,575	934	990	-	-	-	-	35,618	-	-	-	-

APPENDIX E.—PART I: FY 2007 ACTUAL ALLSPIGOTS FOR 09 CBJ—CONTINUED

	Total	DA	CSH	ESF	TI	SEED	FSA	INCLE
India	116,576	15,676	53,411	4,875	-	-	-	-
Kazakhstan	26,798	-	-	-	-	-	20,000	-
Kyrgyz Republic	34,262	-	-	-	-	-	30,183	-
Maldives	169	-	-	-	-	-	-	-
Nepal	42,476	10,447	18,090	6,250	-	-	-	-
Pakistan	734,354	95,327	22,385	283,673	-	-	-	24,000
Sri Lanka	23,166	3,557	-	3,000	-	-	-	-
Tajikistan	36,360	-	-	-	-	-	23,915	-
Turkmenistan	10,874	-	-	-	-	-	9,350	-
Uzbekistan	15,528	-	-	-	-	-	15,000	-
Central Asia Regional	3,690	-	988	-	-	-	2,470	-
South and Central Asia Regional	1,500	-	-	1,500	-	-	-	-
South Asia Regional	-	-	-	-	-	-	-	-
Western Hemisphere	1,552,973	238,800	138,823	124,221	-	-	-	57,328
Argentina	1,605	-	-	-	-	-	-	-
Bahamas	861	-	-	-	-	-	-	500
Barbados	42	-	-	-	-	-	-	-
Belize	970	-	485	-	-	-	-	-
Bolivia	122,191	14,700	16,885	4,500	-	-	-	-
Brazil	15,970	8,000	3,200	-	-	-	-	-
Chile	1,437	-	-	-	-	-	-	-
Colombia	561,090	-	-	-	-	-	-	-
Costa Rica	322	-	242	-	-	-	-	-
Cuba	13,300	-	-	13,300	-	-	-	-
Dominican Republic	34,323	17,009	11,891	2,150	-	-	-	-
Eastern Caribbean	1,693	-	-	-	-	-	-	-
Ecuador	32,037	8,144	2,000	4,500	-	-	-	-
El Salvador	33,208	13,557	8,425	2,000	-	-	-	-
Guatemala	51,280	18,465	14,010	3,000	-	-	-	2,200
Guyana	29,739	4,000	-	-	-	-	-	-
Haiti	224,862	29,700	19,800	49,500	-	-	-	14,850
Honduras	43,851	15,540	12,034	175	-	-	-	-
Jamaica	12,707	7,391	2,810	-	-	-	-	900
Mexico	65,382	12,282	3,720	11,350	-	-	-	36,678
Nicaragua	36,870	13,396	7,738	3,000	-	-	-	-
Panama	9,205	3,180	458	-	-	-	-	-
Paraguay	9,314	4,130	3,100	1,500	-	-	-	-
Peru	136,174	11,000	12,736	3,000	-	-	-	-
Suriname	509	-	-	-	-	-	-	-
Trinidad and Tobago	1,295	-	-	-	-	-	-	-
Uruguay	45	-	-	-	-	-	-	-
Venezuela	2,625	-	-	1,625	-	-	-	-
Caribbean Regional	17,840	8,200	6,640	1,500	-	-	-	-
Central America Regional	23,919	17,475	1,669	4,775	-	-	-	-

ACP	NADR	IMET	FMF	PKO	ERMA	IO&P	MRA	PL 480	IDFA	DF	GHAI	AID Admin
-	1,108	1,501	-	-	-	-	-	31,034	-	-	8,971	-
-	2,106	1,217	3,205	-	-	-	-	-	-	-	270	-
-	1,333	1,161	1,425	-	-	-	-	-	-	-	160	-
-	-	169	-	-	-	-	-	-	-	-	-	-
-	840	793	-	-	-	-	-	6,056	-	-	-	-
-	9,977	1,992	297,000	-	-	-	-	-	-	-	-	-
-	1,050	483	990	-	-	-	-	14,086	-	-	-	-
-	3,004	359	250	-	-	-	-	8,478	-	-	354	-
-	600	424	250	-	-	-	-	-	-	-	250	-
-	488	-	-	-	-	-	-	-	-	-	40	-
-	-	-	-	-	-	-	-	-	-	-	232	-
-	-	-	-	-	-	-	-	-	-	-	-	-
-	-	-	-	-	-	-	-	-	-	-	-	-
660,465	10,675	12,772	102,790	-	-	-	-	101,158	-	-	105,941	-
-	400	1,205	-	-	-	-	-	-	-	-	-	-
-	42	239	80	-	-	-	-	-	-	-	-	-
-	42	-	-	-	-	-	-	-	-	-	-	-
-	-	310	175	-	-	-	-	-	-	-	-	-
66,000	-	57	-	-	-	-	-	20,049	-	-	-	-
4,000	742	28	-	-	-	-	-	-	-	-	-	-
-	275	662	500	-	-	-	-	-	-	-	-	-
465,000	4,086	1,646	85,500	-	-	-	-	4,858	-	-	-	-
-	-	80	-	-	-	-	-	-	-	-	-	-
-	-	-	-	-	-	-	-	-	-	-	-	-
-	500	1,048	725	-	-	-	-	-	-	-	1,000	-
-	-	703	990	-	-	-	-	-	-	-	-	-
17,300	50	43	-	-	-	-	-	-	-	-	-	-
-	-	1,824	7,225	-	-	-	-	177	-	-	-	-
-	-	467	-	-	-	-	-	13,138	-	-	-	-
-	-	358	75	-	-	-	-	-	-	-	25,306	-
-	-	215	990	-	-	-	-	32,522	-	-	77,285	-
-	268	1,404	675	-	-	-	-	13,005	-	-	750	-
-	300	806	500	-	-	-	-	-	-	-	-	-
-	1,295	57	-	-	-	-	-	-	-	-	-	-
-	-	631	500	-	-	-	-	11,505	-	-	100	-
4,000	115	677	775	-	-	-	-	-	-	-	-	-
-	540	44	-	-	-	-	-	-	-	-	-	-
103,165	325	44	-	-	-	-	-	5,904	-	-	-	-
-	290	139	80	-	-	-	-	-	-	-	-	-
-	1,255	40	-	-	-	-	-	-	-	-	-	-
-	-	45	-	-	-	-	-	-	-	-	-	-
1,000	-	-	-	-	-	-	-	-	-	-	-	-
-	-	-	-	-	-	-	-	-	-	-	1,500	-
-	-	-	-	-	-	-	-	-	-	-	-	-

APPENDIX E.—PART I: FY 2007 ACTUAL ALLSPIGOTS FOR 09 CBJ—CONTINUED

	Total	DA	CSH	ESF	TI	SEED	FSA	INCLE
Latin America and Caribbean Regional	41,611	30,631	10,980	-	-	-	-	-
South America Regional	2,000	2,000	-	-	-	-	-	-
Western Hemisphere Regional	24,696	-	-	18,346	-	-	-	2,200
AID Global Health	710,913	-	710,913	-	-	-	-	-
Global Health - Core	297,057	-	297,057	-	-	-	-	-
Global Health - International Partnerships	413,856	-	413,856	-	-	-	-	-
Asia and Near East Regional	14,806	11,212	3,594	-	-	-	-	-
Asia and Near East Regional	14,806	11,212	3,594	-	-	-	-	-
Bureau of Democracy Human Rights and Labor	94,050	-	-	-	-	-	-	-
Democracy, Human Rights, and Labor (DRL)	94,050	-	-	-	-	-	-	-
Bureau of International Security and Nonproliferation	169,800	-	-	-	-	-	-	-
International Security and Nonproliferation (ISN)	169,800	-	-	-	-	-	-	-
Bureau of Political and Military Affairs	162,300	-	-	-	-	-	-	-
Political-Military Affairs (PM)	162,300	-	-	-	-	-	-	-
Bureau of Population Refugees and Migration	888,033	-	-	-	-	-	-	-
Population, Refugees, and Migration (PRM)	888,033	-	-	-	-	-	-	-
Democracy, Conflict and Humanitarian Assistance	336,539	92,624	3,000	37,163	39,600	-	-	-
Democracy, Conflict, and Humanitarian Assistance (DCHA)	336,539	92,624	3,000	37,163	39,600	-	-	-
Economic Growth Agriculture and Trade	158,393	155,393	-	3,000	-	-	-	-
Economic Growth, Agriculture and Trade (EGAT)	158,393	155,393	-	3,000	-	-	-	-
Global AIDS Coordinator	776,685	-	-	-	-	-	-	-
Office of the U.S. Global AIDS Coordinator	776,685	-	-	-	-	-	-	-
International Narcotics and Law Enforcement	193,435	-	-	-	-	-	-	132,400
International Narcotics and Law Enforcement (INL)	193,435	-	-	-	-	-	-	132,400
International Organizations	303,888	-	-	-	-	-	-	-
International Organizations (IO)	303,888	-	-	-	-	-	-	-
Oceans and International Environment and Scientific Affairs	27,000	-	-	27,000	-	-	-	-
Oceans and International Environment and Scientific Affairs (OES)	27,000	-	-	27,000	-	-	-	-
Office of Development Partners	10,000	10,000	-	-	-	-	-	-
Office of Development Partners	10,000	10,000	-	-	-	-	-	-
Office of the Coordinator for Counterterrorism	46,422	-	-	-	-	-	-	-
Coordinator for Counterterrorism (CT)	46,422	-	-	-	-	-	-	-
Unallocated Earmarks	3,066	3,066	-	-	-	-	-	-
Unallocated earmarks	3,066	3,066	-	-	-	-	-	-
STATE Trafficking in Persons	8,500	-	-	8,500	-	-	-	-
Office to Monitor and Combat Trafficking in Persons	8,500	-	-	8,500	-	-	-	-
USAID Administrative Expense	739,897	-	-	-	-	-	-	-
USAID Capital Investment Fund	69,300	-	-	-	-	-	-	-
USAID Development Credit Authority Admin	7,920	-	-	-	-	-	-	-
USAID Inspector General Operating Expense	35,845	-	-	-	-	-	-	-
USAID Operating Expense	626,832	-	-	-	-	-	-	-

ACP	NADR	IMET	FMF	PKO	ERMA	IO&P	MRA	PL 480	IDFA	DF	GHAI	AID Admin
-	-	-	-	-	-	-	-	-	-	-	-	-
-	-	-	-	-	-	-	-	-	-	-	-	-
-	150	-	4,000	-	-	-	-	-	-	-	-	-
-	-	-	-	-	-	-	-	-	-	-	-	-
-	-	-	-	-	-	-	-	-	-	-	-	-
-	-	-	-	-	-	-	-	-	-	-	-	-
-	-	-	-	-	-	-	-	-	-	-	-	-
-	-	-	-	-	-	-	-	-	-	-	-	-
-	-	-	-	-	-	-	-	-	-	94,050	-	-
-	-	-	-	-	-	-	-	-	-	94,050	-	-
-	169,800	-	-	-	-	-	-	-	-	-	-	-
-	169,800	-	-	-	-	-	-	-	-	-	-	-
-	20,612	4,863	42,075	94,750	-	-	-	-	-	-	-	-
-	20,612	4,863	42,075	94,750	-	-	-	-	-	-	-	-
-	-	-	-	-	55,000	-	833,033	-	-	-	-	-
-	-	-	-	-	55,000	-	833,033	-	-	-	-	-
-	-	-	-	-	-	-	-	-32,198	196,350	-	-	-
-	-	-	-	-	-	-	-	-32,198	196,350	-	-	-
-	-	-	-	-	-	-	-	-	-	-	-	-
-	-	-	-	-	-	-	-	-	-	-	-	-
-	-	-	-	-	-	-	-	-	-	-	776,685	-
-	-	-	-	-	-	-	-	-	-	-	776,685	-
61,035	-	-	-	-	-	-	-	-	-	-	-	-
61,035	-	-	-	-	-	-	-	-	-	-	-	-
-	-	-	-	-	-	303,888	-	-	-	-	-	-
-	-	-	-	-	-	303,888	-	-	-	-	-	-
-	-	-	-	-	-	-	-	-	-	-	-	-
-	-	-	-	-	-	-	-	-	-	-	-	-
-	-	-	-	-	-	-	-	-	-	-	-	-
-	-	-	-	-	-	-	-	-	-	-	-	-
-	46,422	-	-	-	-	-	-	-	-	-	-	-
-	46,422	-	-	-	-	-	-	-	-	-	-	-
-	-	-	-	-	-	-	-	-	-	-	-	-
-	-	-	-	-	-	-	-	-	-	-	-	-
-	-	-	-	-	-	-	-	-	-	-	-	-
-	-	-	-	-	-	-	-	-	-	-	-	-
-	-	-	-	-	-	-	-	-	-	-	-	739,897
-	-	-	-	-	-	-	-	-	-	-	-	69,300
-	-	-	-	-	-	-	-	-	-	-	-	7,920
-	-	-	-	-	-	-	-	-	-	-	-	35,845
-	-	-	-	-	-	-	-	-	-	-	-	626,832

APPENDIX E.—PART II: DEFINITION OF CBJ ACCOUNT NAMES FOR FY 2007 ACTUAL ALLSPIGOTS FOR 09

	Acronym	FY 2007 Actual
TOTAL		19,801,552
Andean Counterdrug Initiative	ACP	721,500
Assistance for Eastern Europe and Baltic States	SEED	273,900
Child Survival and Health	CSH	1,740,425
Democracy Fund	DF	94,050
Development Assistance	DA	1,508,760
Development Credit Authority	AID Admin	7,920
Economic Support Fund	ESF	2,468,375
Emergency Refugee and Migration Assistance	ERMA	55,000
Foreign Military Financing	FMF	4,560,800
FREEDOM Support Act	FSA	452,000
Global HIV/AIDS Initiative	GHAI	3,246,520
International Disaster and Famine Assistance	IDFA	361,350
International Military Education and Training	IMET	85,877
International Narcotics Control and Law Enforcement	INCLE	472,616
International Organizations and Programs	IO&P	303,888
Migration and Refugee Assistance	MRA	833,033
Nonproliferation, Antiterrorism, Demining and Related Programs	NADR	405,999
Peacekeeping Operations	PKO	223,250
Public Law 480 (Food Aid)	PL 480	1,214,712
Transition Initiatives	TI	39,600
USAID Administrative Expense	AID Admin	731,977

APPENDIX F.—U.N. GENERAL ASSEMBLY'S THIRD COMMITTEE COUNTRY RESOLUTION VOTES 2007

	Belarus '06	Belarus 7	Burma '06	Burma 7	DPRK '05	DPRK '06	DPRK 7	Iran '05	Iran '06	Iran 7
Afganistan	y	y	y	y	y	y	y	n	n	n
Albania	y	y	y	y	y	y	y	y	y	y
Algeria	n	n	n	n	a	n	n	n	n	n
Andorra	y	y	y	y	y	y	y	y	y	y
Angola	a	a	a	a	a	a	a	a	a	a
Antigua-Barbuda	a	a	a	a	a	a	a	a	a	a
Argentina	y	y	y	y	y	y	y	y	y	y
Armenia	n	n	y	y			y	n	n	n
Australia	y	y	y	y	y	y	y	y	y	y
Austria	y	y	y	y	y	y	y	y	y	y
Azerbaijan			n		y	a		n	n	n
Bahamas	a	y	a	y	a	a	y	a	a	y
Bahrain	a	a	a	a	a	a	y	n	n	n
Bangladesh	n	n	n	n	a	a	y	n	n	n
Barbados	a	a	a	a	a	a	a	a	a	a
Belarus	n	n	n	n	n	n	n	n	n	n
Belgium	y	y	y	y	y	y	y	y	y	y
Belize	a	a	a	a	y	y	y	y	y	y
Benin	a	a	a	a	a	a	a	a	a	a
Bhutan	a	y	a	a	y	y	y	a	a	a
Bolivia	y	a	y	y	y	y	a	y	a	a
Bosnia/Herzeg	y	y	y	y	y	y	y	y	a	y
Botswana	a	a	a	a	a	a	a	a	a	a
Brazil	a	a	y	y	y	y	y	a	a	a
Brunei Dar-Salam	a	a	n	a	a	a	a	n	n	a
Bulgaria	y	y	y	y	y	y	y	y	y	y
Burkina Faso	a	a	a	a	a	a	a	a	a	a
Burundi	a	y	y	y	a	a	y	a	y	y
Cambodia		a	n			a	y		a	
Cameroon	a	a	a	a	a	a	a	a	a	a
Canada	y	y	y	y	y	y	y	y	y	y
Cape Verde	a	a	a	a		a	a	a	a	a
Central Afr Rep			a			a		a		
Chad				a			a			a
Chile	y	y	y	y	y	y	y	y	y	y

APPENDIX F.—U.N. General Assembly's Third Committee Country Resolution Votes 2007—Continued

	Belarus '06	Belarus 7	Burma '06	Burma 7	DPRK '05	DPRK '06	DPRK 7	Iran '05	Iran '06	Iran 7
China	n	n	n	n	n	n	n	n	n	n
Colombia	a	a	a	a	a	a	a	a	a	a
Comoros		a		a		y	y		n	n
Congo	a	a	n	a		a	a		a	a
Costa Rica	a	y	a	y	y	a	y	y	a	y
Cote D'ivoire	a	a	a	a	a	a	a	a	a	a
Croatia	y	y	y	y	y	y	y	y	y	y
Cuba	n	n	n	n	n	n	n	n	n	n
Cyprus	y	y	y	y	y	y	y	y	y	y
Czech Republic	y	y	y	y	y	y	y	y	y	y
Dem Rep of Korea	n	n	n	n	n	n	n	n	n	n
Dem Rep of Congo	n	a	n	a	a	a	a	a	n	n
Denmark	y	y	y	y	y	y	y	y	y	y
Djibouti	a	a	a	a	a	a	a	n	n	n
Dominica		a		a			a			
Dominican Rep	y	a	y	a	y	y	a	y	y	a
Ecuador	a	a	y	a	y	y	y	y	y	a
Egypt	n	n	n	n	n	n	n	n	n	n
El Salvador	y	y	y	y	y	y	y	y	y	y
Equat Guinea		a		a	a		a	y		a
Eritrea	a	a	a	a	a	a	y	a	a	a
Estonia	y	y	y	y	a	y	y	y	y	y
Ethiopia	n	a	a	a	a	a	a	a	a	a
Fiji	y	a	a	a	y	y	y	y	y	y
Finland	y	y	y	y	y	y	y	y	y	y
France	y	y	y	y	y	y	y	y	y	y
Gabon										
Gambia		n			n			n		n
Georgia	y	y		y	y	y	y		a	a
Germany	y	y	y	y	y	y	y	y	y	y
Ghana	a	a	a	y	a	y	y	a	a	a
Greece	y	y	y	y	y	y	y	y	y	y
Grenada										
Guatemala	y	a	y	y	y	y	a	y	y	a
Guinea	a	a	n	a	n			n	n	n

APPENDIX F.—U.N. GENERAL ASSEMBLY'S THIRD COMMITTEE COUNTRY RESOLUTION VOTES 2007—CONTINUED

	Belarus '06	Belarus 7	Burma '06	Burma 7	DPRK '05	DPRK '06	DPRK 7	Iran '05	Iran '06	Iran 7
Guinea-Bissau	a		a		a	y		a		
Guyana	a	a	a	y	a	a	a	a	a	a
Haiti	a	a	a	a	y	a	a	y	a	a
Honduras	y	y	y	y	y	y	y	y	y	y
Hungary	y	y	y	y	y	y	y	y	y	y
Iceland	y	y	y	y	y	y	y	y	y	y
India	n	n	n	n	a	a	a	n	n	n
Indonesia	n	n	n	a	n	n	n	n	n	n
Iran (Islamic Rep)	n	n	n	n	n	n	n	n	n	n
Iraq					y	y	y	a		
Ireland	y	y	y	y	y	y	y	y	y	y
Israel	y	y	y	y	y	y	y	y	y	y
Italy	y	y	y	y	y	y	y	y	y	y
Jamaica	a	a	a	a	a	a	a	a	a	a
Japan	y	y	y	y	y	y	y	y	y	y
Jordan	a	a	a	a	a	a	y		a	
Kazakhstan	n	n	a	y	y	y	y	n	n	n
Kenya	a	a	a	y	a	a	a	a	a	a
Kiribati								y	y	
Kuwait	a	a	a	a	a	a	a	n	n	n
Kyrgyzstan	n	n	a	a	a	a	a	n	n	n
Lao Rep	a	a	n	n	n	n	n	a	a	a
Latvia	y	y	y	y	y	y	y	y	y	y
Lebanon	n	n	y	y		y	y	n	n	n
Lesotho	a	a	a	a	a	a	y	a	a	a
Liberia		y		y		a	y			y
Libyan AJ	n	n	n	n	n	n	n	n	n	n
Liechtenstein	y	y	y	y	y	y	y	y	y	y
Lithuania	y	y	y	y	y	y	y	y	y	y
Luxembourg	y	y	y	y	y	y	y	y	y	y
Madagascar	a		a			a	a		a	
Malawi	a	a	a	a		y	y		a	a
Malaysia	n	n	n	n	n	a	n	n	n	n
Maldives					y	y	y	n	n	
Mali	a	a	a	a	a	a	a	a	a	a

APPENDIX F.—U.N. General Assembly's Third Committee Country Resolution Votes 2007—Continued

	Belarus '06	Belarus 7	Burma '06	Burma 7	DPRK '05	DPRK '06	DPRK 7	Iran '05	Iran '06	Iran 7
Malta	y	y	y	y	y	y	y	y	y	y
Marshall Islands	y	y	y	y	y	y	y	y	y	y
Mauritania	a	a	a	y		a	y	n	n	
Maurtius	a	a	y	y	a	a	a	a	a	a
Mexico	a	a	y	y	y	y	y	y	a	y
Micronesia (FS)	y	y	y	y	y	y	y	y	y	y
Moldova	y	a	y	y	y	y	y	y	y	y
Monaco	y	y	y	y	y	y	y	y	y	y
Mongolia	a	a	y	y				a	a	a
Montenegro	y	y	y	y		y	y		y	y
Morocco	n	a	y		a	y	y	n	n	n
Mozambique	a	a	a	a	a	a	a	a	a	a
Myanmar	n	n	n	n	n	n	n	n	n	n
Namibia	a	a	a	a	a	n	a	a	a	a
Nauru		a	y	y	y	y	y	y	y	y
Nepal	a	a	a	a	a	a	a	a	a	a
Netherlands	y	y	y	y	y	y	y	y	y	y
New Zealand	y	y	y	y	y	y	y	y	y	y
Nicaragua	y	n	y	a	y	y	y	y	y	n
Niger	a	a	a	a	a	a	a	n	n	n
Nigeria	a	a	a	a	a	a	a	a	a	a
Norway	y	y	y	y	y	y	y	y	y	y
Oman		n		n			n	n	n	n
Pakistan	n	n	n	n	a	a	n	n	n	n
Palau	y	y	y	y	y	y	y	y	y	y
Panama	a	a	y	y	y	y	y	a	a	y
Papua N Guinea	a	a	a	a	y	y	y	y	a	a
Paraguay	y	y	y	y	y	y	y	y	y	y
Peru	y	y	y	y	y	y	y	y	y	y
Philippines	a	a	a	a	a	y	y	a	a	a
Poland	y	y	y	y	y	y	y	y	y	y
Portugal	y	y	y	y	y	y	y	y	y	y
Qatar	n	n	a	a	a	a	a	n	n	n
Rep of Korea	y	y	y	y	a	y	a	a	a	a
Romania	y	y	y	y	y	y	y	y	y	y

APPENDIX F.—U.N. General Assembly's Third Committee Country Resolution Votes 2007—Continued

	Belarus '06	Belarus 7	Burma '06	Burma 7	DPRK '05	DPRK '06	DPRK 7	Iran '05	Iran '06	Iran 7
Russian Federation	n	n	n	n	n	n	n	n	n	n
Rwanda	a		a	a		a	a	a	a	a
St Kitts-Nevis		a		a	a		a			y
Saint Lucia		a		a	a		a	n		a
St Vincent-Green		a		a	y		a	y		a
Samoa	a	a	a	a	y	y	y	y	y	y
San Marino	y	y	y	y	y	y	y	y	y	y
Sao Tome Principe										
Saudi Arabia	a	a	a	a	y	y	y	n	n	n
Senegal	a	a	a	a	a	a	a	n	n	n
Serbia	y	y	y	y	y	y	y	y	y	y
Seychelles										
Sierra Leone	a	a	a	a	a	a	a	a	a	a
Singapore	a	a	a	a	a	a	a	a	a	a
Slovakia	y	y	y	y	y	y	y	y	y	y
Slovenia	y	y	y	y	y	y	y	y	y	y
Solomon Islands	a	a	a	a	a	y	a	y	y	a
Somalia				n			n	n		n
South Africa	n	n	a	a	a	a	a	n	n	n
Spain	y	y	y	y	y	y	y	y	y	y
Sri Lanka	a	a	a	a	a	a	a	n	n	n
Sudan	n	n	n	n	n	n	n	n	n	n
Suriname	a	a	a	y	a	a	a	a	a	a
Swaziland	a	a	a	a	n	a	a	n	a	a
Sweden	y	y	y	y	y	y	y	y	y	y
Switzerland	y	y	y	y	y	y	y	y	y	y
Syrian AR	n	n	n	n	y	n	n	n	n	n
Tajikistan	n	n		a	n	n	n	n	n	n
Thailand	a	a	a	a	a	a	a	a	a	a
The FYR Macedonia	y	y	y	y	y	y	y	y	y	y
Timor-Leste	y	y	y	y	y	y	y	y		y
Togo	a	a	a	a	a	n	a	n	n	n
Tonga	y	y	y			y	y	y	y	y
Trinidad-Tobago	a	a	a	a	a		a	a		a
Tunisia					a			n	n	n

APPENDIX F.—U.N. GENERAL ASSEMBLY'S THIRD COMMITTEE COUNTRY RESOLUTION VOTES 2007—CONTINUED

	Belarus '06	Belarus 7	Burma '06	Burma 7	DPRK '05	DPRK '06	DPRK 7	Iran '05	Iran '06	Iran 7
Turkey	y	y	y	y	y	y	y			
Turkmenistan	a	n	a	a	n	a	a	n	a	n
Tuvalu	y		y	y	y	y	y	y	y	y
Uganda	a	n	a	n	a	a	n	a	a	n
Ukraine	y	y	y	y	y	y	y	y	y	y
U A Emirates	a	a	a	a	a	a	a	a	a	a
United Kingdom	y	y	y	y	y	y	y	y	y	y
U R Tanzania	a	a	a	y	a	a	y	a	a	a
United States	y	y	y	y	y	y	y	y	y	y
Uruguay	y	y	y	y	y	y	y		a	a
Uzbekistan	n	n	n	n	n	n	n	n	n	n
Vanuatu		y		y	a		y	y	y	y
Venezuela	n	y	n	n	n	n	n	n	n	n
Vietnam	n	n	n	n	n	n	s	n	n	n
Yemen	a	n	a	a	a	a	y	n	n	n
Zambia	a	a	a	a	a	a		a	a	a
Zimbabwe	n	n	n	n	n	n	n	n	n	n
Final Vote	Belarus '06	Belarus 7	Burma '06	Burma 7	DPRK '05	DPRK '06	DPRK 7	Iran '05	Iran '06	Iran 7
yes	70	68	79	88	84	91	97	77	70	72
no	31	32	28	54	22	21	23	51	48	50
abstain	67	76	63	66	62	60	60	46	55	55

APPENDIX G.—UNIVERSAL DECLARATION OF HUMAN RIGHTS

PREAMBLE

Whereas recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world,

Whereas disregard and contempt for human rights have resulted in barbarous acts which have outraged the conscience of mankind, and the advent of a world in which human beings shall enjoy freedom of speech and belief and freedom from fear and want has been proclaimed as the highest aspiration of the common people,

Whereas it is essential, if man is not to be compelled to have recourse, as a last resort, to rebellion against tyranny and oppression, that human rights should be protected by the rule of law,

Whereas it is essential to promote the development of friendly relations between nations,

Whereas the peoples of the United Nations have in the Charter reaffirmed their faith in fundamental human rights, in the dignity and worth of the human person and in the equal rights of men and women and have determined to promote social progress and better standards of life in larger freedom,

Whereas Member States have pledged themselves to achieve, in co-operation with the United Nations, the promotion of universal respect for and observance of human rights and fundamental freedoms,

Whereas a common understanding of these rights and freedoms is of the greatest importance for the full realization of this pledge,

Now, therefore, The General Assembly proclaims this Universal Declaration of Human Rights as a common standard of achievement for all peoples and all nations, to the end that every individual and every organ of society, keeping this Declaration constantly in mind, shall strive by teaching and education to promote respect for these rights and freedoms and by progressive measures, national and international, to secure their universal and effective recognition and observance, both among the peoples of Member States themselves and among the peoples of territories under their jurisdiction.

Article 1

All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood.

Article 2

Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, color, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

Furthermore, no distinction shall be made on the basis of the political, jurisdictional or international status of the country or territory to which a person belongs, whether it be independent, trust, non-self-governing or under any other limitation of sovereignty.

Article 3

Everyone has the right to life, liberty and the security of person.

Article 4

No one shall be held in slavery or servitude; slavery and the slave trade shall be prohibited in all their forms.

Article 5

No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.

Article 6

Everyone has the right to recognition everywhere as a person before the law.

Article 7

All are equal before the law and are entitled without any discrimination to equal protection of the law. All are entitled to equal protection against any discrimination in violation of this Declaration and against any incitement to such discrimination.

Article 8

Everyone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted him by the constitution or by law.

Article 9

No one shall be subjected to arbitrary arrest, detention or exile.

Article 10

Everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal, in the determination of his rights and obligations and of any criminal charge against him.

Article 11

1. Everyone charged with a penal offence has the right to be presumed innocent until proved guilty according to law in a public trial at which he has had all the guarantees necessary for his defence.

2. No one shall be held guilty of any penal offence on account of any act or omission which did not constitute a penal offence, under national or international law, at the time when it was committed. Nor shall a heavier penalty be imposed than the one that was applicable at the time the penal offence was committed.

Article 12

No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, nor to attacks upon his honor and reputation. Everyone has the right to the protection of the law against such interference or attacks.

Article 13

1. Everyone has the right to freedom of movement and residence within the borders of each state.

2. Everyone has the right to leave any country, including his own, and to return to his country.

Article 14

1. Everyone has the right to seek and to enjoy in other countries asylum from persecution.

2. This right may not be invoked in the case of prosecutions genuinely arising from non-political crimes or from acts contrary to the purposes and principles of the United Nations.

Article 15

1. Everyone has the right to a nationality.

2. No one shall be arbitrarily deprived of his nationality nor be denied the right to change his nationality.

Article 16

1. Men and women of full age, without any limitation due to race, nationality or religion, have the right to marry and to found a family. They are entitled to equal rights as to marriage, during marriage and at its dissolution.

2. Marriage shall be entered into only with the free and full consent of the intending spouses.

3. The family is the natural and fundamental group unit of society and is entitled to protection by society and the State.

Article 17

1. Everyone has the right to own property alone as well as in association with others.

2. No one shall be arbitrarily deprived of his property.

Article 18

Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance.

Article 19

Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.

Article 20

1. Everyone has the right to freedom of peaceful assembly and association.

2. No one may be compelled to belong to an association.

Article 21

1. Everyone has the right to take part in the Government of his country, directly or through freely chosen representatives.
2. Everyone has the right of equal access to public service in his country.
3. The will of the people shall be the basis of the authority of government; this will shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures.

Article 22

1. Everyone, as a member of society, has the right to social security and is entitled to realization, through national effort and international cooperation and in accordance with the organization and resources of each State, of the economic, social and cultural rights indispensable for his dignity and the free development of his personality.

Article 23

1. Everyone has the right to work, to free choice of employment, to just and favorable conditions of work and to protection against unemployment.
2. Everyone, without any discrimination, has the right to equal pay for equal work.
3. Everyone who works has the right to just and favorable remuneration insuring for himself and his family an existence worthy of human dignity, and supplemented, if necessary, by other means of social protection.
4. Everyone has the right to form and to join trade unions for the protection of his interests.

Article 24

Everyone has the right to rest and leisure, including reasonable limitation of working hours and periodic holidays with pay.

Article 25

1. Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control.
2. Motherhood and childhood are entitled to special care and assistance. All children, whether born in or out of wedlock, shall enjoy the same social protection.

Article 26

1. Everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages. Elementary education shall be compulsory. Technical and professional education shall be made generally available and higher education shall be equally accessible to all on the basis of merit.
2. Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms. It shall promote understanding, tolerance and friendship among all nations, racial or religious groups, and shall further the activities of the United Nations for the maintenance of peace.
3. Parents have a prior right to choose the kind of education that shall be given to their children.

Article 27

1. Everyone has the right freely to participate in the cultural life of the community, to enjoy the arts and to share in scientific advancement and its benefits.
2. Everyone has the right to the protection of the moral and material interests resulting from any scientific, literary or artistic production of which he is the author.

Article 28

Everyone is entitled to a social and international order in which the rights and freedoms set forth in this Declaration can be fully realized.

Article 29

1. Everyone has duties to the community in which alone the free and full development of his personality is possible.
2. In the exercise of his rights and freedoms, everyone shall be subject only to such limitations as are determined by law solely for the purpose of securing due recognition and respect for the rights and freedoms of others and of meeting the just

requirements of morality, public order and the general welfare in a democratic society.

3. These rights and freedoms may in no case be exercised contrary to the purposes and principles of the United Nations.

Article 30

Nothing in this Declaration may be interpreted as implying for any State, group or person any right to engage in any activity or to perform any act aimed at the destruction of any of the rights and freedoms set forth herein.

Hundred and eighty-third plenary meeting
Resolution 217(A)(III) of the United Nations General Assembly,
December 10, 1948